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On Simplicity and Sensitivity

Take a look at the following inter-communal frictions. What is the difference between them? How to make sense of our different reactions to them? The opposition of secular Jews to ultra-orthodox Jews in Kfar Yona or Kiryat Yovel; the actions of Ashkenazi parents against Sephardic girl students in Emanuel; the demand to segregate and forbid Arabs to reside in Safad; the protest by Palestinians and others against Jewish settlers in Sheikh Jarrah; the demonstrations by Jewish residents against Arabs who want to live in Bat Yam; and the objection of the Arab residents of Yaffo to the residential project reserved for national-religious Jewish families?

I myself have no clear answers for all of these situations. Although I do distinguish between minority and majority, between strong and weak, between defender and aggressor, between dispossessor and dispossessed, which resolves some of my quandaries, the rest of my doubts remain, especially since they also involve considerations of practical reason. Without them we are simplistic, and we do not have the privilege of simplistic way of thinking in these gloomy times.

The following are the points that I wish to add to the discussion on the appropriate response to the provocative demonstrations of the extreme Right in Israel.

A. Racists are, after all, human beings. Human rights deal with what is permitted, as distinct from what is appropriate. We are allowed to act inappropriately. What is forbidden is only such improper actions that have been proven to be truly dangerous. Accordingly, in order to limit the racists' demonstrations, the state must establish that their expressive actions, in themselves, are dangerous beyond permitted limits.

B. There is a difference between advocating to forbid an Arab from residing in a certain place (or from being employed in a certain establishment or visiting a certain place of entertainment) and actions that actually close the door in his face. The action of closing the door is a direct and grave violation of the Arab citizen's rights (to movement, employment and equality), and therefore its restriction is justified.

C. There is a meaningful difference between our actions as private individuals and our actions as public officials, for instance a municipal Rabbi. Incidentally, what is the difference, in this context, between a university lecturer and a municipal Rabbi? I see differences. For one, I, the university lecturer, am not a public official. However, if I were to forcefully advocate racism, there would be good reason for the university authorities to summon me for a disciplinary inquiry.

D. "Peripheral radiation". The law operates through norms. And norms, due to their generic nature, 'radiate'. It is difficult for the courts, the state attorneys and the police to make distinctions that might be either artificial or too politically sensitive. In other words, it is very difficult to limit the racist demonstrators in Rahat without restricting the Arab protesters in Yaffo; just as it is hard, in parallel, to enable and protect a

right-wing demonstration in Umm-al-Fahm but not to protect a gay parade in Jerusalem or an Arab protest, say, in Katzir.

E. Finally, the issue of the “slippery slope”. We resent it that the majority community frightens itself by means of such an argument; because it is usually the majority itself that creates the slope, and in any event it is the majority that can affect its conditions. But to what extent should we, the weak, disparage this argument? Israel is sliding down the slope and we are going with it. The handholds that support us are human rights, NGOs and our political representatives. They and we need the largest space for action that we can recruit in these difficult times. Tolerance of racist demonstrators is the high but necessary price that we must pay in order to maintain our shrinking space for action. At the same time, however, such tolerance is not without bounds: The Rabbi of Safad and his like cannot remain in office.

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