

FROM PARATROOPERS TO WALTZ WITH BASHIR – THE ABSENCE OF LAW FROM ISRAELI WAR FILMS

Shulamit Almog

ABSTRACT

The chapter contends that although Israeli reality is replete with legal issues, very few films deal directly with the law or with a legal process as a central theme. Contemporary Israeli films are not very different from the early Israeli films in their embracement of a national heroic narrative, which typically leaves very little space for legal issues. The chapter demonstrates the absence of law from Israeli cinema by looking closely at war films, which are probably the most popular and influential Israeli films. War films reflect and in the same time participate in the construction of the Israeli collective consciousness, wherein the army experience is central. Tracing the way in which law is presented (or lacks representation) in them may shed light from a new angle on the role of law in shaping social and political norms in Israel.

1. INTRODUCTION

Law and film has become an area of academic analysis and research mainly because law, with its many features, is one of the subjects that have been

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given continuous and intensive attention in the cinema since its earliest days.¹

Two assumptions are linked to the establishment of an interdisciplinary discourse centered upon law and film. The first assumption is that both law and film are complex social practices that are able to create meanings relevant to wide audiences. The second assumption is that there are complex interrelations between law and film, and both the phenomena influence and are influenced by each other.

The films that deal with law are usually located within a specific, easily identifiable location. A film about a murder trial that is conducted before a jury in the United States, a film that reveals of the incrimination of innocent people in England, a film that centers upon the exploits of an investigating judge in France – all such films and their like, even if they are of interest to the public throughout the world, are created within a certain society, and in most cases refer to a definite legal system and cultural circumstances that characterize that society.²

The issue of the relationship between the local and the universal aspects of cinematic art is a complex one. I do not wish here to enter into the complicated matter of defining the borderlines of national culture or “national films” and acknowledge the distinction made by Michel Lagny regarding the essential connections between a national culture and external cultural systems it is exposed to (Lagny, 1992, p. 98).³ For my purposes here, it is sufficient to assert that awareness of the distinctiveness of the society in which a film is created and viewed may be in many cases important for grasping its poetic and cultural significance. In the same time, the film may advance a richer understanding of the society in which it was created. Against this background – the extensive concern with law as represented in films created in various states and societies and the developing research into the connections between law and film – I attempt to examine the affinities between Israeli films and law.⁴

A preliminary examination suggests that law does not figure prominently in Israeli films. As I discuss in greater detail later on, various descriptions and analyses refer to the history and development of Israeli cinematic art, but all of them omit any significant association to law. Although Israeli reality is replete with legal issues, very few films deal directly with the law or with a legal process as their central theme.⁵ It is easy to discern that there are no courtroom dramas in Israeli cinema, but even if we widen that there are and regard every film that deals with any kind of significance in questions concerning justice and its pursuance as a law film,⁶ it will be difficult to come across many Israeli films that correspond to this wider definition.⁷

In the following section, I review the continuous absence of law throughout the development of Israeli cinema, while stressing on the contexts in which it may have been expected to appear. The absence of the law is of course not without importance. The refraining from dealing with a certain subject should be examined carefully to reveal its significance, and I try to do so by focusing on its absence in war films.

War films and war have a special place in Israeli films. Films that place soldiers and wars at their center have been created throughout the history of Israeli cinema, and they reflect the developments and changes that Israeli society has undergone. Beyond the stories of warfare and the warriors' camaraderie, war films reflect other central themes in the Israeli experience, such as the Holocaust and the Kibbutz life. But although law features prominently in Israeli life and that, as we shall see later on, it might have appeared in many of the war films because of the subjects they deal with, law remains constantly absent. Section 3 analyzes the place of law as an “absent presence” in a number of films dealing with the IDF (Israeli Defense Army) and its exploits. The following sections propose an overall analysis and suggest various possible reasons for the absence of law in Israeli war films.

2. THE FIRST YEARS

Israeli cinema was born in the 1920s, and its founders regarded it as a significant instrument for serving the Zionist cause (Ne'eman, 2006a, p. 133). The main subject of films created in those years was the story of materializing the Zionist dream in the Land of Israel. Such films were labeled “Zionist realism.”⁸ Common themes in these early films were the distress of European Jewry and arrival of abused Jews to Palestine, and their struggle for survival in their new, hostile environment (*Ibid.*, p. 34). The films were mostly funded by the Zionist Movement, and served to advance settlement in Palestine and to raise contributions.⁹ Such films, which were characterized by an overt propaganda dimension, were a powerful instrument in presenting the Zionist cause at its best both internally and externally, and even more so in helping to consolidate a national identity and potent myths that continued to affect Israeli society for decades.¹⁰

