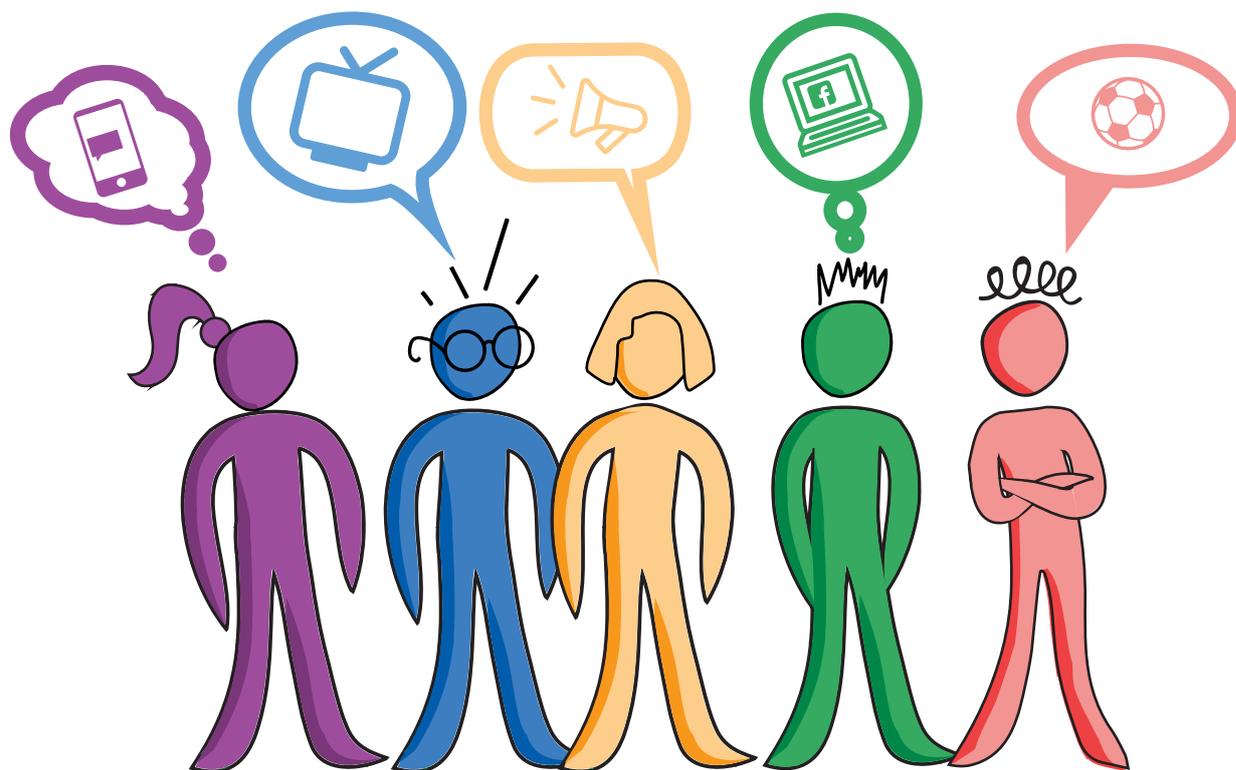


# WORDS MATTER

## EDUCATING ABOUT AND FOR FREEDOM OF EXPRESSION



האגודה לזכויות האזרח בישראל  
جمعية حقوق المواطن في إسرائيل  
The Association for Civil Rights in Israel



המדרשה לדמוקרטיה ולשלום  
كلية للديمقراطية والسلام  
The Adam Institute for Democracy & Peace  
In Memory of Emil Greenzweig | على اسم إميل غرينتسفاغ



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## EDUCATING ABOUT AND FOR FREEDOM OF EXPRESSION

A joint program by  
The Adam Institute for Democracy and Peace  
And  
The Association for Civil Rights in Israel (ACRI)

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*The contents of this document are the sole responsibility of the Adam Institute for Democracy and Peace and can under no circumstances be regarded as reflecting the position of the European Union.*

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# Introduction to the Program

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The right to free speech is a fundamental democratic principle, perhaps the core principle. It enables us, as individuals and as groups, to freely express ourselves. Furthermore, as this program will demonstrate, it promotes rational thinking, which in turn enables ongoing critique and the creation of change in practice and politics.

Since the birth of democracy, citizens, politicians, educators, and intellectuals alike have been concerned with distinguishing between legitimate and illegitimate speech. In Israel of late, the necessity of such a distinction has risen to the fore, as hate crimes and incitement, particularly incitement to racism, frequently make headlines. Some of these events may be understood as part of the ongoing Jewish-Arab conflict, while others occur within the context of other forms of social strife; between the religious and secular, different ethnic groups, and different nationalities. The murder of *Shira Banki* ז"ל at the Jerusalem Pride Parade, and the racist slogans spray-painted on mosques and schools by *Tag Mechir*, are just a few examples of how the right to free speech is being abused. Yet we mustn't throw the baby out with the bathwater. In other words, we mustn't legislate, restrict, or limit the freedom of expression beyond what is absolutely necessary.

Lately, Israeli legislators have attempted to pass a number of laws regarding free speech and its limitations. One such law aimed to deny state funding to any creative work that was deemed to insult the country or its symbols; another law aimed to prevent mentioning the *Nakbba* [lit. "catastrophe, the Arabic term for Israeli Independence], or marking Israeli Independence Day as a day of mourning. Another law called to put on trial anyone who called another person "Nazi," while yet another law aimed to terminate the employment of teachers who expressed political opinions at school. And these are just a few examples.

This program aims to provide students with theoretical knowledge and practical skills to discuss current events within the context of the right to free speech and its limitations. Our goal is two-fold: to protect this right from any limitations or restrictions, while ensuring that this key democratic principle is not misused towards violent or immoral ends.

**Words Matter** addresses these issues. Participants in the program will encounter, discuss, and learn about the following topics:

- The importance of free speech and when/where it enjoys special protection.
- Conflicts between the right to free speech and other democratic principles;
- Conflicts between the right to free speech and anti-democratic principles (identifying incitement to violence);

- Free speech and gender equity;
- Free speech in cyberspace (social media and beyond);
- Free speech in education, and educating for free speech;
- Creating activities to protect free speech and combat incitement to racism;

This program is a collaborative effort of The Adam Institute and The Association for Civil Rights in Israel. Each organization contributed the knowledge and activities accumulated over the years of working within civil society and the legal system.

We hope this program will help educators, within both formal and informal frameworks, to foster and promote rational discussion on issues related to free speech and to address and combat incitement to racism. Ultimately, we hope that the students will partake in civil activity in order to create a democratic sphere worthy of the exchange of ideas and opinions.

# Introductory Article:

## The Importance of Freedom of Expression to the Democratic Rule and Lifestyle

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Freedom of expression is a basic democratic right, and should be protected for myriad reasons. This program focuses on two such reasons:

1. Its centrality to democracies, as it ensures freedom and equality to all citizens;
2. Its importance to the democratic lifestyle, in both private and public spheres.

### The Centrality of Free Speech in a Democracy

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1. **Serve as government watchdog:** In a democracy, free speech is necessary for examining and critiquing the government and its activities and, if necessary, for electing a new government.

*“In a democratic society, the government should represent and serve the citizens. If it does not do so, it is the citizens’ right to replace the governing body. Two conditions must necessarily exist, if the citizenry is to monitor governmental activity: a) Available information about such activities; b) The opportunity to critique the government. Freedom of expression is a requisite for both these to occur.”<sup>1</sup>*

2. **Create a social contract regarding values and goals:** Democracies are based on citizens agreeing upon how the government should operate. Such a social contract may only be reached through dialogue, which relies on free speech.

*“Democratic rule is based on agreement... And the democratic purpose is, therefore, a process in which the nation comes together to select its common goals and means towards achieving these goals. To this end, the citizenry must verbally investigate and deliberate; thus, the problems faced by the state must be explored thoroughly, and different viewpoints shared freely.”<sup>2</sup>*

3. **Knowledge equals power:** Knowledge is what enables various groups and sectors to work towards their goals. Without the opportunity to generate, share, and receive knowledge, any semblance of equality will suffer and vanish.

*“Information equals power; it is easier for an individual or a group to achieve whatever task is at hand when they are in possession of relevant knowledge, compared with those lacking it. Those who restrict knowledge most often act in their own self-interest, and prevent others from sharing knowledge. This is common practice in economics, science, and, of course, national security. Yet under democratic rule, where individuals and groups have the right to promote their*

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<sup>1</sup> David Kretzmer, *Human Rights in Israel: A Reader*, booklet no. 1. (Jerusalem: The Association of Civil Rights in Israel, 1984), 5. (Hebrew)

<sup>2</sup> Ibid.

*own self-interests, particular groups within society may not withhold information from other groups.”<sup>3</sup>*

## **The Importance of Free Speech to the Democratic Lifestyle**

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Free speech also enables the citizenry to live freely, while fostering civil society and community. This principle equally applies to the citizen-government relationship.

**63 Free speech not as a means, but as an end:** *“Yet the importance of this principle is precisely the protection offered to what are very clearly private interests. In other words, the right of each citizen, as a citizen, to fully express their traits and uniqueness; to foster and develop their “I” to the fullest extent possible, and to express their opinion on any subject they deem important. In short, to speak their mind in order to shape their lives as they see fit.”<sup>4</sup>*

**73 Free speech as a means towards the truth:** *“The initial justification for the right to free speech is not as an end, but as a means towards investigating and reaching the truth. The basic claim is that the truth can only be obtained through free discussions, the free exchange of ideas, and the freedom to explore and critique. Both Milton and Mill formulated this central thesis. The central argument is that whether we ban particular opinions because we find them to be false or inaccurate, they may also be, quite possibly, true. Even if they are not entirely factual, they may still contain some truth, partial truth, or a grain of truth. And even if such opinions are entirely mistaken, formulating a response may help us establish and strengthen the correct viewpoint [...] A more modest formulation of this idea can be found in Popper’s writing, in which he argues that free discussion enables the exposure of errors and lies. Even if it does not necessarily lead to the truth, this possibility (of exposing mistakes and lies) is of utmost importance.”<sup>5</sup>*

**83 Free speech fosters feelings of belonging and community:** *“Contrary to popular opinion, we have learned that the silence of the hopeless cannot be understood as consent. Their silence is the result of coming to terms with their hopeless existence. Any democratic society with a social contract of reciprocity and humane responsibility cannot accept helplessness among its members. Practically, this refusal should be expressed by building partnerships with those whose lives are being disrupted. This is a tumultuous reality, commencing with a search for understanding and common language, and the creation of dialogue. The essence of such a partnership is the creation of a community-oriented society, which encourages its members to take more control over their life and surroundings.”<sup>6</sup>*

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<sup>3</sup> Uki Maroshek, *Betzavta: A Guide for Teaching Democracy through Games*, (Israel: Kinneret, 1988), 50. (Hebrew)

<sup>4</sup> High Court of Justice Shimon Agranat, *Kol Ha’Am vs. the Interior Minister*, 73/53, p. 878, 32.

<sup>5</sup> Mordechai Kremnitzer, *Human and Civil Rights in Israel: A Reader*, pt. 2, (Jerusalem: The Association of Civil Rights in Israel, 1991), 28-29. (Hebrew)

<sup>6</sup> Elisheva Sadan, *Empowerment and Community Practice: Social and Human Solutions, Theory and Practice*, (Tel Aviv: Hakibbutz Hameuchad, 2002), 197. (Hebrew)

**93 Free speech prevents violence:** “[...] *free speech allows citizens to create change through persuasion, without resorting to the use of force. Thus, change arrives in moderate tides and not through floodgates. It enables change without overturning the social order. In other words, it strikes a balance between stability and change.*”<sup>7</sup>

While some understand violence as a means of expression, this view is, in fact, quite problematic. Besides causing physical damage, it precludes any verbal exchange, the sharing of opinions and feelings, and trying to understand the reasons for the current situation.

**:3 “Letting off steam”:** The ability to freely express one's self allows citizens to release frustration, making for a more pleasant life. While activists may enjoy venting, this may lead to preserving the status quo, including the more problematic aspects of reality. Additionally, “letting off steam” may offer temporary relief, while diminishing motivation to work towards social change, or even enabling the citizenry to accept a faulty reality. This is not our intent by “letting off steam.”

**:3 Recognizing others and their needs:** Everyone needs to be recognized by their peers, and we experience satisfaction when others listen to what we have to say.

**<3 A means for local and global communication:** Nowadays, free speech is both a means and an end for worldwide communication, serving personal, business, social, and political purposes – and beyond.

These strong arguments in favor of free speech are occasionally used to extend the protection of this right beyond the norm, into fields such as academics (instructors and students alike). This is the natural outcome of the unique social role that universities play in exploring and researching the truth.

In approaching the topic of academic freedom, we must first examine the societal role of the university, and ask what the consequences would be if its right to free speech was broadened and/or restricted. Universities conduct research, while increasing and disseminating human knowledge. Many intellectuals believe that this role demands the broadest right to free speech as possible, applicable not only to research and teaching, but also to diverse political activism.

*“There are both direct and indirect associations between free speech, political individualism, and freedoms in general, and the advancement of human knowledge. Without skepticism and the questioning of conventions, we cannot advance and research new fields. The suppression of individual liberties will have such an effect on human character, and people will either cease, or fear, to be curious. The fact that the university's central mission is to increase human knowledge reinforces*

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<sup>7</sup> Ibid., 33.

*Mill's arguments.*<sup>8</sup> [...] *This leads to the conclusion that just as soldiers are watchdogs of matters of security, professors should be watchdogs of personal liberties, critical thinking, and skepticism.*<sup>9</sup>

Another area which enjoys unique protection is art and artistic expression. As with academia, this derives from art's role in society. Art softens difficult emotions and makes them accessible, while serving as an outlet for expression, perhaps in lieu of violence. Art also enables us to abscond into imaginary realms, helping individuals and society imagine new possibilities and ways to cope with seemingly hopeless social situations.

Art and knowledge have no inherent purpose; their importance originates with their social role. This alone justifies a unique protection of their right to free speech.

## **Legitimate and Illegitimate Restrictions on Free Speech**

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Freedom of expression is a fundamental democratic right, yet it may conflict with other rights and values, either of higher, equal, or lower importance. Such conflicts must be resolved carefully. First, ask whether the conflict is real or perceived, and whether the values may co-exist. If not, try to reach a compromise. If this is not possible, prioritize one right, while temporarily suspending the other.

In such situations, the goal should be to maximize protection of all democratic rights. Complex situations require delicately balanced solutions. Restrictions may be a necessity, coming at the expense of other democratic values, or they may aim at protecting the democratic rule and lifestyle.

For example, the conflict between the right to free speech and the humiliation of women in pornographic films<sup>10</sup> is not comparable to the conflict between free speech and the right to security. The former is an example of a conflict between one democratic and one anti-democratic value, while the latter is a conflict between two democratic values and rights.

In most democratic countries, the legislature may identify a need to limit or restrict the right to free speech, either due to conflicting values or to protect these values.

Yet technological advances have made comprehensive legislation and enforcement impossible. Legislators may find it challenging to protect or restrict free speech online. Cyberspace knows no borders, and people across the globe are able to communicate freely. Social revolutions form on social media (e.g. Egypt's Arab Spring), and citizens of enemy countries and/or countries without diplomatic relations may be in touch, often against their governments' policies. Governments find themselves unable to hide information in the digital age (e.g. WikiLeaks). Thus, we must re-evaluate ways to protect free speech, while considering the difficulties that will inevitably arise. The

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<sup>8</sup> Chaim Gans, *From Richard Wagner to the Right of Return: Philosophical Analysis of Israeli Public Affairs*, (Tel Aviv: Am Oved, 2006), 93. (Hebrew)

<sup>9</sup> *Ibid.*, 94.

<sup>10</sup> Orit Kamir, *The Dignity of Adam and Eve: Israeli Legal and Social Feminism*, (Jerusalem: Carmel, 2007).

internet has engendered new opportunities for public discourse, and may even usher in direct democracy, if governments begin asking citizens to vote on controversial issues online. This may undermine traditional representative democratic rule, paving the way for new democracies. Thus, it is of utmost importance to expose students to the internet's potential to promote democracy, and empower them to become partners in this process.

It is worth noting that besides its democratic potential, the internet may also be a platform for hurting or shaming users, disseminating racism, and more. How should such behavior be combatted, and who should be charged with enforcement, cyberspace and political boundaries do not neatly align? Educators work tirelessly to protect their students from emotional harm and other dangers online. The younger generation needs to learn how to recognize and cope with such dangers, through legal and other means. At the same time, empowering them with knowledge and skills to use the internet democratically will serve society as a whole.

The status of women is another example of how social changes may cause conventional methods for protecting and determining the limits of free speech to be obsolete. An increased awareness among women and other minority groups of their rights has increased their understanding of the often-subtle ways in which disenfranchised groups' right to free speech is restricted or eliminated.

The first part of this article dealt with the importance and limits of free speech, as established primarily by men. Thus, we should ask whether women and men enjoy identical or similar rights to free speech, and whether alternative models may benefit women. Has the internet expanded women's free speech, as it has for men? Should women enjoy affirmative action in academic and political discussions, or should their access be identical to that of men? Perhaps the status quo should be maintained? Which men, or women, should formulate key questions up for public discussion?

The chapter on free speech and gender equity will address these questions, and demonstrate how women are frequently excluded from public conferences, religious rulings, hubs of power, and more. The chapter will illuminate the various ways in which women are unable to exercise their right to free speech on par with men.

Discussions about free speech cannot be neutral, nor can they be detached from their social or political contexts. Women are not the only disenfranchised group. Society is divided among many lines, and disparities exist between the hegemonic group and the rest. This fact cannot be overlooked when discussing the freedom of expression. How can the rights of marginalized be protected, and who is responsible?

This program teaches students about the importance of free speech, along with legitimate and illegitimate restrictions. Clearly, the program can only offer an initial foray into such a broad topic. We hope this program helps educators teach their students to recognize the unique importance of this right, while motivating their students to protect free speech, and identifying when it can, and should, be restricted.

