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**Abstract** This chapter describes the minor representation of law in Israeli feature films and demonstrates it by pointing at various films that deal with issues that pertain directly to legal proceedings or legal matters, yet bear merely marginal reference to the legal domain, or avoid it altogether. Possible explanations for the relative absence of law in Israeli cinema will be reviewed. One is the Israeli legal tradition, which refrains from visualizing justice. The other draws from the differences between Israeli and American cultures and the dissimilar perceptions of lawyers and their role in society, as well as the differences in legal procedure. The chapter concludes by suggesting that the current scarcity of legal representation in Israeli feature films is a meaningful signifier in the Israeli societal context. The lack of interest in law in Israeli films, compared with the central function of law in Israeli life, might reflect a gap between the ardent legal rhetoric of Israeli courts and the perception of the public, who views law mostly as an instrumental option of providing practical answers to specific cases.

### 43.1 Introduction

Israeli cinematic industry, though rather modest in terms of production data,<sup>1</sup> is lively and thriving and has gained considerable scholarly attention.<sup>2</sup> However, cinematic law and film discourse is just emerging in Israel and has not yet seriously

<sup>1</sup> Roughly about 12–14 new features are created each year, getting about two thirds of their budgets funded by the Israeli Film Fund, according to the new Cinema Law. The Cinema Law, established in 1999, specifies the targets of the Israeli Cinema Council which mainly supports and promotes the Israeli film industry. Significant commercial investments are not common.

<sup>2</sup> See, for example, Kronish (1996), Kronish and Safirman (2003), Loshitzky (2002), Ben (1993), Ne'eman (1995), and Shohat (1989).

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touched Israeli films.<sup>3</sup> A primary reason is probably that Israeli films that deal directly with legal proceedings as their main theme or Israeli cinematic courtroom dramas hardly exist. If relevance to law is present in Israeli cinema, it is usually unobtrusive. It can be derived from the main subject matter of the films, but it is not a central topic.

In contrary, many Israeli documentaries focus upon legal issues and deal directly, sometimes blatantly, with individual cases and with some ensuing questions pertaining to the rule of law. Yet, law remains almost absent from Israeli feature films. The relative absence of law in Israeli feature films stands out due to two reasons. The first reason is the traditional interest of cinema in law. Trials, lawyers, and legal proceedings are recurrent subjects in movies and appeal both to moviemakers and audiences worldwide. American courtroom dramas, for instance, won popularity all over the world.<sup>4</sup> The second reason is the central standing of law in Israeli public life. Almost every controversial social or public issue is brought to court, and legal issues are daily part of public discourse. Yet, generally speaking, the film industry did not choose to represent or to depict legal events.

This chapter departs from the fairly conventional focus of law and film scholarship on discussing cinematic representations of actual legal processes or legal issues. The absence of law is taken here as an object of observation and preliminary analysis. This stand stems from the belief that law and film scholarship (and probably the cultural study of law at large) can achieve significant insights about the place law captures in the collective consciousness, by theorizing not only law's presence in popular culture but also its relative absence. Such absence is particularly significant when traced in cultural texts which represent situations in which law could be expected to appear.

In the following, the absence of law in Israeli cinema will be demonstrated by mentioning various films that deal with issues that pertain directly to legal proceedings or legal matters. In spite of that, these films bear some marginal reference to the legal domain or avoid it altogether. This minimization of legal reference will be enhanced by describing some examples of Israeli legal documentaries, which deal directly and uncompromisingly with legal issues.

I will conclude by suggesting three possible explanations on why Israel's cinematic industry does not follow the popular cultural trend of producing fiction legal films, though plenty of legal documentaries are being produced.

<sup>3</sup> In 2005 I was guest editor of an issue of Bar-Ilan Law Studies Journal that was dedicated to law and film. The contributors dealt with interesting compilation of films [*Festen*, directed by Thomas Vinterberg (1998); *Délits Flagrants*, directed by Raymond Depardon (1994); *Rashomon*, directed by Akira Kurosawa (1950); *Death and the Maiden*, directed by Roman Polanski (1994)], none of which are Israeli.

<sup>4</sup> See Machura and Ulbrich (2001).