The state of Israel was established in 1948. In the 1950s, private investors began to finance films. In the same time the state gradually began to support cinematic productions. However, the main themes remained unchanged. The films that were created during the first years of Israel still belonged almost entirely to the genre called “national-heroic” (*Ibid.*, p. 135).¹¹

A typical example that perhaps delineates the end of the period of national-heroic films (Shor, 1984, pp. 39–40) is the one by Baruch Dinar, *They Were Ten* (1960). The film chronicles the survival struggle of nine men and one woman, refugees from the pogroms in Czarist Russia, who settled on a deserted hilltop in Galilee, and had to face internal disputes, the hostility of the nearby Arab village and the enmity of the Turkish rule. The absence of law in this film, as in other films belonging to the “national-heroic” genre, is hardly surprising. The preordained pattern of the national-heroic narratives did not leave any space to legal diversions.

After 1948, many films focused on stories of battle and bravery, thus supporting and intensifying the ideal of national identity and collective solidarity.¹² The conceptual orientation that stands out in these films was to represent the hostility and the threats to its mere existence that the young state was forced to cope with, and the collective sense that only a strong army supported by overall solidarity, sympathy, and total support could succeed in achieving its goals.

Israeli early cinema refrained from dealing with political, social, or cultural conflicts and focused on the collective-heroic narrative that did not need and apparently did not enable legal interpretations. The survival battles that were depicted in these films were more exhilarating than any tedious legalities could be. At the same time, the practice of law in the new state was in its eye and could not produce at that stage noteworthy dramas that could arouse interest in cinema producers.

During the 1960s the picture begins to change. The complexity of life and the social and cultural challenges in the young state of Israel gradually transformed the national-heroic cinema anachronistic and demands for “normal” cinema began to be heard. The production of films dealing with central and collective issues such as the Holocaust and its implications or the wars and the struggle for security, did not cease, but more and more films illustrating the daily realities of Israeli life appeared in addition to these. Melodramas¹³ and comedies¹⁴ were also produced. The films of Menahem Golan and Ephraim Kishon drew large audiences and began to change the image of the Israeli cinema. A genre nicknamed “burekas” (which is a popular oriental dish) that centered on a humorous portrayal of ethnic stereotypes began to achieve popularity. The most successful film in that decade was *Salah Shabati* (1964), a satire that reflected the hardships in the immigration process of Easterners Jews, encountering bureaucracy and political hypocrisy. The story was told through the figure of a new immigrant from Morocco who adapts himself, together with his family, to the realities of Israeli life.

“Author” films, influenced by the new wave in French cinema were also produced during these years. These are films that were called the “new sensitivity films”¹⁵ ... used plots of an unusual nature in order to deal, by means of formalistic experiments, with existential subjects through introspection and the disregard of the Zionist narrative for commercial purposes” (Ne’eman, 2006a, p. 139).¹⁶

Israeli cinema of the 1960s is far more varied than it was in the past. Yet even this new diversity does not reveal any significant concern with law or with legal themes. It should be noted although that indirect or marginal relevance of law could have been linked with many of the films created during that period. For example, Ne’eman notes that Salah Shabati contains significant statements about human rights. The frequent confrontations between the hero, Salah Shabati, and representatives of the various authorities are not only humorous illustrations, but imply reasoned arguments of the right of every person to gain a livelihood, even if she chooses the traditional means of a craft or trade, without being forced to hire herself out to hard physical labor in agriculture or industry, as was required from Shabati (*Ibid.*, pp. 136–137). From this perspective, Salah Shabati, who derides the officials that arbitrarily force him to various kinds of futile agricultural work, claims the social right he was denied – the right for employment opportunities more suited to his preferences and abilities, with more real potential than being a hired hand, and also far more respectable.

The “burekas” films also were interpreted as relevant to the discussion on social rights and attaining equality Israel. For example, Ella Shohat claims that these films, although embodying ideological complexity, have led in the past to a problematic presentation of eastern characteristics that strengthened the harm done to equality. In her view, most of these films have presented a false picture in which the social gap between Mizrahim (easterners Jews) and Ashkenazim (westerners Jews) can be easily resolved by means of adaptation to western or Ashkenazi ways, and by inter-communal marriages. This option is portrayed in the films as a simple and accessible, and one that could and should be chosen quite naturally. This portrayal creates a problematic message that contributes to the perpetuation of the non-egalitarian reality.¹⁷

However, in all these films the relevance to law is not salient, and in most cases it is quite marginal within the general context of the film. Although the films are predisposed toward complex discussion regarding rights, which is a characteristic legal subject, they do not include any direct or significant reference to law. Even when possible to locate in the early films articulations

that have some association with law, such articulations are indirect and anecdotal.

