KACH AND THE LIMITS TO POLITICAL TOLERANCE IN ISRAEL

Michal Shamir

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The System Reacts to Kahane

In the July 1984 elections, for the first time in Israel's electoral history, the Kach party, an extremist group that evoked quasi-fascist images, obtained representation in the Knesset. Its 25,907 votes (1.2 percent) were enough to secure a seat in the Knesset for Meir Kahane. How has the Israeli political system responded to this turn of events?

Since the elections, the Israeli system has had to grapple with the question of the limits of tolerance in new ways. A tolerant regime, like a tolerant individual, is one that allows a wide berth to those ideas that challenge its way of life, its basic principles.(1) The issues and dilemmas around the question of where the limits to society's tolerance fall are hard and complex, and as a rule involve conflicts of values and assessments. One particular such dilemma may be labeled the "paradox of tolerance," and revolves around the question of tolerating the intolerant. Should a democratic society tolerate groups and ideas which -- should they prevail -- would threaten the principles and practices of tolerance and democracy? This is a difficult philosophic and practical problem. These issues and dilemmas have been raised recently in the Israeli political system by Kach, but they recur in every democracy from time to time and are thus of interest beyond this specific case.

In a study conducted by the author in 1984 and 1985, representative samples of the Jewish electorate and of members of the Knesset were asked which political groups they liked the least, in an attempt to identify potential targets for political intolerance. Among the 98 Knesset members who

were interviewed, 47 percent named Kach. Among the general public, only 22 percent did so. Many more among the general public selected left-wing groups and in particular those largely Arab groups supporting the PLO, such as Rakah and the Progressive List for Peace (PLP). Among the general public, 43 percent named such groups as least-liked and 9 percent more named other Jewish left-wing groups. Among the Knesset members, those figures were lower: 34 and 6 percent, to total about 40 percent for left-wing targets. Within the general public then, about twice as many named an Arab group as least-liked as compared to Kach, whereas among the members of the Knesset, Kach is the one group most often named as least-liked, and more MK's named Kach than all of the Arab and/or left-wing target groups. Indeed one Knesset member who was interviewed in our study and named another group as the one he liked least (an Orthodox religious group), commented that "I know I should have said Kach in response to the question."

A Target of the Political Leadership

About a year after the 1984 elections, the Knesset passed legislation which prohibited the participation of a political party in Knesset elections that promotes racism or negates the existence of Israel as the state of the Jewish people. The question of outlawing Kach outright has been an issue on the political agenda since the 1984 elections. Outlawing a group is not identical with prohibiting it from competing in state elections, neither legally nor politically, but the public debate did not usually differentiate between the two. In our surveys, two-thirds of the Knesset members supported outlawing Kach and 19 percent opposed it;[2] in the public sample, 45 percent supported and 37 percent opposed the move. In order to put these results in perspective, we must point out that with respect to other political groups, the

public was much more willing than the politicians to outlaw them, except for Kach, as shown in Table 1. Indeed much research on political tolerance in democratic societies has shown the general public to be generally intolerant of political outgroups, and always much less tolerant than the political leadership.[3]

It is clear then that Kach -- unlike any other political group in current Israeli politics -- is much more a target of the political leadership than of the general public. When we categorized Knesset members and the general public into various social and political groupings and compared them within these categories, the MK's consistently named Kach as least-liked more often than the general public and were more willing to outlaw it. Thus, beyond the fact that within the public there is more support for Kach and therefore less inclination to limit it, it seems that the kind of threat a group like Kach poses to the democratic system is more salient to those serving in office.

The Partisan Perspective

To better understand the sources of these attitudes and the political dynamics of the system's response to Kach, a look at partisan attitudes reveals striking differences. Table 2 presents attitudes towards Kach of Knesset members and electorates of the two major parties. Among the Labor Knesset members, 93 percent supported the outlawing of Kach, while 7 percent were opposed. Among the Likud MK's, opinion was more split -- 53 percent supported the outlawing of Kach, while 32 percent were opposed. Although within the right-wing camp there is also significant support for limiting the political rights of Kach, it is clearly much more the target of the left than of the right. The partisan effect is thus very strong.

Additional analysis of the data in Table 2 reveals the differences between politicians and public discussed earlier as more pronounced when partisan affiliation is

taken into consideration. Note that there is more support for outlawing Kach (and less opposition to it) among Likud representatives than among the general public, not to speak of the Likud electorate.