## 43.2 Feature Films with Implicit Legal Relevance

### 43.2.1 From Collective Narrative Toward Personal Stories

As in many other cultures, Israeli cinema reflects shifts and changes that take place in society. It seems that the primary societal shift that Israeli films resonate is the gradual move in Israel from intense pursuit of collective, national issues toward expanding focus upon personal and individual points of view. Uri Klein, one of Israel's leading film critics, aptly describes this progression:

One of the main questions that guided the history of Israeli cinema was whether to discuss only questions that concern the collective, or is it legitimate to deal with questions that concern the individual within this collective; is it its duty to deal with historic, social and political questions that distinguish the Israeli existence, or is it appropriate to discuss the personal or what is referred to as universal. Certainly, best films combine both. Contemporary Israeli films find it difficult to handle existing reality, maybe similarly to Israeli society at large, and this is perhaps why many films center upon describing individual families and their troubles. In the best films of that genre...., the creators manage, by depicting the plot of one family, to say something relevant to the entire society.<sup>5</sup>

Let me elaborate on this shift, focusing on Israeli cinema since the state of Israel was established, in 1948.<sup>6</sup> The films that were created during the first years of Israel generally represented what could be referred to as Israeli national narrative. This narrative was derived, for the most part, from the collective need to heal from the holocaust dark legacies and to secure the collective existence in the new founded homeland. Alongside the holocaust, the pivotal events that shaped the collective identity of Israeli society were the wars Israel went through. Again, this is sharply reflected in Israeli cinema. Many films focused upon Israeli army, depicting heroic accomplishment of a military mission, while confirming and verifying themes of national identity and collective solidarity.<sup>7</sup> The salient ideological orientation of such films was linked to a wide consensus about the constant threat to its existence Israel faces, and the need to address this threat by maintaining military power and supporting the army, and by expressing the collective solidarity with its actions.

Two examples are *Pillar of Fire* (1958), which tells about the war of kibbutz members in the Negev against the Egyptians attacking their kibbutz during the War of Independence, and *Exodus* (1960), which despite being a Hollywood product, became the ultimate model of the heroic-Zionist cinema. The absence of law from such films is hardly surprising. The pattern of the national-heroic narratives usually did not leave any space to legal diversions.

<sup>5</sup> See Klien (2009).

<sup>6</sup> It should be noted, however, that Israeli cinema was born in the twentieth century. For description and discussion of the first cinematic production in Israel, see Feldstein (2009).

<sup>7</sup> See Talmon (2001).

Israeli early cinema refrained from dealing with political or social controversies. That, together with the fact that the practice of law in the new state was merely emerging, contributed to the minimum reference to law and legal matters. During the 1960s, more and more films illustrating the daily realities of Israeli life were produced, including melodramas, comedies, and even "author" films, influenced by the new wave in French cinema. However, the new and exciting diversity of the 1960s did not motivate any significant concern with law, although indirect or marginal relevance of law could be detected in some films created during that period.

Films that carry implicit or embedded legal relevance became even more common during the 1970s. Many have regarded the Israeli films created in the 1970s as fundamentally different from earliest production. Renan Shor writes that by the end of the 1970s, normalization of the Israeli cinema had begun; a period of "shattering of pseudo-myths" and of normalization of Israeli cinema has begun.<sup>8</sup> Numerous films deal with sociopolitical issues, and even more do so during the 1980s, following the First Lebanon War.

From the late 1980s, films start overtly deconstructing the collective solidarity narrative and critically scrutinize it, in a way that sometimes ensues implicit legal meaning. The legal relevance, however, is usually secondary to the main themes of the films. Let me specify, by focusing upon three categorizations: human rights films, social drama films, and war films. Though the borders are not sharp, and often war films and human rights films touch conflict of values, the suggested categorization is useful in order to enhance the implicit legal relevance and the lack of actual concern with legal issues in all categories.

### 43.2.2 Human Rights Films

Starting in the 1980s, Israeli films present new heroes – illegal immigrants and foreign workers, orthodox Jews, Arabs, and minorities. Collective issues that were dealt with in earlier movies are being replaced with issues concerning individuals and their dire circumstances. While some films are all about the self-indulgent, materialistic way of life in contemporary Israel or about stories of individual artistic or romantic fulfillment,<sup>9</sup> there are many films that reflect commitment to social injustice issues.

Numerous films deal with social and human rights issues, sometimes uncompromisingly tackling some of the most acute ailments of Israeli society. Such issues usually carry legal bearing, even if what they reveal is merely law's failure and impotence. These films bring up problems that could and should be addressed by law, but in actual reality, law is exposed through them as a largely inadequate or impotent tool or, even worse, a tool that supports the exploitive nature of society.