3. POLITICAL CINEMA EXCLUSIVE OF LAW

Many have regarded the Israeli films created in the 1970s as essentially different from the films that preceded. 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 (Shor, 1984). As examples, he mentions that the films of Uri Zohar, *Peeping Toms* (1972), *Big Eyes* (1974), and *Save the Lifeguard* (1977), described "the continuous process of de-mystification of the 'sabra' image as it appeared in films of the pre-statehood period and in the first fiction films..." (Shor, 1984).

A new model takes shape: the political Israeli cinema. Films begin to focus on socio-political issues central to public Israeli discourse. The political orientation of cinema intensified in the 1980s, following the First Lebanon War, and has in fact continued until today. The development of Israeli cinema is usually described as parallel to the development of Israeli society. Thus, films reflect the gradual transition from collective subjects and stories about security and survival, to narratives focusing on the individual, the private and the personal.

Sometimes such films touched the field of law, but again, it was mostly a matter of marginal or tangential contact in relation to the main statement of the films. Special interest in this context is generated by films that deal with social injustice and violation of human rights, issues that by their very nature are associated with law and legal battles. But unlike the American cinema that often deals with detailed descriptions of historical, constitutional, and other kinds of legal contests, and thus contribute to making them part of the American ethos, the Israeli films do not choose to describe successful legal processes or battles.¹⁸

In Israeli cinema that deals with social issues involving the violation of human rights, law is usually portrayed as almost without significance in the face of harsh realities, and not as a tool that can be used to alleviate injustices or change the problematic situation.

Here are some examples. In the center of *The Syrian Bride* (2004) stands the figure of Mona, a Palestinian Israeli, who is about to cross the border between Israel and Syria to marry a Syrian TV star. The legal norms and procedures applied on both sides of the border are presented in the film as

violating human rights. The vague security considerations, in the name of which both the Israelis and the Syrians act, are shown as hypocritical. The factors that make it possible to hold this wedding despite the legal difficulties is the human solidarity and empathy that have the sole power to circumvent the arbitrary legal norms.

The film *Promised Land* (2004) tackles the fate of women that are victims of a traffic in human network. It describes the torturous journey of women from Eastern Europe who are smuggled into Israel through the Sinai Desert. They are beaten, raped, transferred from hand to hand, and forced to engage in prostitution in various places in the country. The film supplies a realistic picture that is painful to watch of the harsh realities of prostitution and of physical and mental abuse, while the function of the law with regard to what is taking place is minimal.

The film *Travels of James in the Holy Land* (2003) deals with the phenomenon of foreign workers in Israel through the story about James, a young and naive African who arrives in Israel to fulfill a dream and to see Jerusalem. James is unjustly imprisoned and is released only to become involved in a vicious circle of exploitation and humiliation in which thousands of foreign workers are entrapped.

In these three films, law is portrayed as being an insignificant and impotent tool in view of an insupportable reality of widespread abuse, exploitation, and violation of human rights. But this does not provide for any meaningful discussion of the connection between law and injustice, similar to the discussion evoked by the genre so fully developed in American cinema, which presents the tension between legal norms and essential justice as a central theme of a film.¹⁹

4. WAR FILMS: CHILDREN IN AN ENCLAVE

4.1. General

War films have a prominent place in Israeli cinema, as in Israeli culture at large. The battles that preceded the establishment of the state Israel, the War of Independence and the wars that followed, the camaraderie among the warriors – all these were natural and highly popular subjects for many of the films that were produced in the early years of the state. But even in the following years, the threat on security and the vitally important functions of the army and the soldiers continued to play a central role in the realities of Israeli life and in the collective consciousness, and as a result in cultural

discourse. Against this background, it is not surprising that the army was a subject in which Israeli cinema continued to show an on-going interest. Special cinematic attention was dedicated to the First Lebanon War, which started in 1981. This war is reflected in a number of films that were produced over a period of twenty years and some of which gained considerable public and critical acclaim (*Two Fingers from Sidon*, 1986; *Time for Cherries*, 1991; *Cup Final*, 1991; *Summer Story*, 2003; *Beaufort*, 2007; *Waltz With Bashir*, 2008; *Lebanon*, 2009).

The turn from heroic-collective narratives toward stories that focus upon personal dilemmas, political debates, and social issues was echoed, to some extent, in war films as well. Stories about the army and soldiers appeared in comedies that won widespread popularity (such as *Halfon Hill Does Not Respond*, 1976; *My Mother the General*, 1979; *Sphas*, 1982), in dramas (for example, *The Troupe*, 1978; *Licking the Raspberry*, 1992; *Five Five*, 1980), in political films that dealt with various aspects of the Israeli-Palestinian conflict (for example, *The Bubble*, 2006; *Smile of the Goatkid*, 1986), and in a genre dealing with the idiosyncratic situation of army life, and with the nature of the legendary soldier camaraderie (*One of Us*, 1989; *Repeated Dive*, 1989; *Time for Cherries*, 1991).

