

Judges on Trial

Yael MUNK

The Occupied Territories are largely absent from the Israeli public sphere. Few movie directors even bother to tell their story anymore. Documentary maker Ra’anan Alexandrowicz has risen to the challenge in a powerful work that uses cinematic techniques to denounce the worldview responsible for the institutionalized miscarriage of justice by the Israeli military administration “in these parts.”

Reviewed: Ra’anan Alexandrowicz, *The Law in These Parts*, Israel, 2011.

Often defined as the only democracy in the Middle East, Israel can also be considered one of the last colonialist states in the Western world. The definition of colonialism as a practice of domination, involving the subjugation of one people by another, refers to a practice that began in Europe in the sixteenth century and ended with the national liberation movements of the 1960s. In the case of modern-day Israel, colonialism began just after the 1967 Six-Day War, when Israel conquered large areas of the Jordanian West Bank and the Egyptian Gaza Strip, today referred to as the “Occupied Territories;” and it is this colonialist aspect of Israel which seems to contradict its claim to democracy. For the last forty five years this contradiction has been at the heart of major disagreements in the Israeli public sphere, disagreements that have also been reflected in various art forms, including cinema. Indeed, Israeli cinema has come a long way since its first attempts to relate to the Israeli-Palestinian conflict. It did not turn political immediately after the Six-Day War and it took almost

a decade, and another war (the Yom Kippur War, 1973), to unfold its position regarding the new political-territorial constellation. Today it seems that what really precipitated the adoption of a clear stand was the political reversal that, in 1977, led for the first time to a right wing-Israeli government. From that moment on, Israeli cinema has sought ways to express its discontent, its guilt feelings and its empathy for the Palestinian Other. Feature films such as Judd Ne'eman's *Fellow Travelers* (*Magash HaKesef*, 1984) or Uri Barabash's *Behind the Bars* (*MeAhorei HaSoragim*, also known as *Above the Law*, 1984) expressed Israeli filmmakers' desire to reach out to the Palestinian Other. The pessimistic endings of those films, however, did not promise a better future.

Political Documentary Film-making after the Second Intifadah

When, in 1987, the Israeli occupation entered its 21st year, the rather passive Palestinian attitude towards the Israeli military presence underwent a radical change, the most dramatic expression of which was the popular uprising known as the *Intifadah*. It began in the occupied territories as the utmost expression of the Palestinians' frustration and despair, but was swiftly suppressed by the Israeli army, causing many casualties on the Palestinian side. As a reaction to the violent riots, Israeli intellectuals, and filmmakers among them, did their best to express their support for the Palestinian struggle for liberation. One such film was Ido Sela's *Testimonies* (*Eduyot*, 1991), which together with the Israeli peace activist movement, "The Twenty-First Year," collected testimonies from Israeli soldiers concerning a specific violent incident that had taken place in the Judea-Samaria occupied territories. The Israeli audience, however, was not ready to listen to this kind of testimony and, as a result, this important document that presented the personal remorse of some Israeli soldiers involved in the suppression of the Palestinian uprising was forgotten.

A decade later, a similar version of testimonies began to appear in the Israeli public sphere, under the auspices of a new political movement called "Breaking the Silence." This movement, consisting of veteran Israeli combatants, held a photo exhibition in Tel-Aviv in 2004, exposing private photographs which depicted the harsh routine in the occupied Palestinian town of Hebron. In fact, the exhibition invited Israeli citizens, who are mainly informed by the Israeli media, to look at

another face of the occupation, particularly at the role of the private Israeli soldier who must carry out the Israeli occupation policy. These photographs as well as the written testimonies that accompanied them introduced an insider's point of view of the unbearable and yet ignored situation, a situation which has severe implications for the Israeli politics, but also, as "Breaking the Silence" stresses, for the consciousness and morality of the Israeli society. These non-professional shots brought "Hebron to Tel-Aviv," illuminating what had been left intentionally obscured in the news covering of the occupation. As such, these photographs took part in the image war of the Middle East and acted as agents of memory, by creating a new visual archive of the Israeli occupation, emphasizing the personal soldier's point of view, a point of view that for the first time, was about to compete with the official media coverage of the occupation.