Any discussion of politics and the education system inevitably evokes many

questions; the right to free speech is no exception. Many educators employ best practices to present various social-political issues to their students, while questioning their own actions and position in doing so. But there are no clear answers: should the teacher present his or her own political opinion, or is this legally and/or ethically wrong? Are teachers obliged to present the widest range of social-political opinions, or must they present issues that promote and support their own worldview? This program will give students insight into their teachers' dilemmas, and help them formulate their own position on this matter. This is just one way in which **Words Matter** facilitates the exchange of ideas between teachers and students, allowing them to re-examine the right to free speech within the education system.

# Methodological and Didactic Guidelines

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## The Activities

This program comprises guided workshops, which integrate theoretical knowledge and group processes. The activities include tasks and games that invite and enable the students to discuss a wide range of topics.

**Group Size:** To meet the programmatic goals, participants should be given equal time to share their thoughts and ideas. Furthermore, to allow for processing, the group should be no larger than 20 participants. Divide larger groups into smaller groups.

**Duration:** Most activities are scheduled to run 90 minutes (a double period). Yet teachers are aware of their students' ability to listen, concentrate, and learn, and are free to adapt the activities as they see fit.

## Activity Structure

As a rule, activities begin and end in plenary, with participants sitting in a circle. Yet the activities themselves often require working in smaller groups or pairs. This allows each participant to fully experience the program, which is then discussed, summarized, or reflected upon in plenary. These smaller groups also allow students to reflect on the process and gain a deeper understanding of the topics at hand.

Most activities comprise four steps:

- 1. Goals:** An introductory conversation, in which the topic is introduced and goals are outlined.
- 2. Activity:** This may include an individual or group activity, text, game, or creative task. These enable the participants to think about and process the content, while expressing their own opinions.
- 3. Discussion:** Representatives from each group share their work in plenary. The facilitator may hone particular points or raise additional questions, if need be.
- 4. Debriefing:** An emphasis of the main points, gathering key questions and identifying outstanding questions. Address central concepts, as well as any significant processes within the group.

## Tips for Debriefing:

- ♥ Ask participants to highlight the core concepts they've learned;
- ♥ Along with participants, summarize new terms and/or vocabulary;
- ♥ Review various positions expressed throughout the activity, and new theories.
- ♥ Ask participants what they've learned about themselves, their surroundings, and their group, as it relates to the session's topic.
- ♥ Explore group processes and the process of learning in relation to the topic

of the activity.

**Facilitator Notes:** Nearly every activity includes these notes, which provide separate information and tips. These may raise additional points of interest, present certain scenarios, and highlight key group processes. Facilitators may find these notes helpful both in preparing and facilitating the workshop.

## Facilitation

We recommend that educators undergo training prior to teaching this program, to experience the educational, personal, and group processes it evokes. This will also provide time to plan how to teach the program from an educational standpoint.

It is crucial that the facilitator clarify, for both themselves and the participants, how the program's content relates to the anticipated group processes. The Adam Institute's unique methodology, of "*Betzavta: transforming the conflict into a dilemma*" demonstrates how content and processes may be bridged.<sup>11</sup>

Marcelo Weksler, of the Association for Civil Rights in Israel, has developed methodological guidelines for addressing emotions and behavior that may erupt in the classroom during times of crisis (war, difficult times, etc.). These appear in the program: *The Classroom as a Microcosm – Addressing Racist Speech and Behavior within the Classroom* (Hebrew).<sup>12</sup>

Additionally, match the facilitation style to the program's content. This will help participants have a meaningful educational experience.

## Preparation

1. This program may be adapted to meet the needs of different groups. Learn about the group in advance, in better adapt the activities.
2. Adapt the program's various flashcards and cards to the participants' social, political, cultural, and/or educational background.
3. Each chapter's introductory article provides information. Learning core terms and concepts, either from theoretical sources and/or the news, will benefit facilitators and students alike.
4. Thoroughly understand the topic and goals of each and every activity.
5. Additional Materials and Props: The activities require various materials, supplies, and props, which must be prepared in advance. These include:
  - ♥ Texts, worksheets, blank pages, pens/pencil, flashcards, etc.
  - ♥ Digital media: an online computer, smartphones, printers, etc.

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<sup>11</sup> Information about the Adam Institute's educational approach can be found online: <http://www.adaminstitute.org.il>

<sup>12</sup> Marcelo Weksler, *The Classroom as a Microcosm*, (Jerusalem: ACRI, 2013) and online (Hebrew): <http://www.acri.org.il/education/wp-content/uploads/2013/09/racism-in-class-web.pdf>

## Facilitation Tips

1. **Write down key points as they arise.** While debriefing, it is helpful to refer to participants' observations. Review what has been learned, ask whether the goals were met, and ask participants what they learned about themselves.
2. **Allow participants equal time to share.** Give every participant time to speak, regardless of sex, articulacy, or positions.
3. **Remain reflective.** Constantly be aware: which voices are being heard? Who is silent, and why? Which opinions are seen as legitimate, and which are not?
4. **Neither preach nor persuade.** It is not the facilitator's role to change anyone's opinion – even if participants are being intolerant. Instead, help participants examine their opinions, while examining their position with the group.
5. **Take responsibility for the dignity of all participants.** Instead of singling out those who espouse hateful views, address the issues that arise.
6. **Address the participants' emotions and positions, as they emerge:**
  - ♥ Some activities invite participants to share their personal feelings and views; yet stay focused, the program is not a therapy session. Sharing should serve the group, not any individual participant or their problems.
  - ♥ In the case of harsh opinions (e.g. “I hate ...” or “I wish they would all die” or “There's no point talking with ...”), help students find words to express their emotions, and legitimize sharing. You may want to ask: “I understand what you're saying, and I am listening. Can you describe how you feel? Do you feel hatred? What causes this feeling? Do you feel anything else, besides hatred and anger?” Your role is to help the participant define their emotions: feeling helpless, anxious, legitimately fearful, overwhelmed by information, etc. At the same time, emphasize the difference between expressing emotions and acting upon them.
  - ♥ Significantly, participants will note your reactions. Therefore, clarify where you stand regarding any hurtful opinions. At the same time, avoid preaching or trying to change the students' opinions.
7. **Be attentive to the students' level of interest.** Notice if/when attention is waning, ask the students why they are not fully engaged. This is one way to demonstrate the democratic principle of providing and receiving feedback.

# Chapter 1

## The Importance of Freedom of Expression to the Democratic Rule and Lifestyle

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The introductory article is the basis for the activities in this chapter in particular.

### Activity 1: The Importance of Free Speech – An Introduction

#### Goals:

1. Become acquainted with the students and learn about their personal and collective experiences, as they relate to the topic of free speech.
2. Introduce students to the main arguments for protecting free speech.

#### Materials:

- 📌 Activity cards, each with one argument for protecting free speech (appear below)
- 📌 Blank paper, Pens/pencils

#### Activity:

1. Introduce the program and provide an overview of **Words Matter**.
2. Spread the activity cards on the floor.
3. Ask students to select a card related to a personal experience (regardless of whether it contradicts or supports the activity card).
4. Ask a few of students to share their stories with the class.
5. Ask students who shared how it felt to do so. When were they comfortable being given the right to speak, and when were they not comfortable?
6. Ask students who did not share, why they chose to be silent. How did they feel listening to their peers? Did they actively chose to not share, or did others make the decision on their behalf?
7. Ask students to come up with guidelines for future discussions about free speech. What may (and may not) be said? When should the individual be responsible for enforcement, and when should the group be responsible? What should be forbidden? Double-check, to ensure everyone understands and agrees.

 **Facilitator notes:** This activity may span two sessions. Creating a social contract (sec. 7) may be done as part of the activity, or separately. Either way, the content is intertwined with group processes: the importance of free speech and the problems in its realization.

### **Activity Cards: Arguments for Protecting Free Speech**

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1. Serve as government watchdog

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2. Create a social contract regarding values and goals

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3. Knowledge equals power

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4. Free speech not as a means, but as an end

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5. Free speech as a means towards the truth

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6. Free speech fosters feelings of belonging and community

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7. Free speech prevents violence

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8. “Letting off steam”

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9. Recognizing others and their needs

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10. A means for local and global communication

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## **Activity 2:**

### **The Importance of, and Ambivalence towards, Free Speech**

#### **Goal:**

- Experience the dilemma between maximal protection of free speech and restricting any one individual's free speech, including one's own. In other words, free speech as a shared right, as well as a societal interest and commitment.

#### **Materials:**

- 📌 Blank paper, Pens/pencils and markers
- 📌 Poster board (1-2 sheets per group)

#### **Activity:**

1. Along with the students, select a controversial topic for discussion. For example: Should a Palestinian state be established? Should soccer games be held on the Sabbath? Should artists from Arab countries be permitted to perform in Israel? Should driving teachers be allowed to work in Jewish cities on the Sabbath? Alternatively, select any topic of interest to the students.
2. Ask participants to discuss the chosen topic and share their opinions. (10 min).
3. Distribute paper and pens/pencils and ask each participant to write:
  - Anything the facilitator said, which may have offended other participants.
  - Anything said (by anyone) that particularly annoyed the participants.
  - Ask each participant to write their words on a central sheet of poster board
4. Place the poster board in the middle of the circle. In turn, every student may cross out a sentence they would like to ban, censor, or silence.
5. **Discussion:**
  - ♥ What just happened?
  - ♥ Did other participants cross out your words?
  - ♥ Did you cross out others' words? How did you feel when others' words were crossed out? When your words were crossed out?
  - ♥ How will crossing out words affect the group as a whole? Focus on the ease of crossing out others' words, but the difficulty of having yours erased.

If some sentences remain on the poster board, ask the students:

- ♥ Is this situation desirable?
- ♥ What may be the positive and negative outcomes of such a situation?
- ♥ Would they have acted differently, if they'd known how their actions would impact the group?
- ♥ Looking back, are there words that they would have preferred not to erase?
- ♥ Do they wish that any of the remaining words would have been crossed out? How may this be justified?

6. **Debriefing:** Ask the students to formulate the principles by which the right to free speech should be protected, as well as any restrictions (if necessary).

 **Facilitator notes:**

Draw the students' attention to fact that silenced participants cannot speak their mind – to a degree often beyond imagination! The dilemma is clear: wanting unrestricted free speech, while also protect members of groups suffering from, or offended by, such speech. Thus, at least some restrictions or limitations may be necessary.

# Academic Freedom and Artistic Expression

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The first two activities focused on the importance of free speech to the democratic rule and lifestyle. The following activities focus on areas that receive special treatment in democracies, enjoying a broader protection of their right to free speech. This program focuses on two such areas: academic freedom and artistic expression.

## Academic Freedom

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As noted in the introductory article, the democratic lifestyle and political system require the protection of free speech. One such area is academic freedom – why?

**1. Academia's role is to seek the truth.** Making errors and sharing knowledge lead the way towards truth. Thus, society protects the right of researchers to speak and publish freely, even if their opinions or findings are unconventional.

**2. Free speech helps make people skeptical, encouraging them to conduct research and generate knowledge.**

*“There are both direct and indirect associations between free speech, political individualism, and freedoms in general, and the advancement of human knowledge. Without skepticism and the questioning of conventions, we cannot advance and research new fields. The suppression of individual liberties will have such an effect on human character, and people will either cease, or fear, to be curious. The fact that the university's central mission is to increase human knowledge reinforces Mill's arguments.”<sup>13</sup>*

**3. War and conflict endanger free speech; restricting the right to free speech endangers academic research.**

*“It is crucial that within a democratic state, civil society be able to hold opinions that diverge from those of the political system and the public at large. Academia's role is to question conventions and raise new, cutting-edge ideas; it mustn't be part of the national consensus, and should challenge conformism. This holds true especially in countries experiencing war, terror, or national tension - given the likelihood that in dealing with such challenges, basic liberties may be restricted. Academia alone can fill this role, through the work of its independent faculty.”<sup>14</sup>*

Even when civil liberties receive broad protection, some voices may occasionally call to impose limitations or restrictions. To this end, intellectuals have provided a number of answers and explanations.

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<sup>13</sup> Chaim Gans, *From Richard Wagner to the Right of Return: Philosophical Analysis of Israeli Public Affairs*, (Tel Aviv: Am Oved, 2006), 93. (Hebrew)

<sup>14</sup> Amnon Rubinstein, "Academic Freedom," *IDC Law Review* 13, (Sept. 2010): 20.

1. Academic freedom should be limited only by the law. (Is this really so?)
2. The university's social mission requires protection of free speech, as well as its limitations. For example, anti-democratic research should be banned. (Should studies that deny the holocaust be funded, or should they be permitted?)
3. Some believe that academic boycotts are an oxymoron. Democratic principles cannot be protected by preventing or banning research.

Thus, the unique protection of academia's free speech reflects the university's societal mission: to research and seek truth. This requires personal liberties, which in turn require political freedom. Broad political freedoms broaden the search for truth.

Restrictions on academic freedom are reflect the university's social mission. Some believe in academic boycotts, while others do not. The following activities (no. 3-4) address this aspect of academic freedom.

## Artistic Expression

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For some, art is an end in and of itself, while for others it is a means towards various social ends. For millennia, people of all cultures and religions have debated the social role of art. For example, Aristotle and Plato asked whether art plays a cognitive and emotional role, and whether it should necessarily reflect reality. Judaism and Islam both ban figurative artwork (“Thou shalt not make unto thee a graven image” (Exodus 20:3). Islamic sources see the artist as god, and his images are the world itself; humans mustn't compete with His creations ( *من صور صورة في الدنيا كلف أن ينفخ* ) (فيها الروح يوم القيامة، وليس بنافخ” رواه البخاري ومسلم).

For many, artistic expression is a form of free speech, which should be equally granted to all people. For others, artistic expression should enjoy the broadest right to free speech, due to its unique social role (as discussed in the introductory article). Needless to say, this program is only the tip of the iceberg.

Reasons why artistic expression enjoys a special protection in democracies:

### 1. Art provides relief from, and meaning to, human suffering:

*“Life, as we find it, is too hard for us; it brings us too many pains, disappointments and impossible tasks. In order to bear it we cannot dispense with palliative measures [...] The substitutive satisfactions, as offered by art, are illusions in contrast with reality, but they are none the less psychically effective, thanks to the role which phantasy has assumed in our mental life.”<sup>15</sup>*

Art contextualizes, visualizes, and gives meaning to human suffering. The suffering may be justified by a narrative of good vs. evil, exist within a political context, or protest against a particular social reality. Suffering can also portray a broken reality. It may appear in religious or other contexts. Portrayals of arbitrary

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<sup>15</sup> Sigmund Freud, *Civilization and its Discontents*, trans. James Strachey (New York: Norton, 1961), 22

suffering can be a protest against the lack of cosmic or human order.

2. **Art develops our ability to identify with and contain the 'other,' along with different opinions and feelings.** These are necessary skills for living in a diverse, democratic society.
3. **Art enables us to express unconventional feelings and thoughts, within the context of imaginary worlds.** Artists can express a wide range of feelings, without real-world repercussions (e.g. staging murder is not the same as committing murder).
4. **Art allows viewers to experience catharsis.** If denied artistic expression, individuals and society would lack controlled, safe outlets for expressing difficult and challenging emotions.
5. **Art is an imaginary sphere, allowing us to operate outside of ordinary time & space.** Besides being inherently valuable, this may also set free the artist and viewer's minds. It allows them to critically re-examine reality, while working towards solving societal problems in new and different ways.

Other arguments in favor of unrestricted artistic expression are the general benefits of this right (see introductory article, p. 7-9).

Activities no. 5-7 focus on the importance of free speech to art, and the problems associated with such rights.

## **Activity 3: The Importance of Academic Freedom**

*There are both direct and indirect associations between free speech, political individualism, and freedoms in general, and the advancement of human knowledge. Without skepticism and the questioning of conventions, we cannot advance and research new fields. The suppression of individual liberties will have such an effect on human character, and people will either cease, or fear, to be curious. The fact that the university's central mission is to increase human knowledge reinforces Mill's arguments.”<sup>16</sup>*

### **Goals:**

1. Teach students about the importance of unrestricted research and publishing.
2. Introduce famous historical cases of censorship, their justifications and effects.
3. Examine when, if at all, restrictions should be placed on academic research.

### **Materials:**

- 📌 Historical examples of censored research (appear below).

### **Activity:**

1. Distribute the historical examples for the students to read.
2. Divide participants into groups of five, for the following tasks:
  - ♥ Act as a university research committee, and approve/deny the proposal.
  - ♥ Prepare to present their discussion and conclusions in plenary.
3. **Discussion:** After hearing from each committee, discuss in plenary:
  - ♥ Imagine how history may have taken a different turn if these studies had been banned. Would this be for the better or worse?
  - ♥ Ask students to think of arguments for/against academic freedom.
  - ♥ Ask students to imagine they were writing or sponsoring a law in the parliament. How would they word such a law? If they would object to such a law, ask them to word their objection.

### **Facilitator notes:**

- ♥ Any examples of censorship may be used for this activity, historical or current.

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<sup>16</sup> Chaim Gans, *From Richard Wagner to the Right of Return: Philosophical Analysis of Israeli Public Affairs*, (Tel Aviv: Am Oved, 2006), 93. (Hebrew).

- ♥ Invite the science teachers to join, to clarify any scientific studies being discussed.
- ♥ Invite the drama/media teacher to join, if you use plays or films.
- ♥ The provided examples feature only one woman. Search for a woman whose work was banned. If this proves challenging, consider why this might be.

### **Historical Examples of Censored Research**

1. **Galileo's trial** – also reference Bertolt Brecht's play, *Life of Galileo* (1943).
2. **Baruch Spinoza**
3. **Avicenna**
4. **Scopes Trial** – also reference the film, *Inherit the Wind*
5. **The development of nuclear weapons**
6. **Nawal El Saadawi**
7. **Genetic engineering & the human genome**

## Activity 4: Indirect Restrictions on Academic Freedom

### Goals:

1. Raise awareness about indirect restrictions to academic freedom.
2. Think of ways to protect free speech, specifically when indirect restrictions may exclude different ethnic, cultural, gender, or religious groups.