But to a great extent, the later military and war films once again reverted to the same setting in which the earlier war films had taken place. This is a very Israeli kind of setting, in which the army and soldiers have a particular status in society and culture; a setting characterized by a strong identification of civilians with soldiers. Criticism and anger over inept political decisions that involved the army merely entrenched the identification with the soldiers themselves, who are placed in Israel above all political and public disputes. In the background, as a sub-text that is always present, there is the recognition of the absolute need to maintain a solidarity that can withstand all contexts and represent a superior norm that transcends everything. Israeli cinema managed to present sensitively and correctly the special place that is held by the soldiers and the exceptional position of the solidarity norm in Israel.

One of the characteristics of the special sphere in which soldiers are located is the absence of law from that sphere. The sense of this absence is common to all war films, of various types and focal points. Yet, even if such absence is understood or even required when dealing with early war films, it becomes more conspicuous and raises an increasing number of questions when examining later war films. In most of the later war films, narratives about heroic accomplishment of military missions or the comradeship and bravery of warriors are exchanged for stories about the outrageous and

perhaps unnecessary loss of life, negligence and untrained conducting, battlefield wounds, training accidents, abuse of soldiers and citizens, unjustified violence, and other dilemmas that test the ethos of solidarity and camaraderie among brothers in arms. All these are subjects that clearly pertain to the sphere of law. In the realities of Israeli life, events of this kind whenever they occur have often, if not always, entailed legal or semi-legal measures in the form of judicial processes within the army or outside it, various kinds of investigations and attempts to attribute legal responsibility to the appropriate persons. All this finds almost no mention in war films. Even films that were perceived radical and were criticized for undermining the themes of security and traditional solidarity, the law remains outside.

Of course, the juxtaposing of law and war is complex and challenging. But it is just this complexity and depth that are embodied in the interaction between the army and law that might stimulate interest among film producers. In practice, such interest was not aroused, and the war films remained almost innocent of law. Just as it has so well been expressed by Ne'eman, whose war film *Paratroopers* will be analyzed later, "War is known as the cause of all causes and the main motivating force if not the only one in contemporary Israeli experience, and therefore there is nothing better than war to explore new possibilities for Israeli cinema" (Ne'eman, 2006b, p. 126). For that very reason there is nothing better than war films through which one can examine the absence of law in Israeli cinema, and the meaning of this absence.

I shall detail through an analysis of a number of war films, both early and late ones, how engagement with law or with semi-legal practices are shunted aside even when there is an expectation for it, and how this leads to the screen being dominated by other focal points.

4.2. *Paratroopers*

Paratroopers (1977) is a film that was perceived as a milestone, and as representing a revolutionary trend that centers upon a critical perspective of the army.²⁰ The first part of the film is marked by death; it is an unsettling death both factually (What exactly happened? An accident or a suicide?) and with regard to the question of responsibility (Is there anyone responsible for causing this death?). Weisman (Moni Moshonov) is a recruit who fails to meet the expectations of his fellow platoon members during boot camp. Some of the difficulties are caused by social mobbing. In one of the opening scenes, the unit doctor selects Weisman to demonstrate

various medical procedures on his body, accompanied by loud ridicule of other soldiers. But the main predicament is Weisman's personality. He is sensitive and frail both physically and mentally. At a critical moment, Weisman asks for an interview with the mental health officer, but Yair, his commander (Gidi Gov) ignores the request, and the mobbing of Weisman goes on until it is terminated by his death. Weisman fails in a shooting drill and is ordered by the Yair to repeat the drill, even though the regiment commander had excused him from doing so. Weisman throws a grenade into the building, and runs into it without waiting for it to explode. He is killed instantly.

The second part of the film focuses on Yair, the platoon commander. Yair returns to the platoon on that same day. "What happened, has happened, and the discipline of training will continue," he says to his soldiers. The next day the regiment commander arrives and announces the appointment of an officer of the military police to inquire into the case and that Yair would be given leave of absence until the investigation was completed. The military police officer (Shlomo Bar-Abba) begins to conduct a serious and thorough inquest and tries to trace the full and precise details of the event. But when it seems that the investigator is at the point of delineating the full circumstances of the death, the investigation is halted. The regiment commander informs the platoon commander that: "We have decided that the matter ends here." The film does not give much explanation as to why the investigation was abruptly cut. We are not told who made the decision, neither what were the reasons for it.

Yair is called from home by a message transmitted to him: "You are wanted at the regiment." He is hurt, but does not respond to the entreaties of his girlfriend and does not even have any real hesitations. His return to the platoon is the concluding scene of the film. Yair arrives and begins to light torches and rouse the soldiers for the journey of transition from the camp to another location. The routine of basic training recurs. Yair again says: "What happened has happened, and the discipline of training will continue," as he said immediately after the death of Weisman. At the end of the film everyone is in full course of the journey, singing songs for the morale, just as they had done in the opening scene in which even Weisman had sung with enthusiasm alongside the members of the group to whom he did not succeed in joining.

