

Rabbi Puts Israeli Policy of Home Demolitions on Trial

By Lynn Pollack
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Last April, Rabbi Arik Ascherman, Executive Director of the Rabbis for Human Rights, put himself between a bulldozer and a Palestinian home destined for demolition. Then he did it again. These weren't homes of militants, or criminals, or even houses that had been deemed in the way of some Israeli settlement. These were simply homes that had been enlarged without Israeli-issued permits because those permits are nearly impossible for Palestinians to attain. Despite the Rabbi's protest, the homes were destroyed, leaving two large extended families homeless within minutes. Rabbi Ascherman was arrested and charged with interfering with police in the execution of their duties. If convicted, he faces up to three years in jail or a fine.

On January 14, more than seventy people packed into a small courtroom to hear opening statements in Rabbi Ascherman's trial. Comprised of Rabbis, activists, and journalists, with more waiting outside the door, they were all no doubt expecting the usual.

"Generally, the way these things go," said Rabbi Ascherman, "the focus remains on the narrow issue, not allowing the broader, wider questions to be addressed."

But this time, things would be different.

In his opening statements, Rabbi Ascherman said that "you can not understand the policy of so called 'illegal' building and demolitions outside of the context of the discriminatory land policies directed against both Israeli Arabs and Palestinians."

Anticipating that the prosecution would argue that such context is irrelevant, Rabbi Ascherman challenged the judge to make the hard choice, telling her "the easiest thing for you to do will be to hide behind a narrow interpretation of the law. We will then find ourselves convicted by a court of law, but not a court of justice." He then asked her, "or will you rise to the occasion, honor the highest precepts of your calling, and take the brave and bold action which is required?"

In a surprising but welcome decision, the judge agreed to allow written evidence and material pertaining to the demolition of homes in East Jerusalem.

"This is a very significant development," said Rabbi Ascherman, "because it gives us the opportunity to put the morality of home demolitions on trial"

Rabbi Ascherman entered the courtroom heartened by the backing of more than 400 Rabbis from around the world who had signed a letter of support.

"That's so important, because of how difficult it is for Rabbis to take a stand on these issues."

Rabbi Ascherman must present written arguments in 10 days time and is inviting experts in international law to provide the equivalent of "friends of the court" legal briefs. The next court date is set for March 24.

Though Rabbi Ascherman is hopeful for a legal ruling that would bar discriminatory home demolitions, he knows it may not happen, this time, at least. "But I really hope that positive things come out of this in any case, like a renewed commitment by people to support rebuilding homes that have been demolished."