<sup>8</sup> See Shor (1984, 39–40).

<sup>9</sup> See Talmon (2001, 241). For example, see *Song of the Siren* (directed by Eytan Fox, 1994) and *Shuru* (directed by Savi Gabizon, 1990). See Kaufman (2006).

A fine example is Uri Barbash's 1983 film *Beyond the Walls*. The film describes Jewish and Arab prisoners who overcome the initial antagonism and even racist hatred and unite forces to rebel against the cruel and unjust prison administration. The denial of basic human rights affects all men and bridges, at least temporarily, the cultural, religious, and national gap between them.

Another Example is Eran Riklis' 2004 film *The Syrian Bride*. Mona is an Arab Israeli woman who is about to cross the border between Israel and Syria to marry a Syrian TV star and never be allowed back to her family in Majdal Shams, a Druze village in Israel. The legal norms, applied in similar harshness by both sides, the Israeli and the Syrian, are perceived in the film as an infuriating and unnecessary infringement of human rights. The uncompromising security considerations used by both sides appear unconvincing and hypocrite. However, human solidarity and empathy succeed in overcoming the obstacles and alleviating the tyranny of arbitrary legal rules. It is worth noting that while in everyday Israeli reality, such issues are rushed to court, *The Syrian Bride* conspicuously ignores the legal path that does exist in reality.

Some films deal with the severe problem of trafficking women to Israel. Amos Gitai's *Promised Land* (2004) depicts the smuggling of Eastern European women to be prostitutes in Eilat and Haifa. The film depicts a cruel reality of exploitation and sufferance that Israeli authorities are unable to prevent. Human trafficking is a legal matter per se, and Israel did address the issue legally during the last years,<sup>10</sup> but in the film law is clamorously absent.

Some films critically examine the contemporary situation of foreign workers in Israel. *James Journey to Jerusalem* (2003), directed by Ra'anana Alexandrowicz, is a sad, somewhat funny story about a young man from a village in Africa who sets out on a religious pilgrimage to Israel. When in Israel, James is immediately arrested by the immigration police. An Israeli who hires illegal immigrants pays James' bail and makes him work for him. A blend of strict immigration laws, social injustices, and cultural gaps make James' life in Israel an experience that shatters his naivety.<sup>11</sup> However, James legal escapades are depicted by using a humoristic light tone that conceals rather than criticizes social injustice and legal incompetence.

The last example is *Noodle* (directed by Ayelet Menahemi, 2007). A Chinese illegal immigrant leaves her 6-year-old son at the house of an El-Al flight attendant she works for. She says she is going out for an hour but does not return, because the authorities arrest her and send her back to China. The only legal aspect of the movie is a short discussion of unavailability of legal solutions to reunite the mother and son. If that movie was made in Hollywood, the pro-bono-hero-immigration-lawyer would show up and reunite the mother and her son. In the Israeli version, the solution is smuggling the child from Israel to China. Again, the humoristic, generally humanistic tone evades seriously tackling human rights infringements and ensuing legal issues.

<sup>10</sup> See Penal Law (Amendment no. 56), 2007.

<sup>11</sup> Another film that deals with foreign workers in Israel is *What a Wonderful Place* (directed by Eyal Halfon, 2005). The film depicts the life of a Ukraine "sex worker," Filipino caretaker, and Thai worker. For additional examples, see *Janem Janem* (directed by Haim Bouzaglo, 2005) and *Foreign Sister* (directed by Dan Wolman, 2005).

### 43.2.3 Social Drama Films

The following social dramas depict pivotal situations that are highly relevant to law, and in all of them, law is perceived irrelevant or immaterial to the core of the narrative. The first is *Walk on Water*, Eytan Fox's 2003 internationally successful film that brings together Eyal, an Israeli Mossad agent, the son of holocaust survivors, and a brother and sister from Germany, who are the grandchildren of a notorious Nazi who escaped justice. Unexpected close friendship develops between the three. Eyal, however, has a mission – to find and kill the grandfather of his new friends. But when he finally reaches the old man, he must face one of these eternal, almost clichéd questions – the conflict between the rule of law and the urge for revenge.