Yigal Burstein, in his analysis of *Paratroopers*, indicates the gap between the two parts of the film. In his view, the first part is a convincing depiction of the realistic confrontation between Weisman who tries to opt out of the exhausting training trek, and his commander who wants him to continue

with it. From the moment of Weisman's death, the figure of the commander disintegrated (Burstein, 1990, p. 157). This disintegration, which characterizes the plot of the film, is in my view a symptom of the absence of law. However, in the narrative logic of the film, the absence of law is called for. The focus of the film is very 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 legal clarification. But in the world of the film, engagement in the practicalities of legal investigation is shunted aside.

In actual fact, the decision to break off the inquest before it could end was a decision to exclude law from the territory in which death occurred. 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 choice of the exclusion of law is portrayed as clearly understood, as required, even as commendable; it is regarded as a course of action that does not need to be probed into because it is so natural.

The film presents a kind of equation in which the two sides are "we have decided that the matter ends here" = "you are needed at the regiment." Two factors allow an equation of this kind to function. The first is the special nature of the regiment – as an enclave with its own rules and laws; the second is the perception of the uniqueness of the military enclave as appropriate.

The uniqueness of the military enclave is characterized among other things by the absence of law. On the face of it, the regiment, with the permutations required by the nature of military service and training and by security constraints, is subject to the network of legal norms that envelope our lives in general. But as *Paratroopers* so well portrays, whenever a legal or semi-legal norm tries to penetrate into and influence realities within the regiment, it is blocked.

Here are some examples. At the beginning of the film, a soldier asks the army doctor how many hours of sleep soldiers are entitled to have. The doctor begins to answer, but is cut short by the platoon commander who fiercely enhances the irrelevance of the question, and indirectly of the fact that whoever insists on questioning the orders of headquarters and claiming their right to hours of sleep according to law will not become warriors. In another scene, one of the soldiers (whose father is a lawyer) mentions the possibility of raising a complaint anonymously before the Commissioner for Soldier Complaints, but the matter ends at that, and the hesitant thought of the possibility to subject that matters of the platoon to outside scrutiny is

barred from the very start. In one of the later scenes Weisman throws his radio into the latrine pit. The commander opens automatic fire into the pit while many soldiers are in the surrounding area. In another scene, during a trek, Weisman who is agitated is strapped to a stretcher. When the platoon returns to the camp, the regiment commander what happened, but his wonderment dies out of itself, and is not turned into a complaint according to military disciplinary rules for inappropriate behavior, or into some kind of investigation. Toward the end of the film, when a barrage of fire is being carried out, the platoon commander enters into the line of fire before the soldiers have emptied their weapons. A soldier fires a shot in the area where the platoon commander is standing. This involves serious security offenses, but in the film they are not treated as such. They are just ignored. The only hint of the incident is the humorous remark of the platoon commander: "Whoever wants to kill me should aim better."

The exclusion of law naturally comes to a height in breaking off the inquest concerning the death of Weisman. The scene exemplifies even in visual terms this exclusion. The investigating officer of the military police stands at the back of the frame, outside focus. In the front of the picture stand the regiment commander and the platoon commander. The former informs the latter that it was decided to close the case. The military police officer, who represents the legal option, disappears in a kind of visual as well as a narrative "fade out." The regiment, so it appears, is set in a place into which law cannot penetrate; nor is there any need for its penetration because the regiment is autonomous and has the capacity to resolve any problem that arises with its own mechanisms.

The film describes painful events. The distress of Weisman arouses deep identification within Israeli audience, and associations with other painful cases of soldier suicides intensify this even more. Yet, the death that stands at the center of the film seems as though it occurred in another dimension, one with which normal, everyday Israeli law has no full access. To a great extent this could not be otherwise because the film concerns things that Israeli society do not want and is not prepared to judge. One of these things is the special status of the soldier group, and the need to protect it at any cost for the common good. It is vital to prepare the soldiers for the next war, and an inseparable part of the preparations is to establish solidarity among comrades-in-arms. Some of the cost is the arduous sifting process in which the group of comrades is created, and those who are not capable of fitting in are ejected from it. The entire group closes ranks to help Yair, the platoon commander, who is faced with a problematic situation, and all unite to overcome the trauma of a training accident (or suicide), which constitutes,

as all Israelis well know, a demanding moment not only for the family of the deceased but also for the platoon, especially a platoon of cadets. Throughout the film, whenever it becomes necessary to protect the group and its proper function, a soldier or commander may commit some kind of criminal or disciplinary offence, without anyone protesting. It is clear to everyone that this is the way that paratroop training is conducted and that it should be conducted in this way to consolidate the brotherhood of warriors.

