

February 13, 1992

## **NORM OF PUNISHING THE INNOCENT**

ONE afternoon last week, a little boy of seven walked home from school crying bitterly. As he neared his home he met a neighbor, who elicited the source of his anguish. It was Mother's Day, and in order to strengthen the bonds of filial affection, the teacher had given each pupil a bunch of flowers to take home to mother - to all, that is, except this boy.

He was being punished. His parents had failed to pay the NIS 400 tax imposed on parents to cover special services - like outings, parties - and flowers on Mother's Day. (They simply did not have the money.)

Furor followed in the neighborhood, and hand-wringing in the Ministry of Education. By last accounts it seemed that the teacher, and the school's headmaster, were to be hauled over the coals. Yet one feels that somehow, somewhere is an explanation for that teacher's insensitivity.

Isn't it the evident norm in our society that certain social disputes cannot be solved except by punishing an innocent third party? Just a few weeks ago, we had a perfect example. Thousands of helpless hospital patients were denied the attention they needed. Neither old nor young were spared.

Only extreme cases were exempted. The laws of humanity were suspended. Israel's supreme law had been invoked: the right of workers to strike.

No matter the declared cause - wages, labor conditions or, as now, resistance to projected reorganization of hospital services. No matter also the damage caused, or the suffering. Much tut-tutting was heard, some expressions of rage, even horror.

A daring reporter, hinting at a certain disgust, was told by the strike organizer in stern, almost minatory tones that the blame for all the suffering lay at the door of the minister of health; and so the sick would be held hostage until he withdrew his plan for reform. Patients, almost universally, are pleased with the functioning of Israel's nurses, with their efficiency, their warm, caring behavior. Then a dispute arises; and on the radio comes the voice of the strike organizer.

The listener is stunned. This isn't the voice of the gentle sister of mercy he knows. What he is hearing is the harsh language of a sergeant-at-arms, or of a labor activist in a British coal-mine; and it conveys an unbending determination to frustrate the evil machinations of the health minister.

Doctor Jekyll at the bedside has become Mr Hyde with a whip. Sick people, of course, fare worst, but they aren't the only victims of the Supreme Law of the Absolute Right to Strike. We've had it all - teachers, garbage collectors, other municipal employees, airline and airport workers, electric corporation, radio and television workers.

The list is long, but the pattern is the same. It is the pattern of hijacking on a mass scale. And there is nothing that the nation can do about it.

BUT there is no reason why such disputes cannot be settled like all other disputes in civilized society - in a law court, or by way of arbitration. Israeli judges are as good as any in the world. They are called upon to decide the most complex cases imaginable.

Why should they not be entrusted with the relatively simple resolution of labor disputes? With a system of obligatory national arbitration in force, it would be reasonable to make all strikes in public services illegal, as they are in the army and the police force. The strike problem began as a function of "class war" in the days of the British Mandate. The old class war has gone.

Yet when a Histadrut secretary-general was asked some years ago why he opposed obligatory arbitration, he replied: "Because it won't work." "Why won't it work?" "Because we are against it." That secretary-general was, of course, a member of the Labor party; and that party is still pre-eminent in the Histadrut. The power to initiate a strike is still of considerable political significance. What about the Likud? Year after year in opposition they promised to institute arbitration if they came to power.

But, intimidated by the Histadrut which could, theoretically, paralyze the whole workforce, they developed cold feet. They were simply afraid to fight it out. They were wrong.

Today it is inconceivable that, using an adequate information campaign, they would not secure overwhelming support for putting an end to the scourge of these hijackings. And apart from the major political parties, where are all the blue-eyed champions of civil rights and human rights? Isn't adequate medical service a civil right? Isn't it a child's human right to be given the full measure of learning due to him? We even have a party named for civil rights. It is very voluble, very active.

Why isn't its voice being heard? Why doesn't it demonstrate against the cruelty, injustice and invasion of human and civil rights that is "legitimized" by ugly strikes? From where and when will our help come? Dare we hope it will come from the new Knesset?