The law-against-revenge conflict is treated in the film in an ancillary way, and it is almost veiled by the dominant presence of profusion of other heavy subjects, such as sexual politics and homophobia, global terrorism, and Israeli-Palestinian relations. The result is a rather interesting film, which reflects some aspects of the societal shift from the collective narrative toward personal fulfillment. Eyal experiences a partial deliverance from the heavy, demandingly suffocating historical burden represented in the old collective narrative and advances toward new possibilities of personal fulfillment and choice. However, this story of personal liberation renders the legal elements of the narrative marginal and unimportant.

Eytan Fox's next film, *The Bubble* (2006), further pursues the blurring borders between individual circumstances and collective issues. Again, legal relevance is indirectly present. It is a story of three young Israelis who share an apartment in the heart of Tel Aviv. They manifest indifference to the political situation and lead hedonist life. The situation changes when one of them falls in love with a Palestinian he briefly meets while doing his reserve duty at a checkpoint in the West Bank. When the Palestinian comes to Tel Aviv, the three Israelis decide to illegally hide him in their apartment. The uncompromising realities of Israeli existence penetrate their hedonistic existence and shake it. However, and in spite the somber ending, the tone of the film, which depicts the heavy political difficulties as part of a mesh of contemporary popular culture, love, prejudice, and whatnot, remains lighthearted.

The next example is *Campfire* (2004) directed by Joseph Cedar. The film tells the story of a young widow who dreams to join with her two daughters a religious settlement in the beginning of the 1980s. In one of the scenes, one daughter is sexually attacked (maybe even raped) by youngsters of her community. The leader of the community tries and succeeds in covering up the event. The mother cooperates with him. The criminal act, despite its gravity, remains devoid of any legal consequences and, again, is overtone and overshadowed by other narrative developments.

The last example is *Ajami* (directed by Scandar Copti and Yaron Shani, 2009). *Ajami* is an impoverished, crime-infected Arab Christian and Muslim neighborhood which is part of the Jaffa/Tel Aviv metropolis. The characters, most of them Arabs and some Jews, are caught in a tragic chain of events that creates a forceful portrait of life in Jaffa. Family obligations and feuds alongside national and religious

hostilities and hatreds constantly demand victims, which are involuntarily drawn into impossible situations. Turning to the protection of the formal law enforcement institutions is not even an option. *Ajami* resembles in this sense the Wild West, a territory with its own norms, not fully annexed to the law and order existence outside its borders. However, in *Ajami* the lawless present is not a temporary phase, as it is in westerns; it is the past, present, and desperate future altogether. The absence of law gains a particularly powerful meaning in *Ajami*. The characters do exist in a normative universe. However, it is an opposite of the conventional one. As the plot proceeds, the gap between “the law of *Ajami*” to “the law of Tel Aviv” becomes wider and eventually unbridgeable. That leaves *Ajami* as an enclave abandoned by the law.

The absence of law in *Ajami* is not accidental, as it is in previous films. It is pivotal. It is the heart of this important film, created together by an Arab (Copti) and Jewish (Shani) directors. The absence of law represents here a deep wound in Israeli society that demands immediate attention.

### 43.2.4 War Films

War films, which have a prominent place in Israeli cinema, are almost innocent of law, although most of them raise issues with clear legal relevance.<sup>12</sup> Here are several examples. *Paratroopers* (directed by Yehuda Ne'eman, 1977) is a film that depicts a death of a soldier in unclear circumstances during training. The focus of the film is far-off from the sphere of law, even though its central event – death in circumstances that demand clarification – is clearly a legal subject and requires a full legal investigation. However, engagement in the practicalities of legal investigation is easily shunted aside.

The film does not present the exclusion of law as connected with a significant conflict between the demands of law and the experience of “good soldiery” or as the result of a struggle between security needs and what the rule of law demands. In the world of the regiment, the absence of law is portrayed as clearly understood and as natural. The film represents the army as an enclave that forcefully and determinedly shoves law away, a perception which is repeated in many Israeli war films.

Another example is Uri Barbash's 1989 film *One of Us*, which deals with the unique solidarity that exists within a group of soldiers. According to Israeli ethos, such groups are characterized by loyalty and total commitment that reigns supreme between comrades in arms.<sup>13</sup> Reoccurring theme that carries legal application is

<sup>12</sup> See Almog (2009).