### Materials:

- ✂ Daily newspapers or academic publications (provided by the students/facilitator).
- ✂ Scissors (4-5 pairs)

### Activity:

1. Spread the newspapers and publications in the middle of the circle.
2. Ask students to find and cut out at least seven notices for academic, scientific, or other conferences that are open to the public.
3. Divide participants into groups of 4-5. Give each group one or two notices, and ask them to take note of the following information:
  - ♥ The ratio of men to women
  - ♥ The ratio of participants who belong to various ethnic groups
  - ♥ The ratio of Jews to Arabs & The number of Israelis and foreign participants
  - ♥ Given the above, what can we learn about academic freedom?
  - ♥ Should academic conferences provide equal opportunities for men/women and members of ethnic groups to present papers? Why? Why not?
  - ♥ Is there a correlation between a researcher's background and the groups to which they belong, and their search for truth?
4. **Debriefing:** In plenary, ask students to reflect and share:
  - ♥ What have they learned about themselves?
  - ♥ What have they learned about the academic freedom and restrictions to it?
  - ♥ Is it necessary to change society's approach to academic freedom? If so, what can be done, and what should be done?

 **Facilitator notes:** Explain the process of academic publishing, and highlight how academic research may be restricted or censored at any stage: submission; writing; feedback from advisers; publishing; and peer reviews.

## **Activity 5: Unrestricted Artistic Expression**

**Background:** Many great artists have held questionable opinions, and some even cooperated with racist political parties or acted unethically. This activity examines how we should treat art created by such artists.

### **Goals:**

1. Learn about the importance of art, in all its forms, and the societal value of creating a safe space for expressing opinions and feelings that are unconfined by reality (e.g. political, economic realities, etc.).
2. Examine whether every piece of art should be permitted to be displayed.
3. Learn about restrictions on artistic expression, and question their legitimacy.

### **Materials:**

- 📌 Internet access (computer or smartphones)
- 📌 A song by each artist from the list below, or any others (online or CD)
- 📌 Printed information (or online resources) about each artist from the list below:
  - **Richard Wagner** – his life story.
  - **Meir Ariel** – his homophobic statements.
  - **Eyal Golan** – the affair involving his father.
  - **Whitney Houston** – her life story.
  - **“Hatzel” (The Shadow), Yoav Eliasi** – his racist statements during the Tzuk Eitan war (2016).
  - **Ariel Zilber** – his statements against homosexuals, kibbutzniks, leftists, and Arabs, or his songs *Oh Kana* or *Kahana Tzadak*.
  - **Naharia Village** – the 14 songs banned from a youth event.

### **Activity:**

1. Divide participants into groups of 4-5, for the following tasks:
  - ♥ Focus on one song (printed lyrics or listen on their smartphones).
  - ♥ Decide whether this song should be played at school.
2. Distribute information about the artists and ask them to re-examine: did the new information change their decision to ban/permit the song at school?

3. Ask the group to select one of the following statements:

- ♥ Anything may be played.
- ♥ Songs by problematic individuals should not be played.
- ♥ Restrictions should apply to content, not the artists.
- ♥ Other

4. **Discussion & Debriefing:**

- ♥ In plenary, ask each group to present its discussion and conclusion.
- ♥ Summarize the arguments in favor of unlimited artistic expression and the arguments against it.

## **Activity 6:** **Artistic Expression that Offends the Public, Specifically the Religious Public**

### **Goals:**

1. Examine the importance of artistic expression.
2. Ask whether, and when, artistic expression should be restricted.
3. Examine the legitimacy of restrictions on artistic expression if done to protect religious feelings.

### **Materials:**

- 📖 Various media (books, movies, newspapers) critical of different religions, or that discuss whether to publish such material (examples listed below).
- 📖 Internet access (computer/smartphones).
- 📖 Printed information about the importance of unrestricted artistic expression (taken from this chapter's introduction).

### **Activity:**

1. Distribute the assorted media among the students.
2. Divide students into pairs, for the following tasks:
  - ♥ Select one or two examples and research them online.
  - ♥ Consider whether these examples should be displayed and/or distributed. (If not, ask them to formulate and present their position).
  - ♥ Distribute information about the importance of unrestricted artistic expression, and ask them to re-examine their initial decision.
3. **Discussion:**
  - In plenary, ask the students to consider whether the freedom of expression should be restricted due to religious considerations, and whether the content/context should affect the realization of this right?
  - What value (if any) exists to creating a safe space for expressing feelings and thoughts that are unconventional and not restricted by reality?

 **Facilitator notes:** It may be helpful to review this policy paper prior to the activity: *Religious Sentiment, Free Speech, and Criminal Law – The case for eliminating the criminal prohibition against offending religious sentiment.*<sup>17</sup> (Hebrew)

**Examples:**

1. **Charlie Hebdo:** French satire magazine that was targeted by terrorists. Caricatures published by the magazine can be found [here](#).
2. **Salman Rushdie's, *Satanic Verses*:** The life story of the author.
3. **Monty Python's *Life of Brian*:** A parody of the life and death of Jesus.
4. ***HaYehudim Ba'im (The Jews are Coming)*:** A satire on Israel's channel 1. Available on YouTube [here](#).

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<sup>17</sup> Mordechai Kremnitzer, Shachar Goldman, Eran Tamir, "Religious Sentiment, Free Speech, and Criminal Law – The case for eliminating the criminal prohibition against offending religious sentiment" *The Israel Democracy Institute*, 38 (2003). (Hebrew)

## **Activity 7:**

### **Banning Artistic Expression on the Basis of Ethnic/Other Affiliations**

#### **Goal:**

- Raise awareness about indirect restrictions to artistic expression, and ways to address this phenomenon.

#### **Materials:**

- ✚ Masking tape or chalk
- ✚ In advance, ask students to bring:
  - The program for the upcoming season in the country's largest theaters.
  - The weekly schedule for a number of radio stations and state-run orchestras.
  - The monthly program for the local cinematheque.

#### **Activity:**

63 Divide participants into groups of 3-5, for the following tasks:

- ♥ Review the programs/schedules, and consider the following:
- ♥ Which ethnic, religious, or cultural groups are absent from these programs, and is their absence due to a qualitative difference or another reason?
- ♥ Which groups are most represented within the Israeli art scene?
- ♥ Formulate a group position on artistic expression within the institutionalized artistic sphere, and those artists who are represented (or absent) within it.

#### **73 Discussion:**

In plenary, discuss the following questions:

- ♥ Should different groups be guaranteed equal access/artistic expression?
- ♥ Should the criteria be artistic value alone? Who should be the arbiter?
- ♥ Reflect upon participation in artistic/cultural events at school and formulate position.
- ♥ Is the students' position on representation at school identical to their position vis-à-vis society at large? Ask them to explain or clarify.

# Chapter 2:

## When Freedom of Expression and Democratic (and non-Democratic) Principles Conflict

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### Introduction

The program's introductory article explained that free speech may conflict with other rights and societal values, which may be deemed more, less, or equally important. In any case, such conflicts must be carefully resolved.

If free speech conflicts with another democratic principle, both principles must be upheld to the highest degree possible. The steps for resolving such conflicts:

1. Construct a creative solution, and allow both rights/values to be realized.
2. Strike a balance between the two rights/values.
3. If possible, forgo the less important right/value.
4. Ban free speech.

Additionally, democratic principles may conflict with non-democratic principles, which may, nonetheless, be part of the citizenry's worldview. The following activities examine whether anti-democratic views should be understood as free speech, and thus be protected, or banned.

### Free Speech or Incitement?

In order to discuss restrictions on free speech, we must first distinguish between legitimate free speech and incitement. There are two approaches to this distinction:

- A. The utilitarian approach, which judges according to the **likelihood** of people being harmed.
- B. The theoretical approach, which judges according to the **content** of the speech.

### The Utilitarian Approach

This position defines incitement as speech that poses “a clear and present danger.” The most well-known proponent of this approach was the American justice Oliver Wendell Holmes Jr., who, in 1919, ruled that free speech and incitement may be differentiated in the following way:

*“The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. ... The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. It does not even protect a man from an*

*injunction against uttering words that may have all the effect of force.*<sup>18</sup>

Justice Holmes defined incitement as speech that poses a clear and present danger, on par with physical force. The content plays a role, but is not a deciding factor. He argues that the context and short-term impact should be the litmus test. While this definition accepts that some speech may be banned, it rarely does so. More often than not, this approach limits restrictions on free speech.

Applying the concept of “clear and present danger” may pose problems:

1. “Danger” is subjective, and depends largely on who uses the word.
2. Some speech may be innocuous in the short-term, but have a destructive impact in the long-term (e.g. Nazi incitement may have been innocuous at any given moment, yet its cumulative effects proved to be extremely dangerous).
3. Some speech should be banned on principle, regardless of its impact. This argument is often made to counter the utilitarian definition of incitement.

## **The Theoretical Approach**

Raphael Cohen-Almagor defined this approach:

*“[ ... ] I do not share the opinion of [Justices] Shmagar and Barak, that in light of dangers to the state and democracy, any criterion should be used to evaluate the danger, and thus determine action. In my view, Justice Agranat's “creative interpretation” approach should be employed, and the Declaration of Independence provides sufficient backing to ban the “Kach” [political list] on principle ... **The protection of democracy is an ethical principle and not a matter of the degree or immediacy of danger.**”<sup>19</sup>*

The theoretical approach defines incitement based on content alone. Simply put, speech that denies democratic values must be restricted or prohibited.

Thus, both approaches offer justifications for restrictions on free speech, posing a danger to this key democratic principle. This program aims to help educators become more sensitive to the nuances of free speech, in order to better identify incitement.

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<sup>18</sup> Supreme Court Justice O.W. Holmes - Schenck v. United States Opinion of the Court (1919)

<sup>19</sup> Cohen-Almagor, Raphael. *The Boundaries of Liberty and Tolerance: The Struggle Against Kahanism in Israel.* (Gainesville, FL: The University Press of Florida, 1994 ) (Book not available, translated by D. Liss)

## **Activity 1:**

### **When Free Speech and Other Democratic Values Conflict**

#### **Goals:**

1. Learn how to act when free speech conflicts with other democratic principles
2. Practice resolving conflicts between different democratic values/rights.

#### **Materials** (appear below):

- 📄 Activity card with four steps to resolving conflicts between values.

**Prohibiting/allowing Jerusalem's LGBT community to demonstrate**  
Offending the religious and endangering public safety, in conflict with free speech.

- 📄 Examples of conflicts between free speech and other democratic principles.

#### **Activity:**

1. Divide participants into groups of 4-5, for the following tasks:
  - ♥ Give each group an activity card and a few of examples of conflicts.
  - ♥ Ask each group to attempt to resolve the conflict by applying the four steps.
2. Discussion:
  - ♥ Ask each group to present the process for applying the four steps.
  - ♥ Ask students to formulate a decision on how these steps should be applied.
3. Debriefing:
  - ♥ What did you learn about resolving conflicts between democratic principles?
  - ♥ Ask participants to share their thoughts on the four steps.

#### **Facilitator notes:**

- Be aware of, and reflect upon, how free speech is exercised within the group. Is there a discrepancy between the participants' right to free speech and other democratic principles?
- The list includes more examples than groups. Select specific case studies, appropriate to the students' degree of knowledge or other educational criteria.
- Throughout the discussion, identify and address additional conflicts.
- Often, discussions about conflicting rights take place within unequal power relations (between individuals, groups, etc.). Thus, focus the discussion not only on which right should cede, but on who should give up their right. Help students realize that asking weakened groups to forgo their rights is more significant than asking strong groups to cede.
- Make sure that students follow the steps carefully, in order to identify as many solutions as possible at each stage.

2	<b>Prohibiting/allowing the extreme right-wing to demonstrate in Arab towns</b> The right to protest, in conflict with offending the public and the public's right to security.
3	<b>Releasing information about Israel's nuclear program</b> The public's right to know, in conflict with the right to security.
4	<b>Releasing information about a political candidate's health</b> The public's right to know, in conflict with the right to privacy.
5	<b>Revealing the sexual orientation of parliamentary candidates</b> The public's right to know, in conflict with the right to privacy.
6	<b>Exposing unethical military actions</b> The public's right to know, in conflict with the right to security.
7	<b>Releasing the tax returns of political candidates</b> The public's right to know, in conflict with the right to privacy.
8	<b>Publishing the scores of each school's matriculation exams</b> The public's right to know, in conflict with the right to an education.
9	<b>Publishing the names of teachers, along with their students' grades</b> The right to dignity and privacy, in conflict with the public's right to know.
10	<b>Publishing the names of suspects in criminal cases</b> The right to dignity and a reputation, in conflict with the public's right to know.

### **Four steps to resolving conflicts between democratic values**

#### **Four steps to resolving conflicts between democratic values**

1. **Construct a creative solution, and allow both rights/values to be realized.**
2. **Strike a balance between the two rights/values.**
3. **If possible, forgo the less important right/value.**
4. **Ban free speech.**

#### **Examples**

## **Activity 2:**

### **Free Speech or Incitement? Two Approaches**

#### **Goals:**

1. Practice distinguishing free speech from incitement, using both approaches.
2. Explore the societal advantages and disadvantages of each approach.
3. Explore how both approaches benefit/harm the stronger/disenfranchised groups.
4. Gain insight into the challenges and problems that arise from both approaches.

#### **Materials:** (appear below)

- 📖 Printed copies of both approaches.
- 📖 News storiesq/examples of incitement from the news or students' daily lives.

#### **Activity:**

##### **Part 1: The Utilitarian Approach**

63 Clarify and answer any questions about the meaning of “a clear and present danger,” as a criterion to differentiate free speech from incitement.

*“Speech may, and should, be restricted when it poses a 'clear and present danger' or 'near certainty' that either an individual or a group will suffer harm from such 'speech.' [...] Incitement is any expression that creates particular circumstances (the context, the speaker, the audience, and the environment) that will likely lead to violent or illegal actions.” (Moshe Negbi, 1977).*

73 Divide participants into groups of 4-5, for the following tasks:

- ♥ Review the list of examples, and discuss, based on the utilitarian approach, whether these should be published or banned.
- ♥ Reach a group decision, based on the utilitarian approach (even not everyone agrees with this approach).
- ♥ Reflect upon the challenge of wording a group decision.
- ♥ Ask whether certain news items permitted by the utilitarian approach should, nevertheless, be banned.

##### **Part 2: The Theoretical Approach**

1. Clarify and answer any questions about the theoretical approach.

*“The moral/theoretical position argues to restrict any speech that goes against the democratic principle that “every human has an equal right to liberty.” It is unfair to enjoy the benefits of democracy, such as free speech, while acting in contradiction to them. In other words: Speech that goes against democracy and may lead to its demise are forbidden. The protection of democracy is a moral imperative, independent of any danger.” (Cohen-Almagor, 1994).*

2. Divide participants (or remain in the previous groups). Ask each group to review the original list of examples, and complete the following tasks:
  - ♥ Reach a group decision whether the events on the list should be published or banned, based on the theoretical approach.
  - ♥ Ask whether certain news items banned by the theoretical approach should, nevertheless, be published.
  - ♥ Ask whether certain news items permitted by the theoretical approach should, nevertheless, be banned.
  - ♥ In writing, outline the benefits and problematic aspects of the theoretical approach.

### **Part 3: Discussion and Plenary**

1. Which of the two approaches was more restrictive and more permissive?
2. Which of the two approaches would you like to apply in Israel?
3. Ask participants to suggest their own approaches or criteria. Have they addressed any of the shortcomings of either approach?
4. Consider discussing the difficulty of suspending personal opinions when trying to develop a principled position on any given issue.



#### **Facilitator notes:**

1. Being familiar with the advantages and disadvantages of both approaches will enrich the discussion. These appear after each approach in this activity.
2. This activity aims to practice applying the two approaches, and is not a platform students' personal opinions about the events described.
3. This activity focuses on the advantages and disadvantages of each approach, both for society as a whole and for specific groups.

#### **The Utilitarian Approach: Advantages and Disadvantages**

In general, this approach allows for a wide range of speech, since it explicitly bans only speech defined as "a clear and present danger," regardless of its offensiveness. Yet its main shortcoming is that "a clear and present danger" is defined subjectively. Majority and minority groups may perceive "danger" differently, and thus the minority's free speech will be restricted.

Another disadvantage of this approach is that it permits speech that doesn't pose an immediate danger, yet may still have destructive long-term effects.

#### **The Theoretical Approach: Advantages and Disadvantages**

In general, this approach is more restrictive and thus offends less people, both in the majority and minority. But this is a double-edged sword, as these restrictions prevent rational thought, an understanding of reality, personal expression, and more.

This approach would entirely ban anti-democratic voices, yet this would prevent the public from becoming aware of unsavory elements or acting against them.

## Materials:

<b>The Utilitarian Approach: Restricting Free Speech Based on a Clear and Present Danger (end result)</b>
<p>This approach defines incitement as any speech that poses a “clear and present danger.” The litmus test is the context and short-term impact.</p> <p>[...] Justices Agranat and Barak adopted Holmes's position, in which speech may, and should, be restricted when it poses a <b>'clear and present danger'</b> or <b>'near certainty'</b> that either an individual or a group will suffer harm from such 'speech.'</p> <p>[...] Incitement is any expression that creates particular circumstances (the context, the speaker, the audience, and the environment) that will likely lead to violent or illegal actions.” (Moshe Negbi, 1977).</p>

<b>The Theoretical Approach: Restricting Free Speech Based on Democratic Principles (content)</b>
<p>This approach identifies incitement according to content, regardless of the outcome. Hence its name: the "theoretical" approach. It entirely bans anti-democratic content, regardless of whether it poses any danger. Thus, any speech that contradicts the basic right to liberty should be banned. According to this approach, those who benefit from democratic liberties shouldn't be allowed to speak out against them.</p> <p>“The protection of democracy is a moral imperative, independent of any danger” (Cohen-Almagor, 1994 p. 241).</p>

## **Examples**

### **Example #1: Force-Feeding Prisoners**

From *Sicha Mekomit*, Aug. 27, 2015 (Hebrew)

*Interview with the Minister of Public Security, Gilad Erdan*

“The catalyst for the release of Alan the terrorist was, first and foremost, the position of the Israel Medical Association, headed by Dr. Eidelman, which objects to treating hunger-strikers, until they lose consciousness and risk irreparable damage.” ... For the duration of [Alan's] hospitalization, Dr. Eidelman demanded and threatened the doctors to violate the Patients' Rights Act, despite the decision by hospital's ethics committee. It is time for the Medical Association and its leader to abide by the law, instead of taking steps that ultimately lead to the release of terrorists.”

