Objects or Subjects?
Theoretical Comments on the De-Politicization of the Issue

By Dr. Anat Matar[*]

I would like to open this session dealing with the question of how to define these prisoners with a proposal by Walid Daka, a prisoner who received a life sentence. Walid has been in prison for over twenty years and his life sentence was only recently commuted to forty-five years. In an article which he published in *Adalah's Newsletter* several months ago,[1] Daka argues that the term "political prisoners" rather than "security prisoners" is more appropriate for Arab prisoners who have been convicted of crimes against state security, but that this term is not appropriate, for example, for Jewish prisoners like Yona Avrushmi, Yigal Amir and Ami Popper. Daka's argument is simple: a review of the data indicates that the political motive and the political background for their acts are not the criteria for classifying so-called "security" prisoners as "political". The political nature of this classification stems from the total collaboration of the system against the Arab prisoners, from the structured discrimination against them at every stage, starting with the arrest and trial, and continuing through the conditions for their release. In fact, our entire conference centers on the thesis which Daka presents. I would like to briefly propose an extension of Walid Daka's idea here. But first, I will quote a few words from his article illustrating the importance of the question of classification:

> …We must clarify the issues to be addressed. Is it in the power of one or another definition to worsen the conditions of incarceration, to ease the difficulty of those conditions or to free those prisoners we are intent on releasing? My answer is: yes! We wish to replace the current legal definition with a political definition derived from not only a theoretical, evaluative stance but also a practical political position. The definition "security prisoner" established by the security system, lead by the Israel Prison Service (IPS or Shabas in Hebrew). The concept evolved from the rather vague term "administrative" needs incorporated in an IPS directive, and given a new legal status in selected instances. This status currently justifies the more severe conditions of incarceration imposed on "security prisoners" as compared with "criminal prisoners."

Daka's correct remarks illustrate the twofold importance of the question of classification: its pragmatic and political importance. Here, support for the argument of the importance of classification can actually be found in the ostensibly opposite remarks made by Foreign Minister Tzipi Livni following her conversation with Abu Mazen in New York on 18 September 2006: "Semantics do not interest me. Terror must be denounced even if one calls it resistance." It takes no more than a second to realize that Livni is indeed very interested in semantics. The reason why Livni did not use the reverse wording: "Resistance must be denounced even if one calls it terror," is that this wording sounds completely absurd. And compare the strength of the following two tautologies: "Terror is terror, even if one calls it resistance," and "Resistance is resistance, even if one calls it terror."

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[1] Walid Daka, "Security Prisoners or Political Prisoners," *Adalah's Newsletter*, Volume 24, April 2006. Available at: <http://www.adalah.org/newsletter/eng/apr06/comi1.pdf>

Several hours of research at the British Library in London on the use of the term "political prisoner" yielded the following data: the dozens of books and hundreds of articles discussing political prisoners include in this category, among others, the rebels against the Generals' Regime in Greece, the dissidents in Russia, the opponents of Apartheid in South Africa and despotic regimes in Asia and South America, the prisoners of the Irish underground, and – closer to home – the prisoners of the Jewish underground in Palestine under Ottoman and Mandate rule, and the Palestinian prisoners resisting the Israeli occupation, but not the Jewish prisoners who murdered Palestinians. That is, those who are called political prisoners are perceived as freedom fighters, those who resist foreign rule or a despotic regime. The opposition to classifying them as such reflects a deep-rooted, usually institutional, denial of the justice of their struggle. However, as the Irish precedent illustrates, the acknowledgement that these are indeed political prisoners is a first and important step towards a solution.[2]

Thus, what stands behind the term "security" is first of all the desire to erase the political element, and clearly, there is nothing more political than the desire to erase the political. However, we must not suffice with this, and must also examine how this erasure operates via the phrase "security prisoner." Amira Hass recently wrote about the systemic zigzag between dealing with these prisoners on an individual versus a collective basis. Regular criminal prisoners receive individual treatment; there is no group attribution that affects their conditions. If the so-called "security prisoners" were to receive such treatment, the structural discrimination Walid describes would not be so apparent.