Against this background, Yair's treatment of Weisman is not only perceived as "the sadistic abuse that the anti-hero must suffer"²¹ but also as an effort to assist him in overcoming difficulties and holding up to win the desired prize – the status of being a member in a group of warriors. As the film reveals, Yair had himself suffered serious difficulties when he was a cadet, just as Weisman is at present. Through a similar process to the one over which he is now in command on the other side of the fence, as commander of the platoon, he had managed to mould himself into becoming part of a fighting group. The film draws a parallel between the two men, and the implication is that Yair, who is aware of the similarity between himself and Weisman, tries to help him through using the methods that had helped him.

The film therefore arouses not only a new identification "with a semi-detective investigation and inquiry into abusers in the army," which is imposed "on the militaristic and macho-type Israeli consolidation as a whole" as Ella Shohat (2006, p. 96) suggests, but also, and mainly, the traditional identification with the Israeli identity "steeped in war experience" (Ne'eman, 2006b) and in the brotherhood of warriors.

Ironically, the tragic fate of Weisman is derived from the ethos of group superiority and brotherhood among its members. The group rejects him because his presence mars the platoon's function. When Weisman is under arrest for disorderly behavior, two soldiers abuse him because they were not given their leave on his account. In fact they declare that he is not part of the group and as harming it and encourage in various ways his expulsion from it. After his death it is almost as if they are celebrating the expulsion by opening the food package he received from his parents and sharing out its contents among the members of the company.

In an essay dealing with Israeli war films, Ne'eman describes his film as follows: "*Paratroopers* was not a film about the Yom Kippur (Day of Atonement) War but on the badgering to death of a paratroop cadet. In other words: on the national obsession of Israel: to be soldiers" (Ne'eman, 2006c, pp. 130–31). He also makes a comparison between the inquest that stands at the center of the second part of *Paratroopers* and the inquiry

conducted by the Agranat Commission after the Yom Kippur War: "The agenda of the Agranat Commission was the national obsession with militarism, and so was the implicit agenda of *Paratroopers*. The Commission, which focused on the military ranks, seemed as though they had ruled that the State of Israel is a state founded upon military obsession, and that it should be so" (*Ibid.*).

Paratroopers, as Ne'eman suggests, raises the question whether it really "should be so," and to some extent undermines the positive answer. But the film, which has not lost its relevance today, suggests a multifaceted answer. In my view, Ne'eman's film indeed expertly presents the Israeli "national obsession with militarism" and the painful price it demands from certain individuals. Yet, the film maintains a close, living and vibrant connection with the national-heroic narrative and ends with renewed acceptance of this narrative, and with ruling that ultimately this is the way "it should be." The death of Weisman is tragic, but group unity in the army can and even must come to terms with this death and acknowledge it as unavoidable price for achieving collective goals.

Paratroopers is an important film that presents with depth and precision a crucial aspect in Israeli army experience and in the Israeli experience in general, and the tension that is sometimes catastrophic, as in the film, between the individual and the collective needs. But the film does not produce a serious critical statement. Like many of the other socio-political films that followed it, this film also played a role in developing the uninterrupted national narrative of military heroics, and of the unique quality of solidarity that only a company of soldiers knows how to ignite among its brother members. This is a story that had and still has a dominant position in Israeli society. It is a story that never could endow a significant place to legal considerations.

To sum up, *Paratroopers* leaves the death at its center unresolved. The film ends long before arriving at any legal clarification or decision. Even if a critical stance regarding the problematic nature of training cadets emerges from the film, it does develop into expressing criticism on the absence of law. The optimal functioning of the military system is portrayed as more important than pursuing questions such as legal responsibility for the death, or whether it is essential to impose legal punishment for a training accident (Zimmerman, 2003, p. 71).²²

Such a position is depicted as possible, and perhaps required, since the death of Weisman occurred within an enclave, in that gray zone of vague borders and vague norms in which the soldiers are placed. This gray zone

always exists in Israel during wars and in between them, in every place where soldiers are stationed. This is a zone that, even if it formally falls within a territory, in which the law of the state applies, in actual fact a full application is unfeasible.

4.3. *Avanti Popolo*

Paratroopers presented the rejection of law from within the enclave of the regiment, a rejection that even if one opposes, can be found to have an underlying ideological justification. Law in *Paratroopers* was at certain moments almost present, but was diverted aside. In the film of Rafi Bukai, *Avanti Popolo* (1986), an even more extreme course is taken. The film presents not only diversion, disregard or rejection of law, but a complete displacement from a world in which law has any kind of relevance at all.