In response, the head of the Israel Medical Association said: “Minister Erdan is wildly inciting against me.” He further said, “the doctors are unanimous – medicine should not be politicized, and force-feeding is torture.”

### **Example #2: *Torat HaMelech* (The King's Torah)**

Published in 2009 (from the Hebrew Wikipedia entry)

What is *Torat HaMelech*? It is a book of Jewish law by Rabbis Yitzchak Shapira and Yossef Elitzur, from the *Od Yossef Hai* yeshiva in Yitzhar. The book focuses on religious laws relating to the killing of gentiles, in both times of war and peace.

Below are select quotes:

“Children are not killed for their own wrongdoing, but rather because everyone has the need to avenge those who do evil. The children's deaths fulfill this need.”

“We thus learn that the *Torah* verse, “Thou shall not murder” does not prohibit the murder of gentiles.”

In response, Tag Meir [a pro-tolerance group] has demanded: We must not provide a platform to those who incite to murder under the auspices of Jewish law. We call upon Justice Minister Ayelet Shaked and the Supreme Court – we cannot be silent when others call for murder. Stop the dissemination of inciting materials, and put its authors on trial.”

### **Example #3: Incitement against Ultra-Orthodox Jews**

#### **Journalist Yonatan Shem-Or will be investigated for charges of incitement against ultra-orthodox Jews.**

Gilad Grossman, Nov. 7, 2011. Published in Hebrew at:  
<http://news.walla.co.il/item/1875036>

**Not only on the political right: the deputy General Attorney, Shai Nitzan, instructed to begin investigating the journalist, whose article included the following quote: “There will be blood, and we'll fight those who only appear to be citizens. Them and their wild *peyot* (sidelocks)... It's life or death.”**

Today (Monday), Deputy General Attorney Shai Nitzan ordered the police to open an investigation against the journalist and playwright Yonatan Shem-Or, on charges of inciting to violence. This follows the publication of an article on the My Say website, in which he allegedly called for war against the ultra-Orthodox. The article, *It's Time for Blood*, included the following quotes:

“There will be blood ... Soon the embittered public, sitting in their armchairs and cafes, who distort their faces when they see such abominations on television, will take up arms.” Shem-Or continued, “There will be a straw that breaks the camel's back. Their souls will be imbibed with waters of rage, dripping into their veins, which are bursting with anger. Soon the silent majority will cease to be silent. It will not be a war between brothers, since they are not our brothers. Those against whom we'll rise up only appear to be citizens. They are conditional citizens, who suck the nation's vitality, suck its blood, and gobble its meat. Them and their wild *peyot*, blowing in the wind of the holy spirit ... Their warped reality, of blood *yeshivas* where they learn, before enlisting in combat units, that the rabbi's orders trump those of the military ... Soon they will be silenced. Soon they will drown in their own blood. There will be a war, and blood will spill. But the outcome is clear. The nation will rise and stand ... Only one can remain; it's either the country or a ghetto. It's life or death, and battle time has arrived.”

The Legal Forum for Israel, which was among those who filed a complaint against Shem-Or, thanked the deputy GA for his decision. “Although the protection of free speech is part and parcel of any democratic country, it cannot be used to incite and call for and violence,” said Nachi Eyal, the CEO of the Legal Forum.

Dr. Aviad Hacoen, dean of The Academic Center of Law and Science, was critical of the decision. “The author has a particular style. The article is less about content, and more reflective of the writer's personality. This is a miserable and despicable piece of writing, which clearly qualifies as an indecent assault. But it should be addressed through the marketplace of ideas, and not through criminalization, which will only lead to its amplification, instead of putting an end to incitement and hatred,” he said.

This evening Yonatan Shem-Or said, “I suppose I'll be summoned for investigation, and promise to cooperate. Have no doubt – I'll cooperate. I don't believe it will go any further. I know what incitement is and know it is illegal, and wouldn't have written anything that qualified as such.”

#### **Example #4: Anti Right-Wind Incitement: Bennett is Hitler**

**A year after being punched at the *Haaretz* convention, the incitement continues. “Naftali, go wash your hands, they're still bloody,”** read online comments addressed to the head of The Jewish Home party.

Uzi Baruch, Aug. 4, 2015. Published in Hebrew at:

<http://www.inn.co.il/News/News.aspx/303660>

The harsh incitement on social media platforms against right-wing parties continues. Since the murder [of Shira Banki] at the Jerusalem Pride Parade and the murder in Duma last week, Naftali Bennett's Facebook page has been flooded with messages. The head of The Jewish Home party and the Minister of Education, Bennett has received innumerable messages calling to harm him and his right-wing colleagues.

“Naftali, go wash your hands, they're still bloody,” wrote one person, identified only as Nachum. Another reader, identified as Yaniv, accused Bennett, “Naftali, Shira's blood is on your hands, for allowing members of your party to express such backwards and un-progressive views. No words can absolve you of your responsibility.”

Ronny posted to Bennett's Facebook page, “You've probably had a nice *shabbat*, Naftali, two birds with one stone ... The degenerate Schlissel eliminated four members of the LGBT community in Jerusalem. Although he's not exactly your point man, but that's a minor detail ... The work of the righteous is done by others ... Right Mr. Bennett? In addition, your parasites set fire to an entire Palestinian family! Such *shabbat* joy!”

Bennett and his staff are taking these messages seriously, after he was punched last year at the *Haaretz* convention. During his electoral campaign, left-wing activists stormed and shut down a Jewish Home convention in Haifa. They vandalized images of Bennett, drawing swastikas and a Hitler-esque mustache.

Following those events, his wife, Galit, began fearing for his physical safety.

She posted on Facebook, “I'm afraid. For months, I've been begging them to increase Naftali's security detail. He tells me to not worry. Nobody is listening to me!”

“I also know that I'm not told everything. But the little I've seen is enough. Across the country, images of him vandalized with swastikas, being punched at the *Haaretz* convention ... Violent people with hate burning in their eyes ... screaming and slandering him.”

### Example #5: Refugees

**“I am not inciting, the infiltrators are cancer,” Parliament Member Miri Regev told *London et Kirschenbaum***

Dec. 24, 2012. Published in Hebrew at:

<http://news.nana10.co.il/Article/?ArticleID=899313>

**An uproar during a studio interview for *London et Kirschenbaum*. The two hosts lashed out against Member of Parliament Miri Regev, who had verbally attacked infiltrators. Moti Kirschenbaum accused her, “You are igniting the streets, stoking the flames.” Regev replied, “I will continue protecting our neighborhoods.”**

In an interview for *London et Kirschenbaum*, Member of Parliament Miri Regev repeated her speech from the previous evening's rally in southern Tel Aviv against the foreigners, calling the infiltrators “a cancer.” Her words caused an uproar in the studio, and the hosts, Yaron London and Moti Kirschenbaum, confronted her and said, “you are igniting the streets, stoking the flames.” Regev began the interview by repeating her message from the previous evening. “I said that the infiltrators are like a cancerous tumor – growing and increasing. It is our role to put an end to it.” She emphasized that she did not call for violence against the infiltrators. “I never encouraged violence, I am not calling for violence, and I will continue spending time in these [southern Tel Aviv] neighborhoods and caring for the [Israeli] residents.”

Moti Kirschenbaum intervened, “You work at the Parliament, you don't need to spend time riling up the residents. Today you dispatched arsonists, and tomorrow you'll send murderers.” In response, Regev denied that she'd ever sent anyone to set fire to anything.

Regev is suggesting a two-stage solution. First, anyone the Israeli courts categorize as an infiltrator would be taken to an ad hoc detention center near the Egyptian border. At the same time, the Border Police would monitor the borders and apprehend any would-be infiltrators. The second stage would be negotiations with a third country, which would be paid to welcome the infiltrators. According to Regev, this stage is currently at a standstill, but can be resolved. At the same time, a monetary grant would be offered to any infiltrator who willingly returns home.

Furthermore, Regev differentiated between infiltrators and refugees. She added that refugees would be welcome anywhere in the country, “including [upscale] Kfar Shmaryahu and Ramat Aviv, and not only [downscale] southern Tel Aviv and Arad.”

Concurrently, Prime Minister Benjamin Netanyahu condemned Regev's speech. “The infiltrators are a problem that we must, and will, solve. In a few months' time the border barrier will be complete, and we'll soon begin sending infiltrators back home. At the same time, I'd like to clarify that last night's statements and actions have no place here. This goes for all citizens, as well as residents of southern Tel Aviv, whose pain I understand. We'll solve this problem in a responsible manner.”

### **Example #6: Racism in Athletics**

#### **Israeli Athletics Require a Deep Cleaning!**

This article appeared in Hebrew at the **Fight Racism** website on Mar. 23, 2013. (<http://www.fightracism.org/Article.asp?aid=390>). It includes citations from other media outlets, including this article: <http://www.ynet.co.il/articles/0,7340,L-4337120,00.html>, which appeared in YNET on Jan. 26, 2013 (Hebrew).

In recent years, the most blatant and extreme example of racism in athletics was the national soccer team player who, along with his teammates and fans, sang: “Salim Tuama [an Arab member of the national team] is a terrorist, I hate all Arabs.” This occurred amid the celebrations after Beitar Jerusalem won the State Cup. This was such a shocking moment, that we decided to act and request international intervention. Yet the fans are relentless, and this year we saw a number of examples of racism, including the slogan: “Beitar, forever pure,” which caused public uproar. During a game between Beitar Jerusalem and Bnei Yehuda, the former team's fans cursed the owners and chanted racist slurs, such as: “No Arabs Allowed.” The same group of fans held a banner that read, “Beitar, forever pure,” directed at the owner, Arcadi Gaydamak, who wanted to sign two Georgian Muslim players to the team.

## **Activity 3:** **When Free Speech Conflicts with National Security**

### **Background:**

When examining the conflict between the right to free speech and citizens' right to security, we must differentiate between public safety (e.g. preventing violence between citizens, within state borders) and national security (e.g. external threats, such as war). In Israel, this distinction is fuzzy; borders are not universally agreed upon. This challenge is becoming pronounced elsewhere worldwide, as countries face threats of terrorism from within and without.

Without delving into this discussion, this activity enables students to experience resolving conflicts between democratic values.

The relationship between free speech and national security can be understood in one of three ways:

1. Free speech guarantees national security.
2. Free speech jeopardizes national security.
3. Free speech may occasionally protect national security, and on other occasions jeopardize it.

### **Goals:**

1. Learn about the potential relationships between free speech and the right to personal, group, and national security.
2. Practice addressing and resolving conflicts between various democratic rights.

### **Materials:**

- 📌 Blank paper, Pens/pencils
- 📌 Internet access (computer/smartphones).
- 📌 Cards, each with an example of a past event (attached below)

### **Activity:**

1. Divide participants into groups of five for the following tasks:
2. Ask each group to select one event card and search for information online.
3. Ask the students to characterize the relationship between free speech and national security, for their chosen event:
  - ♥ Free speech guarantees national security.
  - ♥ Free speech jeopardizes national security.
  - ♥ Free speech conflicts with national security, protecting some aspects and jeopardizing others.

♥ Other.

5. Discussion:

- Which websites did they visit?
- Did they feel that they needed additional information? If so, did they seek it?
- Did they feel that information was unavailable, and if so, could this be for security reasons?
- Ask each group to present and explain their example, thought process, and decision how to act.

6. Debriefing: Ask students to summarize what they learned about the potential relationships between the right to free speech and the right to security.

**Examples:**

- Wikileaks
- Mordechai Vanunu, who revealed details of Israel's nuclear weapons program to the British press in 1986.
- Four Mothers, the protest movement against the Lebanon war
- Breaking the Silence, Israeli soldiers talking about their experiences in the occupied territories
- The soldiers' online protest against low pay
- The Kishon Affair, in which IDF navy scuba divers dis-proportionally developed cancer from the pollution in the Kishon river.
- Outlawing the Islamic Movement



**Facilitator notes:**

- ♥ If the students determine that free speech protects and bolsters democracy, ask them to explain exactly how. If, on the other hand, they identify a conflict, ask them to seek a resolution, using the steps learned in the previous activity.
- ♥ In plenary, first review the cases when free speech promoted security. Next, hear those cases in which security was jeopardized.

# Chapter 3

## Free Speech and Gender Equity

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### Introduction:

This chapter focuses on the relationship between women and free speech.

1. The explicit and implicit ways in which women's right to free speech is restricted (silencing themselves and being silenced by others).
2. Real or perceived conflicts between men's right to free speech and women's right to dignity and freedom (sexual harassment).
3. Restricting free speech to protect women's rights.

Historically, men and women have enjoyed different rights to free speech. For women, various liberties, including free speech, are relatively new.

Historically, not everyone equally enjoyed the right to express themselves freely in public. The few that did were men. Women were granted the right to express themselves, their political views, and to influence politics (i.e. voting) years, decades, or even centuries after men.

Groundbreaking changes began occurring in the early 20<sup>th</sup> century. In different countries, women banded together and formed civil society organizations, aimed at creating and implementing change. Yet absolute equality is still far off, and society often takes one step forward, two steps back.

One example of the exclusion of women from the public sphere is their representation (or lack thereof) in history books. Most such books are written by men, and thus focus on the public roles of men, while overlooking women's contributions. As a result, the full scope of women's activities remains unknown – to women and men alike. Such omissions further reinforce the notion that women are incapable of public involvement and activity. This creates a positive feedback loop; the absence of information feeds assumptions about women's abilities. Thus, women are not elected to public office and are absent from the political news cycle.

Activity no. 1 focuses on the silencing of women's voices and activities in the historical record, and the effect this has on the social-political sphere.

## **Activity 1:** **Excluding Women from History Books**

### **Goal:**

- Demonstrate how the exclusion of women from history books silences their voices today, and how this silence impacts women and men alike.

### **Materials:**

- ✚ History books used by the students (any grade/age)
- ✚ Blank paper, Pens/pencils
- ✚ Poster board (3-4 sheets)
- ✚ Internet access (computer/smartphones) or print-outs from Herstorically (<https://www.facebook.com/herstorically>) and Raise Value: Inserting Women Back into History (<https://www.facebook.com/raisevalue/>). (Hebrew.)

### **Activity:**

1. Ask students to peruse the history books, and write down the names of ten leaders or significant figures.
2. Place one sheet of poster board in the middle of the circle, and ask students to place their sheets of paper upon it.
3. Have students review the names, and discuss the following questions:
  - ♥ What is the ratio of men to women, and how might this be explained?
  - ♥ How might the gender (in)equity in the textbooks influence women's and men's rights today, and their perceptions of reality?
4. Ask students to each select one female historical figure from either website.
5. As a group, decide how to proceed:
  - Create a new, joint poster board– to replace the first one.
  - Add a new sheet, with images of historical female characters.
  - Retain only the first sheet of poster board.
  - Retain only the second sheet of poster board.
6. Discussion:
  - How does the absence of women from history books influence us today?
  - What steps, if any, should be taken to correct this situation?
  - What role should each gender play, in attempting to change reality?

## **Activity 2:**

# **The Right to Free Speech and Sexual Harassment**

### **Goals:**

1. Introduce the term "sexual harassment" and the law against it.
2. Examine the relationship between sexual harassment (which mostly victimizes women) and restrictions on women and men's rights to free speech.
3. Examine ways to cope with this phenomenon and its influence.

### **Materials:**

- 📌 Blank paper, Pens/pencils
- 📌 Sticky notes
- 📌 Printed copies of the law against sexual harassment, the complete law: [https://www.knesset.gov.il/review/data/heb/law/kns14\\_harassment.pdf](https://www.knesset.gov.il/review/data/heb/law/kns14_harassment.pdf)  
Or abbreviated version: <http://www.acri.org.il/he/5455?gclid=CIPF4KG9hckCFePnwgodkbIA4g>

### **Activity:**

1. Distribute two sticky notes per student.
2. On one, ask them to write a word or sentence that constitutes, in their opinion, sexual harassment. On the other, a word or sentence that are, in their opinion, a compliment or flirtatious exchange.
3. Ask students to place their notes in the center, without separating them.
4. In turn, each participant reads one note, and opines whether it should be banned as sexual harassment, or permitted as a compliment. Ask students to explain their answers.
5. Divide them into groups of 4-5 students, for the following tasks:
  - ♥ Write a law against sexual harassment, per the discussion.
  - ♥ Distribute copies of the actual law, and ask them to compare.
6. Debriefing:
  - Ask participants to share how their thinking changed during the activity.
  - Does free speech mean the same thing for women and men?
  - How should speech/writing that constitutes sexual harassment be restricted? What would be the impact of such restriction(s)?
  - What should happen when men's right to free speech and the need to protect women (and occasionally men) conflict? Is legislation the answer?

## **Activity 3: Free Speech and Pornography**

### **Goals:**

1. Understand how free speech may conflict with the right to dignity, specifically for women.
2. Examine whether restrictions on pornographic material are legitimate.
3. Ask whether the sexes should enjoy identical/different rights to free speech.

### **Materials:**

- ✦ Copies of Professor Orit Kamir's article, *Feminism, Free Speech, and the Tapuzina Verdict*, (attached), on the semi-pornographic advertisement for the Tapuzina soft drink.
- ✦ Blank paper, Sheets of poster board
- ✦ Different colored markers

### **Activity:**

1. Distribute copies of the article, and provide time to read it thoroughly.
2. Divide participants into groups of four (two men, two women).
3. Ask each group to write a letter in response to Professor Kamir's article. They may compose it together, or girls and boys separately.
4. **Discussion:**
  - Ask the students to share their letters and explain how they decided whether to write jointly or separately.
  - Ask participants to think of cases in which the sexes should enjoy different rights to free speech, and instances where this may be more problematic.

