

## **Why Benefiting a Person Cannot Constitute Discrimination against Her: In Support of a Narrow Interpretation of Discrimination**

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The district court of Lydda recently decided that an insurance company that offered to change a flat tire without charge for female drivers, while charging male drivers 80 NIS for the same service, violated the Law against Discrimination in the Provision of Services. The court ruled that this clause in the insurance policy discriminated not only against male drivers but against female drivers as well. The court based its decision on the argument that although the policy benefited women in the short run, in the long run it solidified negative stereotypes of women as weak, vulnerable and dependent on men and therefore could be seen as discriminatory against them. The article objects to this line of reasoning, proposing a distinction between the question whether some act or policy discriminates against some individual and the question whether the act or policy has (or could be expected to have) unwelcome outcomes. It contends that the fact that some act or policy leads (or is expected to lead) to an unwelcome result in terms of prejudice against some minority group is neither a necessary nor a sufficient condition for its being discriminatory. Thus, the Law against Discrimination in the Provision of Services applies only to cases in which the victims of discrimination are made worse off, because of their group membership, in comparison to others similarly situated. Also, this law applies only to direct victims of discrimination, for instance, victims of racial profiling at an airport, but not to all members of their racial group, although they may all suffer from such discriminatory and humiliating policies.