A number of hours after the beginning of the ceasefire that ended the Six Day War, on June 11, 1967, four Egyptian soldiers find themselves separated from their comrades. One of them dies of his wounds. The commander, who does not accept the ceasefire, commands his remaining subordinates to attack a group of Israeli soldiers. They refuse for fear that drawing attention to themselves would lead to their deaths, and after the argument develops into a fight, one of the soldiers kills the commander.

The two soldiers who remain alive are a farmer (Suhel Haddad) and a stage actor (Salim Dau). They begin to march through the desert, exhausted with hunger and thirst. Various bizarre events occur on their way. They come across a jeep with a dead UN soldier. While they are there, they come upon a group of Israeli soldiers who are accompanying a British film director searching desperately for photographs of the real war and have no other choice but to film the dead UN soldier. When they discover the Egyptian soldiers who are drunk with the whiskey taken from the jeep, the Israeli soldiers decide to take them along, but one of the Egyptian soldiers vomits over them and they choose to leave them alone and go on their way. The two Egyptian soldiers continue their journey, and after a number of incidents they meet another group of Israeli soldiers. Knowing that the war is over, the Israeli soldiers deliberately ignore the two Egyptians. They do not kill them or capture them, but urge them to go on their way. But the Egyptians are too thirsty and desperate to go off on their own, and they stalk the Israelis. In an attempt to create some human bond, the

soldier-actor declaims in English the famous monologue of Shylock from the *Merchant of Venice*:

I am a Jew. Hath not a Jew eyes? Hath not a Jew hands, organs, dimensions, senses, affections, passions; fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer, as a Christian is? If you prick us, do we not bleed? If you tickle us, do we not laugh? If you poison us, do we not die? And if you wrong us, shall we not revenge? (Shakespeare, 1987, Act III, Sc. 1)

This famous Shakespearean monologue, pronounced in such strange and unusual circumstances, succeeds in creating a link. The Egyptians receive water. A careful and fragile relationship begins to be formed between the Israeli and Egyptian soldiers. They march in the desert, singing together the song "Avanti Popolo." They spend the night together, but during the following day the group comes across a minefield. Some Israeli soldiers are killed, and one is seriously wounded. Other soldiers who arrive to rescue him mistakenly identify the Egyptians as those who had injured the Israelis and begin pursuing them, despite the attempts by the wounded soldier to explain that the Egyptians were not responsible for what had happened. The final scene of the film is the obstinate pursuit of the Israeli soldiers after the unarmed Egyptian soldiers. The farmer is wounded and dies. The actor continues to run toward the Suez Canal. But just as he reaches his goal, it appears that that he has not reached the safety so much desired. He stands between the two armies, the Israeli and the Egyptian, and is shot to death by both Israeli and Egyptian bullets.

Avanti Popolo is located in a twilight time and place – the transitional period between war and no war. The film presents a number of death scenes that occur after the formal declaration of ceasefire; yet it is clear that nobody will be held responsible for the death, or even required to give any account. Death takes place during a time of war, subject in principle to the laws for warfare, and this means among other things that in most cases there is no expectation that legal responsibility for it will be examined or that a legal price will have to be paid for it. War is an exceptional state of affairs; it creates an enclave that makes legal measure alien in nature, despite the attempts at rationalization that defines war as an enclave that is not detached from the sphere of law but as a situation to which special laws apply – the laws of warfare. But as *Avanti Popolo* so well demonstrates, there is no law that can appropriately encompass the chaotic nature of war. As noted, the death incidents in the film take place after the war is formally over. The Egyptian commander is killed by his own soldiers, the

Israeli soldiers are killed in a minefield, and the Egyptian soldiers are killed by Israelis and Egyptians. The film is filled with unjustified, arbitrary, and meaningless deaths. Yet, these deaths are not punishable. The laws of warfare are a kind of partial mask over a chaotic situation that apparently cannot be submitted to any real legalistic judgment.

Avanti Popolo lacks any legal perspective. And once again, poetically this absence is called for. Just as in *Paratroopers*, the story that the film wants to tell stops before it reaches the sphere of law, and in the case of *Avanti Popolo* – long before it does so. This is although the film is filled with events of outstanding legal implications, even though they only concern the laws of warfare. By whom, and when was the UN soldier killed? Why was his body left in his vehicle? Who authorized the English film director to take photographs of his body under the protection and with the assistance of Israeli soldiers? How and under what authority do the soldiers accompanying the film director decided to take captive or not to take captive the Egyptian soldiers they encountered? Who is responsible for what is occurring? Is there any order or justice? Is there anyone at all who knows what order or justice is to be applied? Until when do the laws of warfare apply to a war that has just ended? And what exactly do they determine? It seems as though all the characters in the film are in a state of utter bewilderment. It is not clear to them what norms, if at all, constrain them. No one is responsible for anything, and law which is authorized to determine responsibility, resides in a territory that is totally detached from the one in which the film is taking place.

