

Opinion Israel's Show Trial of Ahed Tamimi



The Palestinian girl is not a citizen of a democratic country; Israeli law does not apply in the West Bank. What avenue does she have left except revolutionary action against the tyrannical regime that controls her life?

The mishmash of an indictment filed by the State of Israel this week against Ahed Tamimi is a document that causes queasiness and puts a moral stain on its authors. Queasiness about a “legal” system that could produce such a document, and a black mark on the state of which this is its government, these are its lawyers, and these are its citizens: millions of Israelis who are effectively signatories to an indictment against one non-citizen.

But the accuser, even after piling on every possible charge, including “attempting to influence public opinion in the region,” stone throwing, “us[ing] her leg to block the line of fire” of the border policeman who was about to shoot at protesters, and cursing and threatening soldiers – even with all of this, the accuser could not bring itself to simply state the accused’s real sin, the one that cries out from every line of the indictment: the terrible crime of a 16-year-old girl resisting the occupation.

Thus Israel is demonstrating how well it has internalized the origins of totalitarianism and put them at the heart of its control over millions of “non-persons” in that faraway place that is barely 10 kilometers from here – that void referred to in the legal language invented by Israel as “the region.” The region where people live without basic civil rights unless, of course, they are Israeli. The region in which the country’s laws “do not meet the demands of human rights.” The region where millions of people “are left with no other authority to protect them.” The region where anyone who resists the regime knows what fate holds in store for him.

For just as Hannah Arendt wrote, hope for change can only come about through legislation in democratic countries, or through revolutionary action against despotic regimes. Ahed Tamimi is not a citizen of a democratic country. Israeli legislation does not apply to her or

her people. What avenue does she have left except revolutionary action against the tyrannical regime that controls her life?

And what is there for this regime to do but trample any spark of resistance?

In December 2017, Israel did not have to make up anything or go to any special effort to produce the current totalitarian spectacle. The military, legal and administrative authorities were all experienced and in place. The hundreds of sections of the “order concerning security instructions” waited, as always, for orders from the military prosecutor, waited for the right moment to home in on the right defendant, in a place where any kind of resistance is “incitement” or “harming the security of the region.” We can incarcerate any Palestinian as long as the regime decides that he or she is deserving.

It wasn’t only the military injunctions that were waiting to be enforced. It was also the norms imported from Israeli law into the region by enlightened military judges, law that was enacted for citizens like them, but which they, due to the “danger posed by the defendant,” are so kind as to enable the accused of the region to benefit from as well, such as, for example, the Palestinians who automatically get to enjoy everything detention has to offer until the conclusion of legal proceedings. And so we see police officers, wardens, prosecutors and judges acting “in accord with the law” so that this shouldn’t, heaven forbid, be done “in the dark” or “without witnesses and cameras” as one journalist publicly fantasized. No, here all this is happening in the light of day, and there will be witnesses, and there will be cameras, and the moral stain and queasiness will turn the stomach – or maybe not.

As Arendt wrote in another context, which is essentially the present context, the Palestinians’ fate is not defined by their being unequal before the law, but by the fact that no law exists for them anymore. The military injunctions dictated by a tyrannical foreign ruler can never count as “law.” The day will come when the Palestinians’ fate will no longer be defined this way – on the day they gain their freedom. The conclusion of what all this says about the tyrants who proclaim the “rule of law” and what determines their fate – our fate – has been writing itself for more than 50 years.

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