<sup>13</sup> Other examples for army films are *Two Fingers from Sidon* (directed by Eli Cohen, 1986), *Wooden Gun* (directed by Ilan Moshenzon, 1979), *Paratroopers* (directed by Yehuda Ne'eman, 1977), and *Repeat Dive* (directed by Shimon Dotan, 1980). Avanti Popolo, Bukai's 1987 film, goes even further and tells the war story from the perspective of two Egyptian soldiers stranded in the Sinai Desert during the 1967 war.

whether a warrior should give up the solidarity to the group members in order to make place for other values or put the loyalty to comrades in arms in the first place. *One of Us* deals with such conflict and with the enormous personal price an officer that decides to be loyal to his conscience and in the same time to the rule of law must pay. Not surprisingly, the hero succumbs to the prevailing convention and eventually destroys evidence pertaining to the killing without trial of Arab prisoner that was involved in killing his best friend.<sup>14</sup>

The last example is Ari Folman's 2008 film *Waltz with Bashir*. The film, classified as a "documentary animation," describes the first months of the First Lebanon War, at the end of 1982, and focuses upon the massacre at the Sabra and Shatila refugee camps that took place on September 1982. *Waltz with Bashir* is different from most other Israeli war films. It is certainly not a "law film." Yet, acts of judgment are central to it – the judgment that the author-narrator of the film activates against himself, against his friends, and against the decision-makers of that time. Folman does ask questions of accountability and blame but suggests that answers could be found only by personal soul search and not by legal tools.

To sum up, in spite of *Waltz with Bashir* atypical occupation with some questions of accountability and responsibility and perhaps some additional examples that may be available, Israeli war films generally avoid legal issues or legal themes. The avoidance is striking when placed alongside the declarations of Israeli Supreme Court, that every Israeli soldier carries with in his or her knapsack not only army equipment but also all the norms of Israeli law.<sup>15</sup> Yet the films insist on describing the army as an enclave from which law is absent.

### 43.3 Legal Documentaries

What is sometimes referred to as the *documentary trend* in cinema has not skipped Israel.<sup>16</sup> The making of documentaries dates to the birth of Israeli cinema,<sup>17</sup> but recent years reveal a real breakthrough of the genre. Many documentaries choose legal proceedings as their main theme. Again, one could detect a move from documentaries that treat national issues and employ consensual, confirmative tone, to documentaries that choose a personal, sometimes controversial perspective.

An interesting example is Eyal Sivan's *Specialist – Portrait of a Modern Criminal* (1999). The film deals with Eichman trial. Adolf Eichmann, Nazi officer who was

<sup>14</sup> See Talmon (2001, 244–252).

<sup>15</sup> See HCJ 1661/05, Regional Council of Gaza Coast and Co. vs. Knesset Israel and Co. (2005).

<sup>16</sup> For description of the documentary trend in American culture and cinema, see Silbey (2006, 109). As Silbey describes, there is a "trend in contemporary film and television that combines a developing taste for documentary –like form with fiction-like content. Indeed, the surge in documentary films going mainstream confirms that the excitement for documentary-like films has reached 'far beyond the art house crowd.'"

<sup>17</sup> See Zimmerman (2002, 33–42).

in charge of the expulsion of Jews and other minorities from the Reich and then of their deportation from Europe to the death camps, was captured in Argentina by Israel in 1960. His trial in Jerusalem took place the following year and was one of the first public events entirely recorded on video in the world. Sivan uses the historic recordings in order to create a provocative reading of the seminal trial. He uses abrupt, rapid editing of images taken from the trial in order to emphasize the contrast between the monstrosity of the crime and the mediocrity of the man that committed them. The film was influenced by Hannah Arendt's famous depiction of the trial, *Eichmann in Jerusalem*,<sup>18</sup> which was perceived in Israel as insensitive and failing to capture the meaning and significance of the event for the survivors and for Israel's collective historical memory.<sup>19</sup>

Another example is Yoav Shamir's *Checkpoint* (2003), which is a critical depiction of a journey between the various Israeli checkpoints in the West Bank and Gaza. The film, which is now being used by the Israeli army to prevent abusive and illegal behaviors, was shot between 2001 and 2003, in the midst of the second Intifada. It concentrates on revealing the mood and action of a checkpoint, forming a subtle and intricate narrative of the absurd and tragic checkpoints reality.<sup>20</sup>