However, if these prisoners were classified, for example, as prisoners of war – many Palestinians indeed speak of them as such – their treatment would be entirely collective. They would not be brought to trial, but rather held as a uniform bloc, without any internal distinctions. Israel, though, chose a zigzag approach. Therefore, it is also significant that this was an indirect choice, made incidentally as the result of a bureaucratic, administrative consideration on the part of the Israel Prison Service. The security designation facilitates a convenient vacillation between the individual and the collective. These prisoners are grabbed, identified, arrested and judged as individuals. But as members of a group the dangerousness of which has been proven through individual judicial proceedings, they are subject to a discriminatory approach at all levels and sweepingly denied of such basic rights as furloughs, and visits by friends and relatives who are not first degree relatives, telephone calls, conjugal visits, and commutation of prison sentences, including life sentences. The collective approach enables treatment of these prisoners as a unified group that poses a security risk, and hence the infringement of the fundamental rights that every criminal prisoner deserves as a single individual, as measured against his individual dangerousness.

Thus the term "security" combines two benefits: it enables political prisoners to be stripped of their basic rights as diverse individuals, and simultaneously enables the de-politicization of their acts and the blurring of their political aims. What is common to both of these benefits is the rejection of the prisoners' subjectivity, both as individuals who deserve personal treatment, and as rational and essentially free beings who aspire to realize their freedom. The term "security" erases the fact that

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[2] Here I would like to note quickly and parenthetically the question that remains far from the quite liberal agenda of this conference – the question of the political nature of every prisoner in general and the question of the status of Palestinian criminal prisoners. But that is really a discussion for another time.

they are subjects and turns them into objects: an *object* – like a collapsing wall, a roof on fire, a sling stone or a knife or fingernails – can pose a security risk from which we must protect our lives. A *subject*, on the other hand, is political, always political.

Denying the political nature of these prisoners and referring to them collectively as "security" prisoners strips them of their humanity on both of the levels noted earlier by rejecting their individuality and their political nature. It is important to note here, however, that the latter – their politicization – is *not* individual. Rejecting the Palestinian political prisoner's political essence is a rejection that goes beyond denying his particular act of resistance; it is necessarily a rejection of the entire Palestinian political experience, a denial that Baruch Kimmerling astutely termed "politicide." The de-politicization, therefore, is not only of the prisoners themselves: the entire Palestinian struggle is denied via the "security" label. The entire political existence is fossilized and turned into a type of dangerous object for the "only individual subject" in its proximity. Thus, their resistance is not resistance and their struggle is not a struggle, because these are words that characterize subjects.

Here we can return to the words of Walid Daka. He turns to institutionalized discrimination to explain why, despite their apparent "nationalistic motivation" common denominator, Arab "security" prisoners are political prisoners, while Jewish "security" prisoners like Avrushmi, Amir, Skolnik and Popper are not. This is not a matter of simple bigotry, but rather a distinction between legitimate and illegitimate politics. It is enough for us to recall in this context the repeated political arrests of those who refuse to perform military service in the IDF on the basis of their opposition to the occupation compared with the soft and considerate institutional treatment received by those who refused to implement the "disengagement." Our guest of honor today, Tali Fahima, provides the ultimate proof of the correctness of Walid Daka's differentiation. The "security" label was attached to Tali and she was treated in a shocking way. This treatment, which is usually reserved only for Palestinians, includes bizarre false accusations, the judicial branch's absolute subjugation to the considerations of the *Shin Bet* (the GSS or the secret services), and abuse at the hand of Prison Service personnel. She was accorded this treatment because the struggle she joined was the denied struggle of Palestinian subjectivity, a subjectivity that fights precisely to be recognized as such. As noted above, the first step towards such recognition can be, as in the case of Ireland, the removal of the label "security prisoner" and replacing it with the label "political prisoner."