The still photography exhibition was viewed beyond Tel-Aviv, in Israel and abroad. It was accompanied by video documentations, according to the "talking head" format, a format usually reserved in the documentary tradition to the experts' commentaries. But here, the Israeli Defense Forces soldiers took upon themselves the role of the experts and simply delivered their testimony to whoever was willing to listen, either in the exhibition hall or, as it is screened today, inside virtual spaces such as YouTube. These short clips, watched by hundreds of thousands worldwide, contain detailed testimonies of veteran soldiers, depicting their routine humiliation of Palestinian citizens which took place only a few years earlier, as well as their reflections on their past actions. In retrospect, they contributed to the revelation of the victimizer's own subjectivity, thus deconstructing the frontier between "citizen" and "soldier." For the first time, the Israeli soldier on screen seemed at odds with the military system, rather than an integral part of it.

The same approach—attempting to retrospectively evaluate the Israeli soldier's acts according to a civilian moral code—can be found at the basis of the most well known Israeli feature films of the last decade, especially in "The Lebanon Films:" *Beaufort* (Sider, 2006), *Waltz with Bashir* (*Waltz Im Bashir*, Folman, 2008) and *Lebanon* (Maoz, 2009). Under the influence of a new political discourse enabled by the "Breaking the Silence" testimonies, these films focused on the Israeli soldier's subjectivity in an extreme experience that had been imposed upon him. But though

these three films received international recognition (two nominations for an Academy Award [*Beaufort* and *Waltz with Bashir*] and a Grand Prix at the Venice Film Festival [*Lebanon*]), the Israeli cinema abandoned the still open issue of the Palestinian suffering in the occupied territories in favor of its suffering soldiers.

Today the occupation has ceased to be part of the Israeli filmmakers' agenda and is treated only in some films created by activist movements. These movements, who are fully aware of the testimonial power of the camera, are involved in activities on a regular basis, the best-known being the "Anarchists against the Wall," which organize weekly demonstrations, and the Woman's group of "Machsom[Check-Point]Watch," which conduct observations and monitoring of the occupation's main facilities—checkpoints, military courts, etc. Some members of these resistance movements document the protests, using their documentation as an alternative broadcast of routine confrontations between Palestinian villagers and their Israeli supporters and the IDF soldiers in charge of implementing the occupation laws. Shay Carmeli-Pollack's *Bil'in My love (Bil'in Habibti, 2006)* is one of such attempts at documentation. The film follows the Israeli and Palestinian efforts to resist the implementation of the Israeli Supreme Court's decision to enable the legalization of the new neighborhood of Modi'in Illit, built on a land that Palestinians claim belongs to Bil'in. Since then the weekly demonstrations of Bil'in have become a symbol of resistance to the Israeli occupation and their broadcasting have created one of its alternative political voices.

How to Judge Judges

In this sense, documentary filmmaker Ra'anan Alexandrowicz's *The Law in These Parts (Shilton HaChok, 2011, produced by Liran Atzmor)* represents a breakthrough in Israeli political cinema in general. Besides his being a political activist in the territories, Alexandrowicz has already directed one important political documentary, *The Inner Tour (HaTyul HaPnimi, 2001)*, where he accompanied a Palestinian tour group on a three-day sight-seeing trip to Israel. Shot shortly before the second Intifadah (*Intifadat El-Aksa*), *The Inner Tour* represents a moving documentation of those who could not forget what they hardly knew and reveals the longings of these Palestinian exiles for their homeland as well as the persistence of their memories after years of occupation.

The Law in These Parts comes ten years after *The Inner Tour*, after Alexandrowicz has carefully collected and classified the necessary evidence and footage to proceed with a judgment of the judges—these same judges who elaborated the guidelines of the Israeli occupation laws and attempted to enforce them on a population that began to resist. Contrary to most Israeli political films, it does not document the encounters between the IDF forces and the occupied Palestinians of the West Bank; it does not interview the latter or the Jewish settlers; and it does not interview Israelis who either support or disagree with any peace process. Rather, it uses a very subtle way to introduce a series of interviews of several military attorneys—among them Brigadier Generals Alexander Ramati, Dov Sheffi, Amnon Strashnov and the former president of the Supreme Court, Meir Shamgar, who was the Military Advocate General between 1963-1968. All of them agreed to take part in the project, as they explained to themselves and to the camera the decisions that they took at crucial moments of their careers of representatives of the Israeli State.