There is a thriving production of documentaries that deal directly with actual legal cases. Such documentaries are sometimes prompted by legal proceedings that leave issues that are perceived by the Israeli public as unresolved.<sup>21</sup> One of the notable examples is Yitzhak Rubin's *Murder for Life* (2002). The film is a documentary drama, tracing the events surrounding the one of the most disturbing murder cases in Israel's legal history. Amos Baranes, a young man from the northern city of Akko, was convicted of the murder of a young woman soldier. After claiming his innocence during 28 years of legal battles, Baranes finally became the first man in Israel to win an acquittal after a sensational retrial. The film depicts the police efforts to point the finger to someone as the murderer at any price, the overzealous efforts made by the police and the prosecution that lead to perhaps false confession, and problematic evidence that was used in order to convict Baranes. The hero of the film, besides Amos Baranes himself, is the late defense lawyer, Dr. David Weiner. David Weiner killed himself shortly after the film was completed, after getting involved in a lurid police investigation concerning another client that was convicted in murder, to whom Weiner was trying to help in getting a retrial. Rubin has just completed another documentary, titled *The Defender*, that describes this tragic

<sup>18</sup> See Arendt (1979).

<sup>19</sup> Perhaps this is the reason that only 27 years after its publication, the book was translated to Hebrew. See Arendt (2000). For analysis of the film, see Raz (2005).

<sup>20</sup> For analyses of the film, see Zanger (2005) and Avila (2006).

<sup>21</sup> Perhaps one could detect a universal trend of creating documentaries that critically reveal the shortcomings and failures of legal systems by reexamining cases that expose allegedly faulty legal proceedings. Such are, for example, the films of Jean-xavier De Lestrade, *Murder on A Sunday Morning* (2001), and *Soupeçons (The Staircase)*, 2004). See also Raymond Depardon's *Delits Flagrants* (1994) and Ofra Bikel's *Burden of Innocence* (2003) and *An Ordinary Crime* (2002).

affair.<sup>22</sup> *The Defender* (2005) reveals the sordid “behind the scenes” of Israeli legal system. The hero of the film – David Weiner – is caught in an impossible situation that involves the contradictory interests of the police, the court, the state attorney’s office, and his client. Rubín’s most recent documentary is *Murdering a Judge* (2010), which focuses on the murder of the Israeli Tel Aviv District Court judge Adi Azar, who was assassinated in a drive-by shooting in 2004, marking the first judicial assassination in the history of Israel. Rubín’s film reenacts the trial, in which two people were convicted of committing this murder, and raises doubts as to the soundness of the conviction.

A legal documentary that focuses on the army is the 2003 *Clear Conscience*, by Uri Barbash (who directed the feature film *One of Us*). This is the story of five Israeli teenagers who claimed their conscience does not allow them to serve in the Israeli army. The film presents them as heroes, quite contrary to Israeli common perception in this matter that tends to treat such behavior as deplorable. The film includes interviews with the five teenagers and the lawyers involved, as well as reenacted parts of their trial. Oppositely to the feature films that deal with army matters, it is replete with actual legal proceedings.

To sum up, unlike fiction films, many Israeli legal documentaries suggest a direct and clear legal significance. It is often highly critical, emphasizing law’s failures and incompetence. Yitzhak Rubín’s documentaries, for example, depict Israeli courts and the investigating authorities in a most unattractive light.

This phenomenon could be perhaps linked to the observation mentioned before about the instrumental perception of law that prevails in parts of Israeli society. On one hand, the tendency to intensively scrutinize and criticize the legal system, as well as its performances, achievements, and failures, leads toward abundance of legal documentaries. On the other hand, the same pragmatic, mundane approach toward law leads toward lack of artistic interest in it, which is represented in the absence from Israeli fiction films.

#### 43.4 Why Is Law Absent from Israeli Feature Films

As elaborated, there are very few Israeli films that deal directly with fictional trials or legal cases. While the absence of law in Israeli cinema until the 1980s seems to be in accord with the other indications of a dominant anti-legalistic trend in Israeli

<sup>22</sup> Many documentaries on legal cases are made for television and sometimes are being screened in movie theaters. Here are some examples: Nili Tal’s movie *Mighty as Death* (1997) tells the story of a young woman who was murdered by her partner and follows his appeal on his conviction. It is the first time that an Israeli movie includes real footages of a trial. Limor Pinchasov’s film *4.7 Million* (2005) tells the story of a man who worked as a security guard in one of the biggest security transportation companies in Israel and robbed a truck with 4.7 million NIS. The director interviews the friends (who were suspected for helping him) and brings exclusive footages from the police’s investigation.

society and in the political establishment during those years, the minor representation of law in films since the 1980s can be perceived as somewhat surprising in view of the status of the Israeli Court as a central forum to which Israeli society addresses almost any significant issue.