## Feminism, Free Speech, and the Tapuzina Verdict <sup>20</sup>

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Orit Kamir

Opponents to feminism have successfully convinced the public that “feminism” is synonymous with “a threat to free speech.” Free speech is a core democratic and liberal principle, yet some claim that feminism aims to restrict artistic freedom by forbidding the distribution of pornography, while restricting and regulating social behavior and humor by labeling it “sexual harassment” or “non-politically correct.” Such rhetoric should raise a red flag.

Free speech is a core democratic and liberal principle, which has nothing to do with sensationalism or eroticism. It serves to protect minority and unpopular opinions, while ensuring equality among citizens. Free speech prevents the majority from bullying the minority, enables us to develop ideas and dreams, while supporting and growing together. Clearly, the majority is wary of any threat to its hegemony, which is precisely why free speech is so important.

Feminism is an unpopular, minority view. Despite many promises of equality and claims that equality exists, (thus precluding conversations on the topic), being truly committed to feminism means going beyond self-righteous proclamations of success. A dedicated feminist must face and understand reality: In Israel, women are being trafficked, murdered by their partners, and are victims of domestic violence. They are raped, harassed, and discriminated against – all with impunity.

Being an conscious feminist means exposing these phenomena, connecting the dots, highlighting patters of oppression – clearly, this unpopular position makes many people uncomfortable. In an attempt to maintain the status quo, feminists are silenced, mocked, and threatened. Thus, their voices require solid legal backing.

In the verdict in Nirit Yaron (Gronich) et al vs. Walla Media et al (Jan. 26, 2004), Justice Dr. Kobi Vardi recognized this need and provided legal backing. Nirit Yaron was part of a group that created a sexist commercial for the Tapuzina soft drink, which made cynical use of female sexuality, while encouraging fantasies of group rape. The Walla website published an article critical of this commercial, leading Nirit Yaron et al to sue Walla for slander.

The online article unabashedly argued that the advertisement used women's bodies for profit. Taking a stark feminist stance, the author exposed and called to overthrow mechanisms of oppression. The lawsuit, just like the mockery that preceded it, was an attempt to scare and silence feminists, to prevent them from spreading their ideas.

Justice Vardi's verdict was very clear, “The courts see value in addressing issues relevant to the public, and in this case, specifically protecting free speech, more so than other cases.” In his opinion, feminism and anti-sexism are minority, unpopular

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<sup>20</sup> The article first appeared March 23, 2004 (<http://2nd-ops.com/orit/?p=5022>). **Dr. Kamir** is a researcher and lecturer on the subjects of law, gender, and culture. A feminist, she heads Israel's Center for Human Dignity. She was among the promoters of the law to prevent sexual harassment, and wrote the first draft in 1997. (<http://www.oritkamir.org/en/>)

positions worthy of protection – voices that must be heard within a democracy.

Not all speech is equally worthy of protection; some speech is harmful and insulting. Lured by financial gain, dangerous stereotypes are spread and take root. While such speech is not worthy of protection, the feminist stance against such speech does not harm the right to free speech. Yet feminism itself, as a minority position, serves a social purpose that is worthy of legal protection.

# Chapter 4

## Challenges in the Digital Age

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### Introduction

The internet has had a manifold influence upon local and global culture and politics; some democratic processes have sped up or grown exponentially, while others have been jeopardized. The internet may support the democratic lifestyle, yet it may also jeopardize the basic rights of citizens worldwide, including their right to privacy, dignity, a reputation, and more.

This chapter will examine the internet as a double-edged sword.

### Free Speech Online Bolsters Democracy

The internet has the potential to promote democracy in a number of ways: it levels the playing field for sharing information and ideas; it increases government transparency; and it enables citizens to respond more quickly, relevantly, and broadly.

1. **Governmental transparency:** Government agencies can be directly in touch with most citizens, updating them in “real time” and asking for the public's opinion more frequently and directly (e.g. Members of Parliament and ministers post their daily activities online; the Israeli Parliament publishes studies on open and public platforms; MPs communicate with voters on social media; and civil society can publish information and commentary on governmental activities).
2. **Governmental watchdog:** Citizens can critique governmental authorities and branches in "real time," and alert the public of problematic behavior. The internet enables protesters to organize more rapidly and widely disseminate petitions, while increasing solidarity with others (at home and abroad).
3. **Spreading ideas and information:** As noted in the introduction, the basis for democratic rule is agreement, based on the free exchange of ideas and opinions. The internet easily facilitates such an exchange.
4. **Spreading ideas and information at minimal (or no) cost:** The internet allows ordinary citizens to break the monopoly of the media outlets.
5. **Rapid dissemination of information:** Information and ideas spread at a rapid pace, ensuring timely and up-to-date discussions. Citizens can respond in “real time” and preclude their exclusion. Furthermore, citizens of the world can offer each other immediate assistance in times of need.
6. **Information is not easily censored and/or banned:** The absence of central oversight makes it difficult for governments to censor or hide information from their constituency. Even if the state attempts to influence the media, the globalized nature of the internet makes it easy to access information from foreign

sources.

7. **Worldwide accessibility:** Political sovereignty and local laws do not apply online, and services and websites can be purchased and accessed worldwide. Unlike other media outlets, online data is accessible from almost everywhere on earth. Physical distance has been rendered almost meaningless. Thus, regulation cannot be the effort of any one country, but rather should take the form of an international treaty for managing the web and the ethical aspects of cyberspace.
8. **Anonymity:** Users may participate online anonymously. In fact, many people use pseudonyms. This freedom allows a wider degree of expression, and often eliminates the risk of consequences for holding unpopular opinions.
9. **Elimination of gatekeepers:** In the past, opinions could be barred by the gatekeepers of the various media outlets (e.g. newspaper editors). In the age of the internet, anyone can share their ideas freely, thanks to their will and skill.
10. **Diverse modes of expression:** Unlike traditional media, the internet supports diverse applications, virtual spaces, and platforms, which enable interpersonal and group interactions. As such, it allows for different forms of expression and sharing.

## **Free Speech Online Jeopardizes Democracy**

Alongside its many advantages, the internet may also jeopardize democracy, the democratic lifestyle, and democratic institutions.

1. **Excluding people:** The internet offers great opportunities – for those who are connected. Despite its centrality, many people cannot join the global conversation. For example, the elderly may find it confusing, along with people with limited access to electricity and infrastructure (e.g. unrecognized Bedouin villages).
2. **Jeopardizing the legal system:** A central tenet of the democratic legal system is “innocent until proven guilty.” It is now extremely easy to malign suspects before they receive a fair trial. This has been described as an anti-democratic, drumhead court-martial.
3. **Jeopardizing the right to privacy:** By spreading information far and beyond, citizens' right to privacy may be at risk. Any and every aspect of our lives may be posted online, accessible by almost any user – just a mouse click away.
4. **Jeopardizing the right to dignity:** Posting anonymously or under a pseudonym allows people to shirk responsibility for their content. Free speech can be destructive if detached from responsibility or accountability. As we will see, many people use the internet to harm others in ways they wouldn't otherwise, if their identity was public.
5. **Indirect censorship:** Governments and traditional media outlets are unable to censor content online. Yet private internet companies (e.g. Google) now have

access to much more information than any government could. They determine which content is racist and delete information as they see fit. But unlike the government, these corporations were never elected and do not represent the public or its interests.

6. **Sexual harm:** Much has been written on this topic, including the spread of pornography and sharing of private sexual images.

Reviewing the above, it becomes clear that the internet is a double-edged sword. It may promote human liberty and equal expression in some ways, while also jeopardizing the democratic rule and its citizens.

The following activities will help students understand how to maximize the potential of the internet to bolster democracy, while sidestepping pitfalls.

#### **Chapter four at a glance:**

- The internet enables the government to communicate with its citizens and non-voting residents, and allows citizens to easily contact their representatives (whether to express support or criticize their actions).
- The internet may be used for petitions, organizing protests, and more.
- The internet provides citizens with information about their elected officials: statements, actions, voting record, and any discrepancies between them. More information is available about the parties' platforms and MK's legislation, enabling citizens to evaluate and re-evaluate their social-political decisions.
- The internet helps spread social-political ideas quickly, broadly, and to diverse audiences worldwide.
- Anonymity can be dangerous, harming different communities and their rights. This program focuses on possible damage to the right to dignity through shaming, the ability to damage workers' rights, etc.

## **Activity 1: Online Civil Action is Possible!**

### **Goals:**

1. Learn about democratic means of expression online.
2. Learn about the differences between online and offline means of expression.

### **Materials:**

- ✚ Activity cards (attached below)
- ✚ Internet access (computer/smartphones)

### **Activity:**

1. Divide participants into groups of 4-5 students. Give each group an activity card. (More than one group may use the same example).
2. **Discussion & Debriefing:**
  - Ask each group to present their results and conclusions about the democratic tools available to them online.
  - Ask the students to share ways in which they have been politically active online, and ask whether they thought of additional ways to use the internet to realize their democratic rights.

### **Activity Card #1 – Petitions**

1. Search online for 5-6 social-political petitions.
2. Compare their topics, style of writing, graphics, etc.
3. Divide them into those you would sign, and those you would not. What are the differences?
4. If you have signed an online petition in the past, share your experience with the group. What came of the petition? If naught, why?
5. Imagine writing (or actually write) a petition on paper, and ask students to sign. How do these two acts of signing differ from each other? Which would you opt for, if you were organizing an important civil protest?
6. Plan to present your findings in plenary.

### **Activity Card #2 – MK Website**

1. Visit the websites of 4-5 Members of Parliament from different parties.
2. Compare their content, style, design, comments section, etc.
3. Which site would you consider visiting again in the future? Why?
4. If you have visited such a site before, share your experience with the group. If you submitted a message, what came of it?
5. Imagine writing (or actually write) a paper letter to a MP.
6. Which medium would you opt for, if contacting a MP regarding an important topic?
7. Plan to present your findings in plenary.

### **Activity Card #3 – Invitation to a Demonstration/Protest/Rally**

1. Search online for information about 5-6 diverse demonstrations/protests/rallies.
2. Compare their content, style, design, comments section, etc.
3. Would you participate in any of these events? Why?
4. If you have participated in such an activity before, share your experience with the group.
5. Imagine receiving an invitation to participate in such an activity through a different medium (daily newspaper, radio, television, etc.). Which of these channels do you prefer? Why?
6. Plan to present your findings in plenary.

## **Activity 2:** **Using the Internet to Promote (or Jeopardize) the Democratic Rule and Lifestyle**

### **Goals:**

1. Introduce students to ways the internet can promote social-political and democratic activity.
2. Raise the students' civil awareness of how they use the internet.

### **Materials:**

- ✚ Blank paper, Pens/pencils
- ✚ Activity cards with the different aspects of the internet (attached below)

### **Activity:**

63 Spread the cards/strips in the center of the circle.

73 Divide participants into groups of 3-5, for the following tasks:

- Write one way each facet can promote democracy, and one way it can jeopardize it. Do not label them! (These can be first-hand experiences, stories they heard, or information found online). For example: Rapid Dissemination of Information: a) participants in large protests learned sign language to communicate in an orderly fashion; b) posting false information about military activities in the West Bank.
- Ask students to place their examples next to the relevant aspect, so that each card is surrounded by both positive and negative examples.

83 Each group then selects one aspect and its examples. Ask the students to sort them, per their impact upon democracy.

93 Discussion:

- Which examples were unanimously viewed as jeopardizing democracy?
- Describe any disagreements that arose.
- What conclusions did they reach about the internet's ability to promote (or jeopardize) democracy?

## Activity cards: Aspects of the Internet

1	Rapid dissemination of information
2	The ability to spread information and ideas both locally and globally
3	Granting anonymity
4	Difficult to censor through legislation
5	Sharing private information in the public sphere
6	Shaming
7	Other

## **Activity 3: Governmental Spread of Information and Civic Use of the Internet**

### **Goal:**

- Learn how to wisely use information posted online by the government.

### **Materials:**

- ✚ Internet access (computer /smartphones) & printer
- ✚ Blank paper, Pens/pencils, Glue, Masking tape
- ✚ Different colored markers and highlighter
- ✚ Sheets of poster board with two columns: “Party platforms” and “Laws proposed by party members.” (One sheet per group).

### **Activity:**

63 Divide participants into groups of 4-5 students. Give them markers, highlighters, and one sheet of poster board, and ask them to complete the following tasks:

- ♥ Find the platforms of three political parties. Print and glue them in the first column. If a party has not posted its platform online, the students should consider whether this promotes or jeopardizes democracy.
- ♥ Highlight the sections on the economy, security, and equality between the sexes and between Jews and Arabs.
- ♥ Find legislation submitted by three members from each party. Print and glue these in the second column, across from the party platform.
- ♥ Use one color to mark legislation that aligns with the party platform, and another color to mark legislation that does not.
- ♥ When finished, hang the poster board, and browse other groups' posters.

### 73 **Discussion:**

- What did you learn about the alignment (or discrepancy) between platforms and legislation?
- Ask students what value they attribute to the information they found.
- Could this information be gleaned in other/better/worse ways?

## **Activity 4:**

### **Online Anonymity Affects Democratic Rights**

#### **Goal:**

- Learn about the ways in which online anonymity affects free speech and the right to dignity and privacy.

#### **Materials:**

- Blank paper, Pens/pencils

#### **Activity:**

##### **Part 1**

63 Distribute paper, and ask students to write (anonymously), what they most dislike about school, and why. Collect the sheets, and promise that the information will remain private.

73 Distribute another piece of paper, and ask students to write (anonymously), which class is their least favorite, and why. Collect the sheets and write a number of quotes **on the board**.

83 Pose the following questions and ask students to be frank.

- What do they dislike about the facilitator and/or their style?
- What do they most dislike about school?

##### **93 Discussion:**

- How did they feel during different parts of the activity? Which part was easiest, and which was the most difficult? Why?
- How did the anonymity of the first two questions affect what they wrote?
- What was the difference between the first and second questions? Did they change what they wrote because their privacy wasn't guaranteed?
- Did anonymity affect their style? Did it affect the content? How and why?
- Was it easy or difficult, not knowing what each student had written?
- How did anonymity (and being exposed) influence the relationship between the facilitator and participants? Between the participants?
- What did they learn about how anonymity affects online interactions?
- How did anonymity affect them as speakers and as listeners? How did it affect those in positions of authority and how did it affect their peers?

##### **Part 2: Anonymity Online**

1. Ask students for 5-10 examples of anonymous speech online, especially from comments sections ("talkbacks").

2. Do anonymous comments have anything in common? If so, what?

3. **Debriefing:**

- Screens and pseudonyms create a “mental barrier” that does not exist in face-to-face interactions. Distance can help us express positive, unconventional opinions. But it may also empower individuals to act maliciously, since the effects of their actions are invisible.
- Anonymity may help level unequal power relations, and privacy may create a sense of safety. On the other hand, the multiplicity of opinions online often coerces people into aligning with the majority. Even if such behavior has deleterious effects, it can provide users with a sense of belonging.

**Further reading:**

**Information for the Discussion on Online Bullying and the Use of the “Secret” App**, by Roy Goldschmidt. The Knesset Research and Information Center, Sept. 29, 2014.

## Activity 5: Using the Internet to Jeopardize or Undermine Rights

### Goal:

- Learn to identify ways the internet can be used detrimentally.

### Materials:

- 📄 Print-outs of three case-studies (all published in Hebrew):
  - Shaming: Population Authority Director Commits Suicide after Online Accusations of Discrimination. <http://www.ynet.co.il/articles/0,7340,L-4660613,00.html>
  - Facebook: The Unbearable Ease of Sharing Information. <http://www.the7eye.org.il/177411>
  - Lawyer Who Posted "Bored at Work" Sued for 400K ILS <http://www.globes.co.il/news/article.aspx?did=1000848727>

### Activity:

1. Divide participants into groups of 4-5 and give each a case study.
2. Read the case study. As a group, decide: Who is responsible, and what should be the consequences? (Personal, internet, legal, group sanctions or something else). A few people may be responsible, requiring a more complex response.
3. Discussion:
  - What is the potential for damage if/when the internet is used maliciously?
  - Which democratic rights may be jeopardized by the internet, and how so?
  - How can such harm be prevented, addressed, or remedied?

### Debriefing chapter 5:

- 63 Read the quote, and ask students to think of examples from their daily lives.

*[...] The internet and the information revolution have promised to significantly improve the freedom of expression, the freedom to research, learn, and formulate an opinion, the freedom to autonomously choose and create an identity, and more [...] Although new ways to generate and disseminate information have created new opportunities to express and access information, there is also a new kind of threat to free speech and individual autonomy."<sup>21</sup>*

 **Facilitator notes:** If the students do not raise the following points, you may introduce them.

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<sup>21</sup> Niva Elkin-Koren, "The New Arbiters in the Virtual Public Square," *Mishpat u'Mimshal* [Haifa Studies in Law and Governance] 6 (2003): 381-420. (Hebrew)

- ♥ The internet's contribution to the citizen-government relationship.
- ♥ The internet's contribution to fighting censorship by undemocratic regimes.
- ♥ Using the internet to monitor or support the government, as needed.
- ♥ Deleterious uses of the internet, and their potential to jeopardize democracy and citizens' rights to privacy, dignity, and equality.

# Online Shaming

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While the internet can potentially help people fully realize their right to free speech, it may also be used in more negative ways. The phenomenon of public shaming requires us to re-think the balance between the freedom of expression and other rights, including the right to dignity, a good reputation, and others.

*Public shaming is the act of publishing someone's information or personal details, with the intent of shaming, mocking, or making fun of them. Often this is done to condemn, criticize, and/or denounce that individual and/or their behavior. In recent years, the extent and degree of shaming have risen sharply, as more people have access to computers, smartphones, and other online devices, allowing them to post and disseminate information on social media and other platforms. Shaming may take any form: photographs, video clips, information, or any other documentation of errors or preferences, which the shamer considers a violation of social norms, along with personal information. They expect the shamed person to face public condemnation.<sup>22</sup>*

Online shaming affects many youngsters, children, and educators, who witness online bullying on a daily basis. To cope with this menace, citizens may attempt to protect their communities, or society at large, from this phenomenon.