The film is comprised of two parts. The first recounts chronologically how the State of Israel carefully sought to act according to international law; and [the second](#), how the Israeli government found ways to legalize Israel's occupation and settlement of the West Bank territories.¹ Each scene focuses on the testimonies of the military judges who applied the laws of the military rule in the occupied territories, from the beginning of the occupation following 1967, through the *Intifadah*, and up to some of the major legal impasses now reached by the military courts, most notably the silent but systematic legitimization of torture and the methodical killing of individuals considered a threat to the country's security. Alexandrowicz takes it upon himself to investigate for the first time those who have formulated and implemented the law in the occupied territories: former military judges, lawyers, and legal advisors— some of whom have become important Israeli public figures.

¹ One of the most flagrant techniques was the law of the "Dead Lands," implemented when Ariel Sharon joined Menachem Begin's Likud. Inspired by Ottoman law, it allowed the confiscation of a person's land if this person was living sufficiently far away from her house. In 1979 Sharon adopted this law in an attempt to legitimize the first settlements of the right-wing movement Gush Emunim.

Not limiting itself to the facts, the film confronts the judges with a rigorous cinematic method absolutely new in Israeli films about the occupation. Alexandrowicz resorts to an academic argumentation that confronts the interviewees' declarations with the consequences of their deeds, which appear in the form of archive television footage on a green screen, to the right of the interviewee. This technique (known as the "blue screen technique"), which usually allows to retrospectively insert visuals into an empty television studio, e.g. in news or weather broadcasts, serves here to create a dramatic contrast between what is said and what is really going on, thus subtly reproducing the distance between the law and its implementation by the military administration in the occupied territories. The impact of the mimicking effect is made even greater by the fact that most of the military judges interviewed are not aware of the blue screen technique and respond to the director's questions as if they were the sole source of truth: by placing the interviewee in a purely cinematic space, Alexandrowicz takes a clear advantage over his subject, just like judges do over Palestinian detainees in court. The voice of the filmmaker accompanies the investigation, and his camera focuses on the tiniest expressions on the faces of those who in the past have made the law in the territories, while his own face remains outside the cinematic frame. The use of the "blue screen" enables him to re-contextualize his subjects' text in a manner that serves his argument—a typical stratagem of IDF judges in court, who provide only the information necessary for the success of their demonstration.

This dramatic choice appears linked to the filmmaker's intention to judge the judges, and to turn the spectator herself into a judge. When the spectator notices the interviewees' embarrassed smile or unease, she understands, despite their declarations, that they would choose the same path all over again, since, as they say, they were chosen by the State to formulate and enforce the law in these parts. Alexandrowicz is fully aware of the complex and ambivalent mission imposed on him as a documentary filmmaker. At the film's very beginning he declares in voice-over: "The common assumption is that a documentary is reality, as opposed to a fiction film that tells the story of fictitious events. This definition may be correct but it is not accurate enough." Throughout the film, he seeks to reveal the gap between what is "seen" (mostly foreign television channels footage and documentation from independent sources, which are not part of the juridical evidence used in the military

trials of Palestinians) and what is “said:” the expression of the deep convictions as well as the partial memories of the judges, who all too often contend that, under the circumstances, they did well. In accordance with his mimicking approach, the documentary maker uses his cinematic techniques to demonstrate his point which may not be connected to objective truth— just like judges base their convictions upon second-hand testimonies collected by Israeli Secret Service agents under circumstances they chose to ignore.

Questioning Personal Convictions or a System?