At the present time, law is very prominent in Israel and salient in everyday life. Israel does not have formal constitution yet, but all major and sometimes trivial issues find their way to the Israeli Supreme Court and to lower courts. Courts dealt with the legitimacy of settlements, with political feuds, with election issues, with government budget, and with almost every aspect of public life. It seems though that the constitutional substance that continuously occupies the media and public attention is not very inspiring for fiction films. Even if they easily sustain long discussions in law faculties and conferences, the lengthy texts produced by Israeli judges are not enticing sources for movies.

In the following, I will suggest three possible approaches that might explain the poor presence in law from Israeli feature films.

Firstly, Israeli and perhaps Jewish culture in general never emphasized the formal, external, and visual dimensions of law. There are no visual historic traditions of trials being held in specific familiar locations (like Westminster Hall or any other collectively recognized judicial site) or of robed and wigged judges in Jewish tradition, in spite of the clear legal orientation of this tradition.<sup>23</sup>

Ceremonial and visual aspects of the law, which are common fare in cinematic representation of law, and are prominent features in the Anglo-American and some Continental systems of law, are also notably missing from Israeli law, which has never emphasized visibility.

Israeli legal system is also devoid of jurors, who contribute an important dimension to the public appeal of the legal proceedings. The only noticeable element of the legal attire of Israeli Judges and lawyers is a black robe. Colorful adornments such as wigs or ribbons, which are common in other systems, are absent from the Israeli one. An interesting query raised by Ella Shohat is what would have been the cinematic implications of the traditional Hebraic love for listening, in contrast with the Greek preference for seeing. Indeed, in Jewish tradition, there is no need to see justice, but to listen to it; it is important to hear the commandment, to interpret its meaning, and to tell stories about it, but it was never essential to create a visual realization of it.

Secondly, Israeli legal culture is very different from the American one. As Yoram Shachar maintains, in the American cultural and cinematic tradition, it seems that the community produces heroes as jurors and lawyers, in order to become, through them, a judging and redeeming community. Many scenes of metaphoric collective and personal redemption take place in the court of law and during legal proceedings.<sup>24</sup>

<sup>23</sup> Jewish law is perceived as an autonomic system that governs all the aspects of relationship between people and between people to God. Most of the huge corpus of Jewish scripture is what might be referred to as legal debates between sages as to the accurate meaning of norms.

<sup>24</sup> See Shachar (2007).

American courtroom dramas and other legal genres reflect this tendency,<sup>25</sup> which in many ways turned global and influenced the public concept of justice far beyond American borders.<sup>26</sup> The adversarial proceedings in American courts resemble battling or competing sides. In this aspect the lawyers are comparable to competing athletes.<sup>27</sup> The public witnesses an exciting match and looks forward to the formal announcement of winners. The admiration grows if the winners happen to be human rights heroes or conglomerates defeaters. The judges' roles in such spectacular legal performances are typically secondary to the roles of the lawyers or jury. Most films focus indeed on the stories of lawyers and jury that save the day and redeem the public by paving the way for justice.

In Israel, in contrast, the scenes of collective redemption and courage take place or used to take place in battlefields and wars. Israeli heroes used to be soldiers and generals, not lawyers. Ethical, personal, and legal dilemmas took place during wars. That was faithfully reflected in films. True enough, it seems that soldiers and generals passed their glory in Israeli society (*Clear Conscience* is one example for that), but lawyers or judges did not replace them yet, neither at society at large nor on theaters screens. The Atticus Finch-like figure of a lawyer as a hero does not have Israeli parallel, and the legal chronicles of Israel seem to inspire only documentary film makes.

Thirdly, the Israeli legal system is a young one and a mixed one.<sup>28</sup> While deriving in many ways from old, even ancient, systems like the Jewish law, the common law, and Continental law, it operates as an independent system only from 1948. The young Israeli legal system reflects years of national and ideological intensity that characterized the first decades of Israel existence as an independent state; it is perhaps too early to anticipate the creation of variety of legal narratives that typically derive from density of history and experience. Israeli courts do confront major conflicts, but the public discourse around such confrontations is still active and far from being resolved, and thus, they cannot readily set off cinematic inspiration.

Additionally, the mixed Israeli system became more and more inquisitorial throughout the years, which means that judges became more involved and the roles they play during the legal proceedings gradually became more significant. In this sense the Israeli legal system resembles Continental legal systems, where mostly inquisitorial proceedings are being practiced, and thus the role of lawyers is less central, and less likely to serve as a rich cinematic source as it is in America.