The political dynamics we have witnessed to date with respect to Kach fully reflect these differences between the public and the politicians, and between left and right. First of all, on the basis of a close and systematic examination, it is evident that most if not all initiatives to "stop Kahane" were from political parties or other groups with clear political affiliation. This is true with respect to most voluntary groups active in the field and most demonstrations and counter-demonstrations relating to Kach and Kahane. The parties and groups involved in these initiatives would be mostly defined as left-wing.

The first initiative to stop Kach from running in the 1984 elections was in the Central Elections Committee in a move introduced by several parties of the left. The Committee did vote to bar Kach from participating in the elections, but this decision was then overruled by the Supreme Court. The votes for banning Kach were from the representatives of the left (and Supreme Court Justice Bach, chairman of the Central Elections Committee); the votes against the ban were from the religious and right-wing parties, and all of the abstentions were from representatives of the Likud. A mirror image was obtained in the debate and vote concerning the joint Arab-Jewish, pro-PLO Progressive List for Peace. There the representatives of the right voted for the ban and those from the left voted against; three Labor representatives abstained and one did not come to the meeting.

The Battle Against Kahane

Two national figures in the forefront of the battle against Kahane are Shlomo Hillel, the Speaker of the Knesset, and Haim Herzog, the President of the State, both from the Labor Alignment. In addition, the legislative initiatives which followed Kahane's election were put forward and pressed mainly by Knesset members from the Labor Alignment and political parties to its left, although most of them were then supported by the Knesset as a whole. These measures include a change in the Basic Law: the Knesset, which was designed to prevent Kach from participating in the next elections; a limitation of Kahane's privileges as a Knesset member; a change in the Knesset's regulations which would allow the Speaker to censor certain legislative proposals; and what has been termed the "racism law," which carries a five-year jail sentence for incitement to "racism."

While partisan and ideological leanings are strongly related to positions toward Kach, they cannot be used as the sole indicators and predictors of policy, since other considerations intervene in actual policy-making. The deliberations surrounding the racism law are a case in point. These involved changes, additions and subtractions to the initial proposal and, in particular, the willingness of the two large parties to accommodate the religious parties, despite the fact that their votes were not needed for passage. Obviously, both the Likud and the Labor Alignment considered the religious representatives as crucial in any future attempts to build a narrow coalition without the other large party. At work here then were the partisan political considerations of Alignment politicians which overrode their ideological concerns about the democratic and tolerant nature of the political system.

A Spillover Effect Limits the Leftists

Dealing with Kahane involved a politics of linkage and balancing. Symmetry was achieved in the Central Elections Committee by adopting proposals to outlaw both Kach and the PLP. In December 1984, the Knesset voted to limit Kahane's special privileges as a Knesset member after his visits to Arab towns, where he called for Arab emigration, resulted in violent clashes. About ten months later, similar restrictions were put on Mohammed Miari

of the PLP. The Knesset move to impose these restrictions originated from right-wing MK's and was aimed originally at two Arab MK's, one from Rakah (the Communist List) and one from the PLP. The proximate grounds for imposing the restrictions were their participation in a rally commemorating the former mayor of Hebron, Fahed Kawasme, who had been elected to the PLO executive before his murder. This was taken as an act of support for the PLO and terrorism. In the end, restrictions were imposed only on Miari of the PLP, but his restrictions were broader in scope than those imposed on Kahane.(4)

This linkage was also obvious in the amendments to the Knesset's regulations and to the Basic Law. The new references were targeted not only at anti-democratic or racist legislative proposals and political groups, but also at proposals or groups that negated the existence of the State of Israel as the state of the Jewish people. Additionally, the racism law was amended at the insistence of the right to prohibit meetings of Israelis with PLO members. The two large parties agreed to link the two, despite opposition within the Labor Alignment.

The fact that partisan considerations play a part in policy decisions makes it easier and even tempting to be willing to also expand limitations on political groups which are not targets. If the considerations were solely principled and ideological, it would be much less likely that such spillover would occur. The specific form this spillover might take will depend on the specific political context. The creation of the National Unity Government and the electoral parity of the two major parties brought about the politics of linkage and balancing. In other cases, the spillover could affect groups on the same side of the ideological spectrum.

