

2010

When can a distinguished jurist attend his grandson's bar mitzvah?

Stephen Ellmann

NOW WITHOUT HESITATION

SATURDAY, APRIL 24, 2010

When can a distinguished jurist attend his grandson's bar mitzvah?

Meanwhile, in South Africa:

Today's *New York Times* reports (Barry Bearak, "S. African Jews Relent on Bar Mitzvah," April 24, 2010) that Justice Richard Goldstone will be able to attend his grandson's bar mitzvah after all. Justice Goldstone, an extraordinary figure who opposed apartheid as a judge in the old South Africa, helped shape the country's new constitutional jurisprudence as a member of post-apartheid South Africa's Constitutional Court, and also served as the first prosecutor for the international criminal tribunals for the former Yugoslavia and Rwanda, is most recently the author of a report for the UN Human Rights Committee on Israel's military action in the Gaza. The *Times* comments that while the report criticizes both sides in the conflict, its sharpest criticism is directed at Israel's actions, and Israel responded to it with outrage and so have many Jews. Fine -- Justice Goldstone is no stranger to controversy and can certainly defend himself.

But in a dreary development, some South African Jews apparently let it be known that they would mount a demonstration at (or in?) the bar mitzvah of Justice Goldstone's grandson in Johannesburg. The *Times* now reports that "the South African Jewish Board of Deputies, which represents most of the country's synagogues, issued a statement that outlined something like a quid pro quo: a promise of no protests on the bar mitzvah boy's big day, in exchange for a meeting between the judge and the leaders of the South African Zionist Federation and other Jewish organizations."

I'm glad that Justice Goldstone will be able to attend his grandson's bar mitzvah. The boy is entitled to have his grandfather there, and for that matter Justice Goldstone is entitled to be with his grandson. Perhaps there is, in principle, no absolute immunity from having political conflict invade personal life; we are not entitled to behave monstrously at work and then go home and enjoy domestic tranquillity. (Hence demonstrators sometimes march to their targets' homes, here in the United States.) But if there is no absolute immunity, there surely is *some measure* of immunity: life is, in general, hard enough without losing the comfort of home.

One might say that in politics, as in the law of war, there should be a

requirement of proportionality: what can be accomplished by a demonstration should be weighed against what will be lost. Here it's particularly hard to see what can be accomplished: Justice Goldstone's report is public, and Jewish outrage against it can be expressed in many venues -- what was to be gained by adding his grandson's bar mitzvah to the list?

But whatever one might say about the intersection of the personal and the political in general, this particular instance raises another feature. Justice Goldstone helped South Africa to free itself from apartheid, and that was a profound service to his country, including all its citizens. Those South Africans who contemplated demonstrating at his grandson's bar mitzvah evidently felt so much anger on Israel's behalf that they felt no need to temper their response in gratitude for what Justice Goldstone had done for them. That's very sad.