All these possible reasons for the minor representation of law in fiction films are less relevant to documentaries. Israeli legal documentaries are usually not inspired by legal visual grandeur or by past achievements of famous lawyers or judges.

<sup>25</sup> For the centrality of the courtroom dramas in American culture, see Rafter (2001), Papke (1998–1999), Kuzina (2001).

<sup>26</sup> See Machura and Ulbrich (2001).

<sup>27</sup> Sports films are also a popular genre, perhaps because of the element of competition and victory that also characterizes many legal dramas.

<sup>28</sup> See Barak (1992).

Typically they draw from materials created by reality and offer a critical gaze upon certain legal proceedings. Often they aim to promote or deliver a definite message, as Yitzhak Rubin does in his legal documentaries that highly criticize the ability of the legal institutions to reach justice. Thus, many documentaries criticize alleged failure of law enforcement in Israel, by using mainly footage from actual legal proceedings and investigations.

An interesting example, alongside the documentaries that were mentioned already, is documentary films that focus on the murder of a 12-year-old girl named Tair Rada in 2006 and the 2010 conviction of Roman Zadorov as the murderer. Although the case stands now before the Supreme Court, the affair had already ensued three documentaries that analyze or vehemently criticize the legal proceedings and the conviction by the district court.<sup>29</sup>

Legal documentaries, then, derive from existing materials and from real-life issues and usually offer comments that are part of the Israeli public discourse pertaining to these issues. Causes that hinder the production of legal feature films usually do not apply to legal documentaries, which are abundant.

As much as there is a need or even attraction in Israel for fictional representations of legal practices and trials, and I believe there certainly are such need and attraction, it looks as if the American industry fully caters for it. Hollywood courtroom dramas and television legal thrillers such as *Law & Order* are as popular in Israel as anywhere and perhaps saturate the public appetite for cinematic trials while making redundant the need to produce local legal films.<sup>30</sup> Consequently, documentaries take hold of the vacant space, often aim a critical gaze toward legal institutions, and evoke lively public debate.

## 43.5 Conclusion

This chapter described the minor representation of law in Israeli fiction films and, in attempt to map out the reasons the absence of law from Israeli cinema, suggested three possible explanations. The first is the legal tradition in Israel that is derived from the Jewish law, where there is no desire to visualize justice. Furthermore, the visual reality of the Israeli legal system lacks adornments that create visual interest in law. The second explanation draws from the differences between Israeli and

<sup>29</sup> The films are *Only Tair Knows* (directed by Sharon Gal, 2008), *Nailing an Innocent Man* (directed by Haim Sadovsky and Doron Baldinger, 2011), and *Who Murdered Tair Rada?* (directed by Michal Kafra, 2011).

<sup>30</sup> It should be mentioned, however, that few legal series were produced for Israeli television. One example is *Siton*, a series about the legal and personal adventures of a Jerusalem lawyer, and another is *Franco and Spector*, a series which combines both courtrooms drama with familiar personal life dilemmas. Such legal series are scarce, though. I believe that in this context as well, American TV products such as *Law & Order* and *The Practice* meet most of the public demand for "legal television."



American cultures and the dissimilar perceptions of lawyers and their role in society, as well as the differences in the legal procedure. The third explanation suggests that the 60-year-old legal tradition in Israel is not rich or laden enough to challenge feature filmmakers and to trigger cinematic representations.

It is hard to forecast what shifts are about to happen and which themes will be dominant in future films. Since there is an obvious gap between the eminence of law in the public eye, to its peripheral place in Israeli culture, it may well be that Israeli legal films will evolve. Or, perhaps, the unique characteristics of Israeli society and legal system will continue to resonate in the thriving of legal documentaries, the scarcity of Israeli legal feature films, and the intense consumption of American court dramas.

In any event, the current scarcity of legal representation in Israeli fiction films is a meaningful signifier in the Israeli societal context. It can lead toward an exposure of the cultural and political assumptions which account for the absence and thus deserve careful attention. The lack of interest in law in Israeli films, compared with the central function of law in Israeli life, might reflect a gap between the festive legal rhetoric of Israeli courts and the instrumental approach of the public, who associates law not so much with higher values and celebratory statements but merely with the instrumental option of providing practical answers to specific cases.

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