A disloyal group may be quite marginal most of the time, but in crisis situations it may assume importance. Therefore in trying to assess the threat a group poses to the system, one must necessarily also refer to the more general situation of the society. Moreover, such assessments, while focusing on the group in question, are molded as well by historical referents from one's own and others' experience. The choice of historical cases deemed relevant may be crucial, and one may refer to very different cases, leading to opposite recommendations. Most of the references and images raised with respect to Kach in the Knesset, in the press, and in court decisions, were to Europe in the 1920s and 1930s and more specifically to the German Nazis, with its obvious implications. Finally, values and value judgments are, of course, also involved.

In the last two years, issues concerning Kach have been repeatedly brought before the courts. Yet the Supreme Court has repeatedly returned them to the politicians, suggesting that the decisions are theirs. In June 1986, the Knesset suspended Meir Kahane's right to participate in Knesset activities after he refused to repeat the standard oath of allegiance required of all Knesset members. Kahane appealed this suspension to the Supreme Court, lost his appeal, and had his rights restored after agreeing to repeat the standard oath.

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Table 1

SUPPORT FOR OUTLAWING DIFFERENT GROUPS:
GENERAL PUBLIC AND KNESSET MEMBERS**

| | General Public | | Knesset Members | |
	Support* Against Outlawing		Support Against Outlawing	
Progressive List for Peace	47	27	44	42
Rakah	50	28	10	75
Peace Now	23	51	0	88
Gush Emunim	14	60	2	88
Kach	45	37	67	19

* The support category consists of those agreeing and strongly agreeing with the statement; those against are those who disagreed and strongly disagreed. The figures do not add up to 100 due to the middle category which is not included, and the "no answer" respondents.
** The samples are described in Table 2.

Table 2

SELECTION OF KACH AS TARGET GROUP
AND SUPPORT AND OPPOSITION TO THE OUTLAWING OF KACH
AMONG LIKUD AND LABOR KNESSET MEMBERS AND ELECTORATES*

| | Likud | | | Labor | | |
	select Kach as least-liked	support outlawing	oppose Kach	select Kach as least-liked	support outlawing	oppose Kach
Knesset Members	21	53	32	79	93	7
Electorate	12	29	52	40	62	25

* The sample of Knesset members consists of N=98 and the interviews were conducted between December 1984 and June 1985. 29 Labor and 34 Likud MK's were interviewed; 2 Labor MK's did not answer the outlawing question.
The survey of the Jewish general public was carried out in June 1985, N-1171, and in this table are included those respondents who reported having voted for the Likud or for the Alignment in the 1984 elections. 252 Likud voters and 425 Alignment voters answered the outlawing question.
The figures on the selection of Kach as the least-liked group are based in each case on the total sample (including missing values).
The analysis is based on several data sources, the major ones being documents and surveys. The documents analyzed include protocols from the Knesset, the Knesset Committee, the Central Elections Committee (1981 and 1984) as well as Supreme Court decisions. Newspaper accounts were also consulted.

FOOTNOTES

1. Bernard Crick, Political Theory and Practice (New York, Basic Books, 1973).
2. The figures do not add up to 100 percent because some respondents were uncertain or did not answer the question.
3. Some of the most important such studies are Stouffer, Samuel Communism, Conformity and Civil Liberties (New York, Doubleday, 1955); McClosky, Herbert "Consensus and Ideology in American Politics" American Political Science Review, 58, June 1964, 361-382; Budge, Ian Agreement and the Stability of Democracy (Chicago, Markham, 1970); McClosky, Herbert and Alida Brill Dimensions of Tolerance: What Americans Believe about Civil Liberties (New York, Russel Sage Foundation, 1983).
4. John Stuart Mill in his On Liberty, a major source on political tolerance, provides two examples between which he clearly differentiates. To call in a rally "Corn dealers are starvers of the poor" is permissible, but to underline this slogan by having an excited mob demonstrate before the house of the corn dealer is punishable (ch. 3). Miari's case comes closer to the first category, whereas Kahane's falls into the second category.

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Dr. Michal Shamir is senior lecturer in Political Science at Tel Aviv University. She has published extensively in the areas of comparative and Israeli politics and has recently co-authored the book Political Tolerance in Context: Support for Unpopular Minorities in Israel, New Zealand and the United States, and co-edited The Elections in Israel--1984. The research reported on in this article is part of a larger study on political tolerance, and was supported by the Ford Foundation through the Israel Foundations Trustees (1983-6) and by the Golda Meir Institute for Social and Labour Research (1985-7).