In the film’s second part, Alexandrowicz goes even further and interrupts the objective description of the legal decisions that enabled the occupation of the territories, in order to comment on them critically: “I present the historical judgments and the historical events as I understand them. In the world that I present in the film, I declare what is reality.” In so doing, Alexandrowicz uses more than just the “blue screen” to make his point, as two of the final sequences of the film will sufficiently show. In the first, the director reads an eloquent testimony in its entirety:

*File no. 2058 dated 2011. The military attorney against Basam Tamimi:
The accused addresses the court: “His honor, I was born in the year that the occupation was born and since then I have lived in inhuman conditions, deprived of equal rights, freedom and suffering from racism. During my life I have been imprisoned nine times, totaling a period of three years, and this in spite of the fact that I have never been convicted of any crime. Following one of my imprisonments, I became paralyzed by the tortures I underwent...”*

Alexandrowicz ends his reading of Tamimi’s confession and begins rewinding the documentary footage about the Palestinians in the occupied territories. The black and white visuals that were revealed chronologically throughout the film now retell the unspoken beginning of the actual drama of the Israeli occupation, which began forty years ago as a temporary problem and has now turned into a permanent reality. In parallel with the screening of the facts, Alexandrowicz edits the facial shots of the judges taken from different interviews, as if imposing through the editing technique an attention they did not have for the Palestinian side, the voice-over providing the soundtrack to non-synchronic visuals of the judges who now seem to listen to the facts for the first time. Whereas they look at first as if they are not given the opportunity to respond, they end up being identified with an interpretation of the facts

at odds with that which would likely be theirs, had the film's manipulative editing not taken place.

The second sequence, even more dramatic in its result, is the filmmaker's comment on one of the military judges' comment, Judge Pesenson. At one point in his interview, he contends that as an Israeli military judge, he does not need a first-person confession in order to convict a Palestinian and can base his verdict on the paraphrasing of a third party (usually a Palestinian collaborator). The filmmaker comments: "The interview with Judge Pesenson lasted for three hours, during which he told many things. For example, that he had volunteered to judge the arrested Palestinians already in 1988 because many military judges had refused to take the job, that he was the last judge to remain in the Kzyot military detention center because he wanted to read closely the files he dealt with." "To use Pesenson's own words," says the director, "the viewer here receives a paraphrase of his [the judge's] deeds; because, as a filmmaker, I have the right to decide what will be part of the interview and what will be deleted. The spectator cannot ask Judge Pesenson what he thinks about how I edited his interview, the spectator is free to judge his words, but he receives all information only from me." Judge Pesenson, who during the trials believed he could control the situation with the restricted evidence he was provided, becomes here the victim of the same strategy he refused to acknowledge at the time. But is he a victim? The question is left open by Alexandrowicz: whether these judges are the victims of a limited conception of law and justice or of their blind faith in the system in whose name they acted remains unsaid.

The film prefers raising questions for viewers to mull over. Its main achievement lies in its capacity to turn the cinematic medium into a legitimate ground for fighting biased visions of reality as well as partial blindness "in the name of the law." *The Law in These Parts* thus forces the Israeli critical discourse to go back to the issue of the territories. Whereas Israeli political cinema used to tell the tragedy of the Israeli occupation for the Palestinian Other, *The Law in These Parts* chooses to look at the Israeli side of the question. It demonstrates that the tremendous efforts invested in establishing criteria for the implementation of the oxymoronic "enlightened colonialism" did not bring about the expected results. And just like the Jewish legend of the Golem, in which the 17th-century Rabbi Maharal from Prague

created a replica of a human being but lost control of the creature, so too does the Israeli judicial system seem to have been defeated by its own inventions. As the filmmaker suggests to Meir Shamgar, a former President of the Israeli Supreme Court, “Maybe we should have withdrawn from the territories when it was still possible...” But the answer he gets is vague: “Only time and history will tell if our deeds were right or wrong.”

See also:

The film’s website: <http://www.thelawfilm.com/eng>

Betselem (The Israeli Information Center for Human Rights in the Occupied Territories): http://www.btselem.org/topic/international_law

And on *Books and Ideas*: Jérôme Bourdon, “Anastasia and Massouda, The Two Faces of Israeli Censorship,” 19 January 2012.

Published in booksandideas.net 3rd September 2012

©booksandideas.net