Educators can address shaming in many ways. They may sensitize their students others' emotions, in hopes of preventing shaming, or opt for educational sanctions in its aftermath. Others may teach their students how to approach law-enforcement or media companies to demand intervention and/or censorship of offensive content. These strategies are crucial, but must be part of a deeper process, helping the students understand how shaming silences legitimate criticism and harms free speech.

This chapter addresses both ends of the spectrum:

- a. Protection from shaming;
- b. Maintaining free speech online, amid unequal power relations.

In between, democratic tensions arise. These are addressed in activities no. 1-4.

1. What is shaming?
2. Shaming vs. legitimate criticism
3. Can shaming be legitimate?
4. Protection from online shaming

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<sup>22</sup> "Online Shaming: Characteristics, Dangers, and Coping Methods" Sahar, <http://www.sahar.org.il/?categoryId=63113&itemId=259768> (accessed August 29, 2017; Hebrew)

## **Activity 6: What is Shaming?**

### **Goal:**

- Introduce online shaming and ways to address the phenomenon.

### **Materials:**

- 📌 Internet access for each student (computers or smartphones)
- 📌 Blank paper or index cards
- 📌 Pens/pencils

### **Activity:**

1. Ask students to think of instances in which they shamed others or were shamed online. Write one specific event on a piece of paper, omitting names and other identifying details. (It mustn't necessarily relate to school or their classmates).
2. Collect their papers and shuffle them.
3. Divide students into groups of 4-5, for the following tasks:
  - ♥ Distribute the events, one per student (save them for activity no. 9!)
  - ♥ In turn, each student reads their case, and the group discusses:
  - ♥ Was this incident shaming? Should it have been censored? Or should we just develop thicker skin? Should we cope by cultivating a sense of civic responsibility to prevent shaming?
4. Discussion:
  - ♥ Ask each group to summarize their discussion.
  - ♥ Define "shaming" and think of ways to address this phenomenon.



### **Facilitator notes:**

1. Be sure to keep the events written by the students for activity no. 9!
2. If the handwriting is unclear, type the notes and glue them to index cards.
3. This activity may be a trigger for victims of shaming. If things spiral out of control, you may opt to act in any of the following ways:
  - a) Stop the activity and hold a theoretical discussion, to remove any one student from the spotlight.
  - b) Postpone the rest of the activity, and check in with the victim about how and where they'd like to continue the discussion, seek therapy, disciplinary measures, etc. Pick up during the next session, according to this discussion.
  - c) Ask whether any other students have had similar experiences. If so, highlight the social – and not personal – nature of this problem, thus

requiring social-political tools. For example, discuss why victims don't unite against shaming.

- d) Together with the students, examine whether they'd like shaming to become the "law of the land" in school or their class.

## **Activity 7**

### **Shaming vs. Legitimate Criticism**

#### **Goals:**

1. Help students differentiate between shaming and legitimate criticism.
2. Assuming a difference exists, should society censor both? Permit both? Censor only one, and if so, which?

#### **Materials:**

- 📌 Internet access (computers or smartphones)
- 📌 Pens/pencils

#### **Activity:**

1. Divide students into groups of 4-5, for the following tasks:
2. Ask each student to visit their Facebook, WhatsApp, or Twitter account, and search for examples of legitimate criticism of a friend, institution, or country.
3. Search for examples that constitute shaming.
4. Ask each group to compile a list of either type of content.
5. After all posts have been categorized, examine each case independently.
6. Assuming a difference exists, how should we treat each category? Censor both? Permit both? Censor one, and if so – which and why?
7. Assuming no difference exists, how should society treat this phenomenon?
8. Discussion:
  - ♥ Ask each group to present how it differentiated between shaming and legitimate criticism (if such a distinction exists).
  - ♥ Ask each group to present its conclusions on addressing each phenomenon.

## Activity 8

### Can Shaming Be Legitimate?

#### Goals:

1. Learn about decision-making amid unequal power relations.
2. Understand how such processes can be harmful.
3. Examine worthy and effective ways to respond to such instances online.

#### Materials:

- ✚ Chocolate bar (1) + Wafers (3 packages)
- ✚ Dice, Cards, numbered 1-16
- ✚ Colored chalk & a rag to wipe the floor or sheets of A4 paper numbered 1-25.

#### Activity:

##### Part 1: The chocolate game

1. Using the chalk, number sequential tiles (1-25), or place the numbered pieces of paper on the floor.
2. Place the chocolate bar on square 25.
3. Place one package of wafers on square 10 and another on square 19. (The third package is extra).
4. If the group is large, create smaller teams.
5. Shuffle the cards numbered 1-16 and ask each student/team select one.
6. Explain the rules:
  - **The goal:** To win the chocolate bar.
  - The numbered cards in their hands are game pieces.
  - Each player/team places their card on the tile with that number, and advances from that point onward.
  - The player/team with the highest number goes first.
  - The players/teams advance according to the toss of the die.
  - The game ends when a player/team lands on the tile with the chocolate.
  - A player/team that lands on tile 10 or 19 wins the wafers, along with a surprise that will be revealed later.
7. Begin playing. When the first player/team lands on tile 10 or 19, reveal the surprise: they may set a rule that all players/teams must follow.

#### **Facilitator notes:**

1. Remain neutral and un-involved when players/teams begin setting rules, even if the rules are broken or someone grabs the chocolate. Intervene only if the

- situation becomes violent or humiliating.
2. Anything can happen during the game. For example the first player/team to reach the wafers may decide any of the following:
    - They win the chocolate, and the game is over.
    - Only those who won the wafers are eligible to win the chocolate.
    - Everyone must start from the same point.
    - The chocolate must be equally shared among the students.
  3. The group may also behave in unexpected ways, including: obedience, violent resistance to the rules, making its own rules, etc.

## **Part 2: Discussion**

- 63 In turn, ask each participant to share and reflect on their thoughts, feelings, and behavior during the game.
- 73 What was unfair or hurtful towards the players/teams that couldn't set rules?
- 83 Which behavior was hurtful towards the other players/teams?
- 93 Should the players/teams that set the rules be shamed on social media, and/or should other measures be taken? If so, what?
- :3 Should players/teams that played unfairly be publically shamed?
- ;3 Should the group set rules to address players/teams that harmed others?
- <3 Should those who acted hurtfully be shamed until the opportunity arises to set more equal and fair rules?
- =3 **Debriefing:** Two texts may help the students understand possible reactions to malicious behavior online: one sees shaming as a legitimate option amid unequal power relations, while the other holds that shaming is always wrong. Both texts were published in Hebrew.
  1. Dorit Abramovich, "Breaking Through Secrets: Israel's Fourth Feminist Wave's Struggle against Sexual Violence." Israel Association for Feminist and Gender Studies, <https://goo.gl/7yhMMM> (accessed August 29, 2017).
  2. Elizabeth Galon and Michal Zeharia, "Cyberspace as a Public Sphere and Coping with Online Violence." Israel's Counseling Psychological Services, <https://goo.gl/LWvoYT> (accessed August 29, 2017).

 **Facilitator notes:** Disenfranchised groups often utilize shaming to protect their rights. Yet we must ask whether they could achieve this goal using other methods.

## **Activity 9**

### **Protection from Online Shaming**

#### **Goals:**

- 63 Help students understand how censorship may protect from shaming.
- 73 Learn other means of protection from shaming.
- 83 Understand how such protections may affect free speech.

#### **Materials:**

- ✚ Suggested ways to cope with shaming (appear below).
- ✚ The written incidents from activity no. 6
- ✚ Sheets of poster board, 1 per group, Glue
- ✚ Blank paper or index cards, if students want to share additional examples.

#### **Activity:**

1. Divide students into groups of 4-5, for the following tasks:
2. Distribute the incidents, one per student.
3. Give each group printed articles/suggestions and one sheet of poster board.
4. In turn, each participant reads their incident, and places it near the method they think best for censoring or addressing it.
5. Each group organizes their poster board, and plans to present it in plenary.
6. Discussion:
  - ♥ Have each group present their poster board, and share what they learned about ways to cope with and address the phenomenon of shaming.
  - ♥ Ask each group to share any disagreements that arose during their discussion.
  - ♥ Ask them to consider what problems may arise from censoring shaming.

#### **Suggested ways to cope with shaming:**

- 63 Deleting the user's profile or blocking their access to the medium.
- 73 Pursuing legal action to remove the content.
- 83 Asking the media platform (host) to remove the content.
- 93 Creating a school-wide rule.
- :3 Ignoring the problem.
- ;3 Posting counter-content online.
- <3 Writing an articulate and polite letter, explaining the damage caused.
- =3 Hanging the post outside the shamer's house.
- >3 Turning to the school counselor and/or teacher for help.

### **Facilitator notes:**

1. Ask students whether their proposed actions may hurt others.
2. Encourage students to seek responses that do not shame others, or shame as little as possible. Challenge them to think of alternative responses.

### **Articles on coping with shaming (Hebrew):**

1. For information about financial shaming, seeking legal aid, asking the host site to remove the shameful content, and demanding compensation for damage to one's reputation, refer to *Shaming Online*: <http://www.news1.co.il/Archive/003-D-99393-00.html>
2. For information about taking steps against content posted on Facebook, refer to *Responding to Hurtful Content on Facebook*: <http://www.mako.co.il/nexter-internet/social-networks-facebook/Article-32ca313149a9d41006.htm>
3. For information about creating a counter-site, refer to *Coping with Business Shaming*: <http://news.nana10.co.il/Article/?ArticleID=1170115>
4. For information about the difficulty and opportunities for legal action against shaming, refer to *Considering Filing a Police Complaint against YouTube?*: [https://www.youtube.com/watch?v=QpD\\_w\\_xrINQ](https://www.youtube.com/watch?v=QpD_w_xrINQ)
5. For information about responding politely, instead of counter-shaming, refer to *Can Shaming Victims Sue?*: <http://www.ynet.co.il/articles/0,7340,L-4723041,00.html>
6. For information about posting a sign describing the shaming outside the offender's house, refer to *Racist Users in Brazil: Posting Offensive Content outside Users' Homes*: <https://www.haaretz.co.il/news/world/america/.premium-1.2789583>

# Chapter 5

## Freedom of Expression and Majority-Minority Relations

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### Introduction:

The democratic rule and lifestyle are based on the principle that all people are **free and equal**. Since majority rule essentially prioritizes members of the majority, it should be used only when not everyone can realize their desires equally.

Many democratic organizations and institutions recognize that majority rule may jeopardize minority rights, and thus take precautions. These may be basic laws or a constitutional guarantee of minority rights, or restricting the use of majority rule.

In democratic theory, every individual and group has equal rights to express themselves, and minorities enjoy a variety of protections. Yet in reality, many minorities find it harder to express themselves in the public sphere.

This may be for a few reasons. Some may be the majority's doing (e.g. peer pressure, institutional/organizational reasons), while others may be the minority's doing (e.g. self-censorship, social timidity).

In this chapter, students will learn about and experience the difficulties minorities face when trying to equally express themselves, along with ways to address, and overcome, these challenges. It focuses on various majority/minority groups, and how each minority struggles to express themselves in the public sphere. A number of challenges will be covered:

1. **Linguistic accessibility:** Israel's linguistic minorities include: Arabs, new immigrants, and others. By not providing equal access in all languages, the majority language, Hebrew, becomes the default language.
2. **Different majorities and minorities:** Many distinctions exist, including: religion, culture, identity, and gender. Majority rule prioritizes the majority's culture, and thus discriminates against various minority identities.
3. **Unequal opportunities for expression:** Political and social minorities often face implicit and explicit challenges to expressing themselves, often due to legal restrictions, and often because the decision-making process excludes minority voices.

Minorities face many more challenges, but for now, these examples should suffice.

## **Activity 1:**

### **Linguistic Accessibility**

#### **Goals:**

1. Learn about the majority's immense advantages in terms of free speech.
2. Learn ways to address and overcome linguistic barriers, to level the playing field and ensure free speech for everyone.

#### **Materials:**

- ↳ Blank paper, Pens/pencils
- ↳ Tape

#### **Activity:**

1. Inform students that today class will be held entirely in English, and they may only write and speak this language. The discussion will be about whether to reduce the number of matriculation exams to four.
2. Ask students to write, in English, arguments for and against this change. When they are done, ask that they tape their opinion to the wall and stand beside it.
3. In turn, have each student read their opinion and answer questions.
4. **Discussion:** Raise the following questions for discussion:
  - ♥ What did they do during the activity, and what did their friends do?
  - ♥ Ask students to share their thoughts and feelings, and reflect upon and how this affected their behavior. How did others behave?
  - ♥ Were they able to freely express themselves, or not? Was everyone in the class equally able to express themselves? Why, or why not?
  - ♥ Compare their experience during this activity with other life experiences, whether they were in the linguistic majority or minority.

Review the following suggestions, and ask students to select the one that would most enable them to overcome the language barrier between the majority and minority:

- ♥ Only English speakers should be allowed to speak.
  - ♥ Each person should speak their language.
  - ♥ Each person should speak their language, with simultaneous translation to minority languages.
  - ♥ Each person should speak their language, with simultaneous translation to all languages.
5. Expanding the discussion:

Ask the students how parliament discussions should be held:

- ♥ Only Hebrew speakers should be allowed to speak.
  - ♥ Each person should speak their language.
  - ♥ Each person should speak their language, with simultaneous translation to minority languages.
  - ♥ Each person should speak their language, with simultaneous translation to all languages.
6. Ask the students to compare their position on linguistic accessibility in their own classroom, with that of their position vis-à-vis the parliament.
  7. **Debriefing:** Ask students to summarize what they learned about how majorities and minorities differently experience free speech, and ways to address this inequality.

## **Activity 2:** **The Majority and Minority in the Public Sphere – Street Names**

### **Goal:**

- ♥ Learn about the exclusion of cultural, religious, national, and gender minorities, and how their contributions to society are silenced.

### **Materials:**

- ✚ A map of the students' city/neighborhood (one per group)
- ✚ Blank paper, Pens/pencils
- ✚ Sheets of poster board
- ✚ Tape

### **Activity:**

63 Divide participants into groups of 4-5 students for the following tasks:

- ♥ Give each group a map, a sheet of poster board, and pens/pencils.
- ♥ Review the map and select 10-15 streets to re-name as they wish.
- ♥ Write the streets' original and new names on the poster board, and display it on the wall.

73 Invite the students to read the other posters, and note questions and comments about the proposed changes.

83 Discussion:

- What did the students learn about local street names, as viewed through the lens of cultural, religious, national, and gender majorities and minorities?
- Did their peers' suggestions teach them anything about majority-minority relations in their city?
- How did their thinking shift about providing each group with equal opportunities to express their culture? Would changing the names create equality, empower the minority, or empower the majority? Or something else?
- Can they think of other examples of cultural, religious, national, or gender differences in the right to free speech?

## **Activity 3: Specific Difficulties of Expressing Minority Political Opinions**

### **Goals:**

1. Learn about difficulty of expressing minority opinions, specifically political opinions.
2. Identify ways the majority suppresses minority opinions.
3. Learn about challenges minorities face when defending their opinions.
4. Learn about challenges majorities face when protecting legitimate minority positions.

### **Materials:**

- Internet access (computer/smartphones)
- Markers, Pens/pencils
- 5-6 sheets of poster board
- Information cards (four cards appear below)

### **Activity:**

1. Divide participants into groups of five, for the following tasks:
  - ♥ Give each group one activity card.
  - ♥ Ask them to read their card and find similar examples from their
  - ♥ Decide how to present their discussion and conclusions in plenary.
2. Discussion & Debriefing:
  - What did the students learn during this activity?
  - Specifically, ask them to reflect on what they learned about themselves and the majority/minority groups to which they belong.
  - What have they learned about how the majority suppresses the minority's opinions?
  - How can this knowledge be translated into action?

## No. 1: The Cooling Effect

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This theory describes the fear of paying a social or legal price, even when holding legitimate views. People may self-censor themselves, either by remaining silent or by softening their position.

**Example #1:** Imagine the following scenario: Before the opening of the school year, the teachers attend a staff meeting. Among those present are the long-time coordinator for social activities and the new gym teacher. The social coordinator decides to raise the dearth of funds for extra-curricular social activities. The principal responds, “if you're not happy with the budget, you can find a new school!” and then turns to the other teachers, “does anyone else have complaints about how I run this school?”

**Example #2:** Recently, reports have emerged that many workplaces, specifically academic institutions, have been sanctioning or attempting to fire employees or students for content they've posted online, specifically on various Facebook pages.

**Note:** The Association for Civil Rights in Israel (ACRI) reminds readers that employers bear no responsibility for anything their employees say outside of work, and cannot sanctions or punish them for anything done outside of work. Furthermore, Israel's Equal Opportunities Employment Law states that employers cannot discriminate against workers for their views, unless these affect the employee's professional abilities. Thus, employers who attempt to fire employees are breaking the law and may face legal sanction. As a rule, if the employee's expressions constitute incitement or call for violence, employers should turn to the police, and refrain from taking matters into their own hands.

## No. 2: Obeying Authority: Stanley Milgram Revealed How Individuals Transform into a Tyrannical Majority

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In 1963, as Eichmann stood trial in Jerusalem, Dr. Stanley Milgram began conducting his dramatic study about obeying authority. He asked whether a normative person would be capable of harming, and even killing, another human, under the guidance of an authoritative figure, by administering an approved electric shock.

Milgram asked professionals and psychiatrists to estimate how far people would be willing to go, and they responded that 0.1% of people would increase the electricity to V450. Yet 65% of participants reached that point. Replications revealed similar degrees of obedience among women, children, and members of various cultures.

Of course, these experiments can be summarized as a lesson in the psychology of cruelty, and participants can be written off as insane. But this claim is not supported by the research. The control group, which was not encouraged to continue

administering shocks, stopped much earlier. Furthermore, Milgram reported that some participants cringed while delivering the shocks, while others broke into hysterical laughter. Yet others shook, sighed, bit their lips and nails, and in one case, had an epileptic seizure, requiring Milgram to stop the experiment.

This experiment evoked many responses, including being labeled an **unethical, psychologically damaging experiment** (participants realized their ability to harm).

Today, clear ethical guidelines exist to protect participants in psychological studies. That said, despite its problematic aspects, this study significantly illuminated our understanding of social mechanisms.

## **The Experiment**

You arrive at the university lab and are greeted by two people: the **experimenter** (a young man with a clipboard and lab coat) and **Mr. Wallace**, an average looking, slightly pudgy man, who is introduced as an accountant (in reality, he is part of the experiment team). You draw lots, but the draw is fixed – you are always the **teacher**, and Mr. Wallace is always the **student**.

You are told the experiment is about **memory and learning**, and your role is to test Mr. Wallace's memory. He is to receive an electrical shock for each mistake.

The experimenter takes you and Mr. Wallace to a room, where Mr. Wallace is connected to electrodes – applied with special glue to prevent burns. Mr. Wallace mentions he has a heart condition. The experimenter replies that the shocks will hurt, but should "not cause lasting damage." He invites Mr. Wallace to feel a light shock before starting.

The experimenter then leads you to another room, where you sit in front of a machine with a 30-notch dial for administering electric shocks, ranging from 15V-450V, at 15V intervals (the highest are marked XXX).

Your role is to read pairs of words to Mr. Wallace via an intercom, and then test his memory with multiple choice questions. Each question has 4 options. Each time he presses the answer, the machine indicates whether his answer is correct (you move on to the next question) or wrong (you correct him and deliver the appropriate shock).

A red light turns on when you are delivering shocks. You hear a click and humming, as the shock is delivered to Mr. Wallace. Each wrong answer requires that the shock be increased by 15V. **You are unaware that Mr. Wallace is not actually receiving the shocks.**

The voltage increases as the experiment progresses. At 75V, 90V, and 105V Mr. Wallace sounds in pain. At 120V he begins shouting "ouch, this really hurts." If you continue to 150V, Mr. Wallace will cry out that his heart is acting up and he would like to be let out. You continue to hear screams of agony and protest. At 300V Mr. Wallace says that he is absolutely unwilling to continue, and cannot be held against his will. Beyond 330V Mr. Wallace is silent, until the end of the experiment.

If at any point, you turn to the experimenter and ask to stop or refuse to administer additional shocks, the experimenter offers scripted prods:

Prod 1: Please continue.

Prod 2: The experiment requires you to continue.

Prod 3: It is absolutely essential that you continue.

Prod 4: You have no other choice but to continue.

### **No. 3: Bystanders Theory**

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This theory describes how the presence of other people may delay or prevent social action. Taken from social psychology, it describes how any one person's sense of responsibility diminishes in reverse correlation to the number of people present. This is particularly true in cases of distress; nobody offers help, since each person assumes someone else will. In some cases, a person in distress with only one other person nearby has better chances of receiving help than in a crowd.

Humans: Bystanders by Nature / Sari Shavit, May 5, 2009. Published in Hebrew at:

[http://www.mako.co.il/spirituality-popular\\_culture/Article-46c40dcb9801121006.htm](http://www.mako.co.il/spirituality-popular_culture/Article-46c40dcb9801121006.htm)

Why didn't anyone jump into the water to save sailing champion Yasmin Feingold? Psychological studies show that the more people who witness an event, the chances of any one person offering help are greatly reduced.

Last night in the Yarkon River, Israel's rowing champion capsized and fell into the polluted water. For ten minutes, she flopped underwater with her feet tied to her kayak. Finally, Avi Toibin jogged past and saw a crowd of people watching the overturned boat. He understood someone was drowning, and jumped into the river. He pulled Feingold ashore, still tied to her kayak, where the rescue team was waiting.

This incident raises a number of deep, psychological questions: Why didn't anyone try to save Feingold when she first capsized? Why did she remain underwater for so long, before anyone offered help?

Iris Rilov, an expert clinical psychologist attempts to answer these questions: "Many psychological studies claim that the more people witness a dramatic event, a heart attack, for example, there is less of a chance that any one person will offer help." Two American researchers, Latané and Darley (1968) studied how humans respond under stress. They were working in an era of immense crime in the United States, and public opinion was inclined towards self-criticism.

Latané and Darley's basic assumption was that a large number of people can be aware of something horrible happening in their vicinity, yet do nothing about it. For example, in 1964, a woman named Kitty Genovese was raped and murdered. The investigation revealed that thirty-eight people heard or saw the woman in distress, and not one of them offered help. "In recent years, a published study claimed that this

conclusion was exaggerated, and not as many people had witnessed the event,” says Rilov, “and yet this is a universal phenomenon, which is studied by social psychologists who ask why people don't respond in such cases.”

Latané and Darley conducted a number of social experiments: in one, an actor pretended to have an epileptic attack in public. Nobody offered help. In another experiment, subjects were told to wait in line for an interview in a public hallway. When smoke started seeping from beneath a door, they were baffled, yet did nothing.

Rilov explains, “Researchers coined the term bystander, which they defined as a fixed effect, which means that the more people witness the event, the likelihood goes down that they will intervene on behalf of the victim. There are many reasons for this: First, in a group, we're not entirely sure we should act. Can I really help this person? Everyone assumes someone else will intervene. We also assume that someone else is better skilled to offer help, e.g. a doctor or policeman, who are more experienced in such situations. Furthermore, our interpretation of the event needs to be reinforced. Two years ago, a horrible incident took place in the United States. A two-year old infant was murdered by older children. Witnesses assumed it was either child's play or a family feud, and did not think they had a right to get involved.”

Why do you think nobody tried rescuing Yasmin Feingold, until Avi Toibin?

“In this specific case, we should be judiciously cautious. Naturally, bystanders were worried about their personal safety, since the Yarkon River is polluted and dangerous. In addition, personally, I'm not sure I'm strong enough to retrieve a woman and her boat from the river. The people who witnessed this incident are not bad, but were confused. The person who eventually saved her must have immense confidence in himself and his physical abilities. He must be in shape and trust his body. He made an instant decision, and acted upon it.”

Next time such an event occurs, how should one react?

“Statistically, and despite the studies, ultimately victims do receive assistance. I suggest that if you are in distress, and able to communicate, ask a specific person for help. Don't shout “call the police!” but rather turn to a specific person, “you in the red shirt, please call the police.” This can overcome the bystander effect, and increase your chances of receiving immediate help.”

## No. 4: The Spiral of Silence

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This theory deals with how public opinion is shaped. It was developed in the 1970s by the German sociologist **Elisabeth Noelle-Neumann**. Its core claim is that **media can affect public opinion by creating an illusion of consensus, which the public understands as “the norm” and “the majority opinion.”** Given the human tendency to submit and play along, the media may cause individuals to feel they are in the minority, and thus downplay their position. The media cause a domino effect, which actually changes reality.

**Background:** Noelle-Neumann analyzed the media coverage of elections in West Germany in the 1960s-1970s and argued that media played a role in creating a particular political climate that had no factual basis. She claimed that leading up to the election, the media intentionally created the impression that the left-wing would win. Polls showed a tight race, with the right- and left-wing parties neck-to-neck. As a result, right-wing voters retreated, and even voted for the left-wing party. By warping reality, the media created a self-fulfilling prophecy. The twisted version of reality played out, and the left won. In describing the media's manipulation of the public, Noelle-Neumann reinforced the notion that the media is leftist. The media misrepresented the facts, and created public opinion that manifested itself into reality.

According to Noelle-Neumann, the media's short-term effects are less interesting than their **long-term effects**. The media aren't entirely independent; they depend upon, and often represent, the government. Thus, messages will inevitably align with those in power. This often causes people who hold other, more radical opinions, to refrain from sharing these opinions in public.

This is, in summary, the **spiral of silence**.

### Basic Assumptions

1. People seek reinforcement for their ideas and beliefs from their surroundings. People tend to remain silent when surrounded by opposing views.
2. People tend to adapt their views to the norm, mainstream, or majority.
3. The mass media inform the public about “public opinion,” thus creating a sense of consensus by determining what is considered conventional.
4. Those with unconventional opinions, or those outside of the national consensus, may act in one of two ways:
  - Adapt their views to those of the majority.
  - Refrain from expressing minority views.

Although most frequently applied to politics, this theory can offer insight into other fields, such as marketing, “Everyone Drinks Coca-Cola,” or “Yedioth Ahronot – The Nation's Newspaper.” It is also prevalent among children and teens, in the form of

peer pressure; youth want to belong and be part of the group.

### **Spiral of Silence: Key Tenets**

1. The media create public opinion, while claiming to represent reality.
2. Using a “quasi-statistical” sense (either through the media or interpersonal relationships), individuals identify the acceptable range of opinions, the majority, and consensus. This may reinforce their sense of being in the minority, and lead to silence. Interpersonal relationships may reinforce the mass media or encourage us to share our minority views.
3. People are more confident expressing popular views. If they perceive their opinion to be unpopular, they may silence or adjust their beliefs.
4. Gradually, the spiral of silence widens. More and more people are hesitant, or unwilling, to express views seen as unpopular, and grow silent.
5. There will always be a hard-core group that insists on sharing unpopular opinions, but they will find themselves a small minority.
6. **The bandwagon effect:** People act rationally and support the candidate or idea with the best chances of winning. People may not actually change their beliefs, but simply want to belong to the victorious, strong majority. People may even remain aware that they think differently, while still opting to be on the winning team. Noelle-Neumann did not see this as rational behavior, but rather weakness resulting from the fear of social isolation.
7. This theory emphasizes the reciprocal influence between the mass media and public opinion. The media reflects and creates public opinion; exponentially growing its impact. Through exaggerated coverage, the media can present minority views as the majority. As a result, opposing views are increasingly silenced and the spiral of silence widens. The more coverage, the more people believe in the represented (yet false) majority, and join.

### **Can the Spiral of Silence be Broken?**

1. Yes! By people with strong personalities, unafraid to express opposing views.
2. Yes! By people with a vested interest, who may benefit from non-conformism.
3. Yes! When people feel that non-conforming is less (or no) risk. This depends on culture; some tend to be more conforming, and some less so.

# Chapter 6

## Freedom of Expression in Education

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### Introduction:

The field of education raises many questions about free speech and its limitations. Within the educational community, power relations are not equal; students and teachers have different rights to be heard. Sometimes this inequality is rooted in law, and sometimes it is simply “how things are.”

Teachers are older than their students, and their experience is the source of their right to speak. Additionally, teachers may hold expert knowledge in their field. This advantage – knowledge – justifies the teachers’ broader right to self-expression.

But criteria such as experience and knowledge aside, some people question whether this inequality is justified. Specifically, some contemporary intellectuals argue that the internet has made knowledge equally accessible, thus undermining knowledge-based authority. Others claim that teachers and students complement each other’s knowledge, thus granting them equal rights.

The Convention on the Rights of the Child, which Israel ratified, includes the right to self-expression and the right to be heard.<sup>23</sup>

Adults may restrict the students’ free speech, but often students silence one another. Peer pressure, gender inequity, and unequal power relations between students who belong to the majority and those who belong to other, marginalized groups, cause some students to abstain from the public sphere at school.

This chapter will examine free speech within the education system, and explore how it differs from other civil spaces. The activities will ask whether the inequality between teachers and students can justify restrictions to the students’ speech, or whether the opposite is true. Additionally, the program will focus on ways students silence one another.

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<sup>23</sup> For further information, see Rina Yitzhaki, *The Twelfth Right – The Right of the Child to be Heard and Participate*. Herzliya: Mendele Publishing House, 2015. (Hebrew)

## **Activity 1: Representation and Free Speech at School**

### **Goals:**

1. Raise awareness about the rights of different groups to free speech.
2. Begin helping silenced voices be heard.

### **Materials:**

- ✚ Blank paper, Pens/pencils
- ✚ Chalk or tape, for marking the floor
- ✚ Three cards:
  - a) I frequently speak up at school and in class;
  - b) I speak up at school and in class;
  - c) I rarely or never speak up at school and in class.

### **Activity:**

1. Draw three circles on the floor, and place one card in each.
2. Ask students to stand in the circle that best describes them.
3. Within each group, ask the students to discuss the following:
  - Why they chose this circle.
  - The personal and environmental circumstances that influence their behavior at school.
4. Combine the students and create three new groups, with representatives from each of the three circles.
  - Ask students to share the reasons they chose their first group.
  - As a group, write two changes they'd like to implement at school, regarding free speech.
5. **Discussion & Debriefing:**
  - Why were they unable to equally realize their right to free speech at school?
  - Are there any changes the students would like to see implemented?

## **Activity 2: The School Newspaper**

### **Goals:**

1. Promote a critical reading of the school newspaper.
2. Use the newspaper as a prism for exploring the right to free speech at school.
3. Learn about different forms of expression by perusing various publications.

### **Materials:**

- ✚ Various newspapers/magazines: daily, local, or free papers; the classified section; commercial, professional, or community publications; other schools' papers; fashion, women, and men's magazines; anything else available.
- ✚ Copies of the school's newspaper (if digital, bring print-outs).
- ✚ Blank paper, Pens/pencils, Scissors, Glue

### **Activity:**

- 63 Place the publications in the middle, and invite students to peruse them.
- 73 Divide participants into groups of five, for the following tasks:
- Compare their school newspaper to the other publications.
  - Note what content is unique to each kind of publication.
  - Create an alternative school newspaper that incorporates ideas and/or content from the other publications and any other ideas for ways to change the school newspaper.
  - Plan to present their alternative newspapers in plenary.
- 83 Discussion: After hearing from each group, raise the following questions:
- Did their alternative newspapers provide more/less/equal/other freedom of expression than the current school newspaper?
  - Examine whether and how their decision to widen/narrow the scope of free speech may cause problems.
  - Ask the students to word their position regarding the desirable degree of free speech in their school newspaper.
  - As a group, examine whether restrictions to free speech outside of school should apply at school. If so, why?

 **Facilitator notes:** If the school offers a mass communications class, you may want to invite the teacher to participate in this activity.

### **Activity 3:**

## **Should Teachers be Allowed to Express Political Opinions at School?**

This question has been discussed in civil and legal forums since Israel was founded. Every few years, the Ministry of Education issues directives on this topic, varying in accordance to the current social, security, and political environment. In addition, the courts occasionally hear cases and rule on this matter, even punishing or firing educators for sharing their views if/when free speech has been restricted. Yet this program believes that this question is, first and foremost, an educational one and should be examined as such.

 **Facilitator notes:** This activity can be constructed as a dialogue between teachers and students, in order to allow students to express their feelings and thoughts about teachers sharing (or not sharing) their political positions.

#### **Goals:**

1. Raise awareness about the potential significance of expressing political positions at school, and ask whether it is possible to not express any opinions.
2. Distinguish between explicit and implicit sharing of political opinions.
3. Formulate a position whether teachers should be permitted/forbidden to express their political opinions at school.

#### **Materials:**

- ✚ Blank paper, Pens/pencils
- ✚ Four sheets of poster board/butcher paper, each with a case study. The examples should be varied, and include both right- and left-wing teachers, some of whom were permitted to share their opinions, while others were not. Below are a number of Israeli examples (links in English):
  - ♥ Israel Scheib, a teacher dismissed for his opinions: [https://en.wikipedia.org/wiki/Israel\\_Eldad](https://en.wikipedia.org/wiki/Israel_Eldad)
  - ♥ Adam Verete: <http://www.haaretz.com/israel-news/.premium-1.570722>
  - ♥ Yisrael Shiran, who petitioned the courts after being fired for refusing to teach “Rabin's Legacy.” <http://www.haaretz.com/teacher-suspended-over-anti-rabin-petition-wins-suit-1.60989>
  - ♥ East Jerusalem principal and teacher was questioned for a school play: <http://www.haaretz.com/israel-news/.premium-1.681688>

#### **Activity:**

1. Place the case studies on the floor or classroom walls. Give students time to browse and read each example.
2. Divide participants into groups of five. Ask them to formulate their position, based on the following options:
  - Teachers should be allowed to express political opinions (regardless of content).
  - Teachers should be forbidden from expressing political opinions (regardless of content).
  - Teachers should be allowed to express political opinions under certain circumstances (define these).
  - Teachers should be forbidden from expressing political opinions under certain circumstances (define these).
  - Other
3. Discussion:
  - Ask each group to share which position they selected, and explain why.
  - Ask whether they opted for a theoretical approach, regardless of their position vis-à-vis the content, or whether they had a vested interest, one way or another.
  - Ask students to share any other options or ideas that arose during the activity.

# Chapter 7:

## Students and Teachers Take Social Action to Protect Freedom of Expression and Address Incitement to Racism

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### Introduction:

Thus far, this program has focused on the importance of free speech to the democratic rule and lifestyle. It has also examined conflicts between free speech and other democratic values/rights, as well as conflicts with non-democratic values/rights. The activities in chapters 1-6 were mostly theoretical, and served to facilitate in-depth, knowledge-based conversations. Yet protecting free speech and combating incitement to violence requires us to go further – we must take social, political, and effective action. Ideally, this would take place at school, in the community, online, and in the public sphere.

This chapter focuses on such social action, starting at school and gradually moving outwards into the community.

This program assumes that any such activities will be a collaborative effort between the teachers and the entire school community. A list of suggested activities appears below. These may be incorporated into the curriculum, school-wide ceremonies, class trips, and more.

The first part of the chapter focuses on teacher-led activities, which students may help plan and execute. The second half features student-led activities, and it comprises a number of elements:

- Summarizing and debriefing the entire **Words Matter** program.
- Selecting topics that the students would like to promote.
- Helping students develop the necessary skills for becoming social activists.
- Gaining experience implementing social activities related to free speech and combating incitement to racism.
- Reflecting and learning from the process, feedback, and evaluation.

These activities may be incorporated into the curriculum, applied as part of the civics assignment, social matriculation, civics or homeroom teacher lessons, encounters between Jewish and Arab schools or religious and secular schools, co-existence oriented schools, the student council, or any other activity or framework deemed appropriate.

The Adam Institute and ACRI staffs are happy to provide guidance to schools as they embark on this final chapter of learning.

## Suggestions for Combating Racism and Incitement at School

This can be done in one of two ways: **Preventing** racism; **Responding** to racism;

We suggest that teachers lead activities focused on prevention, while involving students in the planning and implementation stages. The students may lead activities focused on responding to racism, if and when it occurs at school.

### Preventing Racism

Any activity aimed at preventing racist behavior by students, whether at school, in the community, or online, requires groundwork and the involvement of the entire educational staff. Humanistic and democratic values may be instilled daily, via the curriculum, field trips, ceremonies, and more. In a multi-cultural society, these values may be expressed in myriad ways and in many languages.

The list below includes ideas for implementing these values at secular and religious public schools. These are just the tip of the iceberg; many other options exist, from democratizing the entire education system (creating democratic, multi-cultural schools where students from all religious and national backgrounds study together), to implementing these principles within extant schools and frameworks.

Educators should ask what preventative actions can be taken school, and what underlying assumptions are crucial to success?

1. **Make everyone visible:** The school community includes many different people: students, teachers, maintenance staff, therapists, parents, and more. Some of these are less visible, their names less-known, and their voices unheard in decision-making processes. For example, the maintenance and cleaning staff usually belong to disenfranchised groups; they serve the majority but are not its equals. Often, the very existence of marginalized groups leads to prejudice and de-legitimization. Recently, following terrorist attacks, teachers and parents suggested distancing Arab service staff from the students. This suggestion received very little opposition, since the students and their parents do not see these workers as having equal rights. What can we do?
  - Hang banners at the entrance to school, with the pictures and names of the entire staff (this is a common practice in businesses in various countries).
  - Hold introductory encounters between the students and the workers who belong to disenfranchised groups.
  - Highlight the contributions of these “invisible people” to society, so that they are identified not only with their service positions. For example, they may accompany class trips, teach and share from their personal knowledge, etc. When tensions rise, take drastic steps: bring together students, teachers, and members of the marginalized groups to share thoughts and feelings. Creating distance will lead only to further alienation and de-legitimization.

4. **Increase awareness of anti-racist activities:** Most schools have posters of the nation's leaders, national ceremonies, military victories, etc. Any school dedicated to educating for democracy, humanism, and fighting racism must allocate space on its walls, hallways, and yard for the heroes and heroines of civil struggles. These permanent or rotating exhibitions may feature images and/or documents attesting to the achievements of humanity. The images should reflect the different groups at school, as well as cultures and nations that share this educational goal (e.g. Rosa Parks, Martin Luther King Jr., and Nelson Mandela, alongside noteworthy Israelis, both Jews and Arabs). Encountering such leaders on a regular basis may encourage students to adopt a different form of authoritative behavior, alongside, or instead of, the ones practiced today.
5. **Reverse power relations:** Educators should work to make visible the leaders/heroes of disenfranchised groups at school, in order to dis-associate weakness at school with weakness in the public sphere. This may empower students belonging to these groups and change how they are perceived by the community. For example, leaders of the Ethiopian community, their past and current representation in the parliament, and their steadfast leadership that enabled the community to immigrate to Israel.
6. **Celebrate civil and universal holidays:** Alongside multitudes of cultural and religious holidays, the United Nations has defined a number of secular holidays: International Day for Tolerance, Universal Children's Day, International Women's Day, International Mother Language Day, and others. The entire community can celebrate together, regardless of religion, race, or gender. This may foster a feeling of belonging usually enjoyed by only part of the school community, due to religious or cultural differences.
7. **Incorporate civil and anti-racist activities into other social events:** Leverage available resource to educate the students about civil values and the elimination of racism. For example, schedule class trips to include regions that suffer from racism and learn about the topic first-hand (e.g. Tel Aviv Central Bus Station, southern Tel Aviv, unrecognized Bedouin villages, and segregated areas such as Upper and Lower Nazareth, exclusive communities, the Holot detention center, etc.). If you prefer a positive activity, visit sites of cooperation, such as bi-lingual schools, religious-secular schools, and more.
8. **Joint music:** Invite musical ensembles whose members belong to polarized groups, such as Jews and Arabs, or religious and secular Jews. This will help reduce dehumanization and demonstrate that joint and shared living is possible.
9. **Humanistic pedagogy against racism:** Humanist values can be incorporated into any subject: literature, history, social science, and humanities (this alone would require an entire article or book). Humanist values can also be incorporated into less-obvious subjects, such as language arts, where students can learn about

international treaties to combat racism or struggles against racism in countries that speak a particular language. The importance of Israeli students learning Arabic, Russian, and Amharic at school cannot be overstated. (While these languages are extremely challenging, such lessons will encourage native speakers, reversing power relations within the classroom.)

10. **Athletics, art, film, theater, etc.:** Joint lessons may be held with groups of “other” students. Joint activities, specifically cooperative artistic endeavors, reduce dehumanization and foster positive feelings between participants. If polarized groups cannot physically meet, indirect encounters may be held, by introducing students to other cultures, religions, and art. The Adam Institute's program, Encounters at the Cinema, is one such example.
11. **Specific programs focused on combatting racism,** such as this program and other curricula by the Adam Institute and ACRI, available online or the offices.

These examples don't require structural changes nor do they introduce democratic processes. Nonetheless, they can significantly contribute to reducing racism at school. They may be part of other school activities, but will be most effective as part of a comprehensive educational process.

## **Addressing Racism at School**

As noted above, the school should take long-term preventative measures against racism. Yet at the same time, if/when racism is expressed, the school should take short-term measures to address incidents, as they occur.

Many teachers are interested in learning skills for coping with racism at school and responding when their students are racist or use derogatory terms, or even participate in violent and racist events.

The following list includes strategies to help teachers. While responding to specific events may be effective in the short-term, only long-term, comprehensive educational processes may prevent future events.

1. **Clearly stand up to racism, while legitimizing open, honest discussions:** When confronting racist behavior or speech, teachers may take two different steps, which may (wrongly) seem contradictory. First, clarify your staunch opposition to such behavior, while asking the students to explain themselves. In his article **Racism, Identity, and Education**, Yoram Harpaz writes, “Students who act in racist ways are often the victims of racism outside of school. Showing empathy towards them (and not their actions) may reduce their motivation to act in racist ways, more so than removing them from the conversation about their actions.”<sup>24</sup>
2. **Address racism as a collective problem, not an individual problem:** Racism

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<sup>24</sup> Yoram Harpaz, "Racism, Identity, and Education," *Hed HaChinuch* (Dec. 2014; Hebrew).

is made possible by those who act, along with passive bystanders. When raising the question of racist behavior at school, consider the students who do not speak up as supporting racist views. Frame racist behavior as a group activity, in which those who act and those who remain silent are equally implicated. As such, address everyone as being equally responsible. The teacher's role is not to assign blame to the entire class, but rather examine who is responsible and how each student contributes, whether actively or passively, consciously or unconsciously.

3. **Acknowledge power relations in the classroom and at school:** Teachers and educators tend to address only visible racism and perpetrators. Yet other groups may be less visibly racist, often going unnoticed and un-condemned. This may align with power relations school. Acknowledge and condemn both kinds of racism, highlighting that not only the disenfranchised are racist. For example, communities or towns that require potential residents to apply and undergo an interview may be no less racist than banners calling to exclude particular groups from the public sphere. Teachers who present both these examples will enable their class to conduct a discussion that itself is free of racism (rather than simply accusing weakened groups of racism).
4. **Foster a complex conversation – "transform the conflict into a dilemma":** Teachers should utilize a wide range of facilitation skills to cope with, and combat racism. Additional information is available at the end of this booklet (in Hebrew).

## **Activity 1:**

### **Developing Anti-Racism Programming at School**

**Goal:**

- Plan a school activity to combat racism.

**Materials:**

- ✦ Cards, each with a headline and suggested activity (examples below)
- ✦ Sheets of poster board, Markers, Pens/pencils
- ✦ Planning flowchart (optional, attached in activity no. 5)

**Activity:**

1. Spread the suggested activity cards in the middle of the circle, and give students time to peruse them.
2. Ask the students to stand near the activity they'd like to be involved in, thus forming working groups around each suggestion.
3. Provide time to plan their activity, using the flowchart if necessary.
4. Set a time to continue working, and a time to check in on their progress.
5. Set a date for the students to present their activities. This may coincide with one of the universal holidays mentioned above.

## Suggested Activities

### **Make everyone visible**

The school community comprises many different people: students, teachers, maintenance staff, therapists, parents, and others. Some groups are less visible, their names less-known, and their voices unheard in decision-making processes.

### **Increase awareness of anti-racist activities**

Allocate space on the school's walls for the heroes and heroines of civil struggles. These permanent or rotating exhibitions may feature images and documents that relay their life stories, while reflecting a diversity of communities.

### **Reverse the power relations**

Introduce students to leaders or significant figures in the Ethiopian/Arab/Mizrachi communities.

### **Celebrate civil and universal holidays**

International Day for Tolerance, Universal Children's Day, International Women's Day, International Mother Language Day, and others.

### **Incorporate civil and anti-racist activities in other social events**

On class trips, visit areas across Israel that suffer from racism and learn about the topic first-hand (the Tel Aviv Central Bus Station, southern Tel Aviv neighborhoods, unrecognized Bedouin villages, etc.), or visit sites of cooperation, such as bi-lingual schools, religious-secular schools, and more.

### **Joint music**

To mark special events, invite musical ensembles comprising diverse musicians.

### **Humanistic pedagogy against racism**

Incorporate humanist values into any subject, such as literature, history, art, sociology, language arts, and more.

### **Athletics, art, film, theater, etc.**

Hold joint lessons with "other" groups, or introduce other cultures, religions, and art.

### **Specific programs about racism and addressing it**

A joint research (or other) project.

## **Activity 2: Addressing Racist Speech in the Classroom**

### **Goal:**

- Create a social, class-, or school-wide treaty against incitement to racism.

### **Materials:**

- ✦ Blank paper, Pens/pencils
- ✦ Additional information, see bibliography (p. 101)

### **Activity:**

- 63 Ask students to recall an instance when they experienced or expressed racism. Ask them to reflect upon their feelings and thoughts at that time.
- 73 As a group, decide which forms of racism they'd like to combat. Be sensitive to students who shared, and protect them if necessary.
- 83 Divide participants into groups of five, for the following tasks:
- Suggest one rule they'd like to enact at school, to reduce the behavior shared in the first part of the activity.
  - Think of ways to address violations of the rule, and who should be responsible for enforcement/sanctions.
- 93 **Discussion:**
- Have each group write their proposal on the board and explain.
  - Vote on the suggestions and word a binding treaty on addressing incitement to racism. Be sure to clarify and agree upon what constitutes incitement.
  - As a group, decide whether/which, sanctions will apply to violations, and who will be responsible for enforcement/sanctions.

## Activity 3: Project Ideas

### Goals:

1. Brainstorm ideas for student-led projects to protect free speech and address incitement to racism.
2. Learn about, and be inspired by, past projects at school, in public, or online.

### Materials:

- ✂ Blank paper, Markers, pens/pencils, Glue
- ✂ ~10 sheets of poster board or butcher paper (keep for activity no. 4!!)

### Activity:

1. Gather ideas:
  - Ask each student to write down any activities and projects they've encountered on this topic.
  - Ask students, working alone or in pairs, to write a proposal for a school- or community-wide activity or initiative that will raise awareness and/or address threats to free speech, or address incitement to racism. This may be based on previous experiences or an original idea. Make sure students use large paper and write clearly.
2. Rotate: Students sit with one another to hear about each other's proposals. Rotate every few minutes, so that everyone hears about every project.
3. Along with the students, group together similar proposals and initiatives. Glue each group onto a separate sheet of poster board, and hang on the wall.

 **Facilitator notes:** Don't lose the poster boards, you will need them for the following activity!

## **Activity 4:**

### **Circles Workshop: Collaborating on Social Activism**

#### **Goals:**

1. Introduce students to ways to collaborate on socially-oriented projects.
2. Expose students to different types of activity and spaces.
3. Present ethical, political, and practical dilemmas that may emerge when organizing social-political activities.

#### **Materials:**

- ✚ Poster boards from the previous activity
- ✚ Additional pieces of poster board/construction paper in different sizes
- ✚ Scissors and markers for all participants, Pens/pencils, Blank paper

#### **Activity:**

1. Ask each student to select one idea from the poster boards, or propose a new school- or community-wide activity.
2. Ask students to cut a circle from the additional poster board, and write the name of their chosen proposal. Place these circles on the floor in the middle of the group. (These will be re-used during the next activity!).
3. Ask students to walk around and read the new proposals, and stand next to the one they're interested in joining.
4. Through this process, four types of participants will emerge:
  - Participants standing alone at their project.
  - Participants standing alone at someone else's project.
  - Proposals with 2+ participants.
  - Proposals without any students.

#### **5. Discussion:**

- a. First, focus on the activity itself:
  - ♥ What happened? How did it make you feel? How did you act?
  - ♥ Did you stick by your own proposal or seek out another's? Why?
  - ♥ Did you consider ways to collaborate? Why?
  - ♥ What kinds of collaboration did you see, or was such behavior absent?
  - ♥ What did you learn about yourself? (The size of your circle, sticking to your project, willingness to collaborate, etc.).
  - ♥ What did you learn about the group? (What do all the projects have in common?)
- b. Addressing the proposed projects, raise the following questions:

- ♥ Which proposals were suggested? What did you learn about them?
- ♥ Which proposals were not selected? Why? Which were most popular?
- ♥ What did you learn about the kind of projects that interest your peers?
- ♥ What did you learn about the type of projects possible in terms of promoting and protecting free speech?
- ♥ In retrospect, would you have joined a different proposal?
- ♥ Under what circumstances would you join someone else's project? Or did you stick to your own project?
- ♥ Which projects are more likely to succeed: those implemented by individuals, or those created collaboratively?

**6. Debriefing:**

1. Ask students to clarify what they learned from this process, and what they learned about the group and proposals. At this point, you might want to begin touching upon the content of the proposals.
2. Ask what they can learn about projects created by individuals, compared with projects created by a group.

 **Facilitator notes:**

- Highlight any and all forms of collaboration you observed during the activity.
- Collect and save the circles, they will be the starting point for activity no. 5.

## **Activity 5:** **Students as Social Activists (Planning Projects)**

### **Goals:**

- Begin planning a project aimed at protecting free speech and against racism.

### **Materials:**

- 📌 Project planning flow chart (appears below)
- 📌 Pens/pencils
- 📌 Circles with proposed projects (from activity no. 4)

### **Activity:**

1. Ask students to re-word their chosen project, and decide whether they'd like to work alone or collaboratively.
2. Distribute a planning flow-chart to each student, to help them develop their project step-by-step (whether working alone or collaboratively). Begin filling out the chart together. They may add stages or change the order, as necessary.
3. Ask the students to present their charts in plenary.
4. **Discussion:** After hearing from the different groups, discuss the planning process:
  - ♥ How did you share with one another?
  - ♥ How did you ensure that everyone was involved?
  - ♥ Did your group follow the stages towards realizing your project?
  - ♥ In the process of planning your project, did you listen to every group member? When? Who determined the necessary stages, and why?
  - ♥ What are the advantages/disadvantages of collaborative work?
  - ♥ Is such collaboration helpful or detrimental to your project's goals?
  - ♥ How would you improve the process of your collaborative work?
  - ♥ In summary, what order of stages protects everyone's equality and rights?

## Planning a Joint Project

**1. Group members:**

**2. Outline the project:** Identify a problem, how this project addresses it, its goals, and target audience.

**3. Division of jobs:** Outline and divide tasks among participants. Non-group members may also help.

Job	Name

**4. Factors that may delay/advance the project:** What might advance the project, and what obstacles might you face? How can you leverage available assistance while overcoming challenges?

Assisting factors	Obstacles

**5. Necessary resources** (classroom time, buses, a meeting place, etc.)

**6. Stages and schedule (for the next 3+ stages).** For example, presenting the project at school, teaching students, meeting with teachers, begin implementation, deadlines, etc.)

Stage	Schedule

**Notes:**

## Closing Activity

We have come a long way, and the program is coming to an end. At this point, it is worth reviewing the students' learning, the processes they underwent, and the activities in which they participated.

- You may choose to summarize by distributing a printed outline of the program, and/or provide students with the program itself.
- Alternatively, you may ask students to recall what they learned, enjoyed, and remember from the program, while noting their comments on the board.

This activity aims to help students reflect on their learning, and help teachers examine whether they created meaningful educational experiences for their students.

Additionally, this activity will help the facilitator say goodbye and thank the students for their participation, cooperation with one another, and contributions to the discussions and activities.

The students' participation can itself be a wonderful example of how free speech enables us, as individuals and as a group, to grow together.

As a group, discuss the following points:

- What did you learn about free speech and its realization in Israeli society?
- What did you learn about incitement to racism, and its expression in Israeli society?
- What did you learn about yourself, vis-à-vis free speech, incitement, and racism?
- What did you learn about other people in this context?
- Did you develop any ideas for educational projects, and if so, how would you like to implement them?
- Anything else participants would like to tell the facilitator.
- Anything else participants would like to share with the group.
- What do you need in order to implement your project?

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**Additional sources are available online:**

The Adam Institute for Democracy and Peace: <http://www.adaminstitute.org.il/>  
 ACRI – The Association for Civil Rights in Israel:  
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Freedom of Expression is a fundamental democratic principle. And more so in the Israeli society, which is characterized by multiple cultures, profound moral disputes and a protracted national conflict. The unique characterizations of the Israeli society require from educators deepen their students' understanding of the importance of Freedom of Expression in democracy on the one hand and the distinction between it and racist incitement on the other. Educational activity on these issues are important not only as a reaction to extreme cases that reach the public agenda, but also because dilemmas and questions related to freedom of expression and racism are part of the daily life of the youth, and their extensive activity on the social networks.

The **"Words Matter"** curriculum provides students with theoretical knowledge and practical skills to discuss current events within the context of Freedom of Expression and its limitations..

**The Adam Institute and The Association for Civil Rights in Israel is inviting** Jewish and Arab Middle and High-school educators in Jewish and Arab to join the action.

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جمعية حقوق المواطن في إسرائيل  
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