Indeed, the film presents the possibility of constituting human relationships between opponents that is detached from the outside world by depicting the tentative relationship that was formed between the Israelis and the Egyptians, and the inability to maintain the conventions of hostility and hatred when common human experience links the characters together. However, within the normative system that characterizes the film experience, all this becomes meaningless when faced with the random and pointless death of the heroes and the certainty that no one would bear responsibility for it.

In my view, the parodist/surrealistic intonation of the film constitutes, eventually, a kind of thin mask that conceals behind it the traditional narratives centered upon the heroism of the army and the brotherhood of its warriors, without allowing the film to fracture these narratives. The film clearly defines the arena of action: a hallucinated landscape on the chaotic borderlines between war and peace, a place denuded of law and order. Everything could possibly occur within it. War is presented as demanding a

horrifying price, but this price is portrayed as necessitated by the realities of war, and not as something that could or should be subjected to rational and normative examination.

Although Avanti Popolo creates a general humanistic message that is easy to agree with, the generality of the message prevents the holding of a serious discussion (Zimmerman, 2003, p. 67). Had a serious discussion been held, it would have required some investigation into questions of responsibility, and to deal with such questions, it would be necessary to enter legal fields.

4.4. *One of Us*

In the Internet website on the battle legacy of IDF paratroopers, the brotherhood of warriors is defined as follows:

The physical and mental hardships during military training, the shared experiences and dangers in parachuting and in punitive actions, consolidated the brotherhood of warriors. This is a special type of comradeship characterized by a common language of ideas, and special expressions that an outsider would not understand; a kind of commonly shared secret code. The brotherhood of warriors is a kind of mutual pledge, an asset that the paratroopers retain throughout their lives. (Gilai & Ben Uziel, 2009)

One of Us, a film that was produced in 1989, directed by Uri Barbash and based on a play by Benny Barbash, supplies a cinematic realization of this definition. The film, in a way, is in correspondence to *Paratroopers*. The story of Yair is a kind of narrative embryo to the story that stands at center of *One of Us*, which pursues even further the themes of the commander under investigation, and the brothers-in-arms alliance pit in test.

The film swings between two plots. The first is the story of friendship between Rafa (Sharon Alexander), Yotam (Alon Abutbul), and Amir (Dan Toren), three soldiers whose comradeship is forged in the course of rigorous battle training. The three try to survive the bullying of their commander, nicknamed "The White Angel."²³ Through this they become part of the family of warriors in which loyalty to one another stands above all else, as expressed in the slogan that is repeatedly heard in the film: "One for all and all for one."

As a practical joke to relieve tension, Rafa photographs the commander in a humiliating situation. When the photograph is discovered, the whole platoon is punished. Rafa tries to give himself up, but the company, for reasons of honor, decides to close ranks and not prevent him from confessing. The result is a day and a half of severe penalties that far exceed any standard of permissible or legal response. Rafa is exposed to the

increasing complaints of his friends and decides to give himself up through an anonymous telltale note (which he wrote himself). As punishment he is again harried until he is wounded and is hospitalized. Yotam and Amir visit him in the hospital and tell him that "The White Angel" has been transferred from his position. Rafa tells them that he has no intention to return to the unit.

Three years later Rafa, who is now an officer in the military police force, arrives at an army base over which Yotam has command to investigate an incident in which a Palestinian was killed. Yotam tells Rafa that Amir was killed three weeks earlier. The connection between Yotam and Rafa in their renewed encounter is portrayed as a deep friendship that has endured despite the years that have passed. Rafa conducts his investigation against this background, and the expectations of all those who surround him is that he will confirm the version of the unit and declare that the Palestinian was shot during an attempt to escape. However, Rafa quickly realizes that the Palestinian was suspected of having killed Amir, and that the officers of the unit killed the Palestinian in revenge. He also finds out that the soldiers of the unit abused the residents of the nearby refugee camp. In the closing scene Rafa takes the envelope that contains the evidence he obtained (a video cassette that proves the murder) and the report he wrote, and walks toward the incinerator used for destroying documents.

We do not see him actually throw the envelope into the fire. In the director's hand that is one of the special features in the DVD version of the film (2004) Uri Barbash says: "What he could possibly do near the incinerator is quite clear, but people still came out with question marks."

Did Rafa decide to destroy the evidence and cooperate with the soldiers of the unit who strived to hide their crimes? Or perhaps he did after all make his way out of the base to expose the truth and bring those responsible to justice?

Even if the end of the film can be interpreted as vague, in fact the answer to the question: "What exactly happened at the end?" is not at all important. What is at the center of the film is not an answer to the factual questions of legal significance (Was this a murder case? If so – will those responsible be put on trial?). The central subject of the film is the intense concern with the question whether Rafa, who is "one of us," will meet the expectations of his friends or go against them.

The film does not revolve around an investigation, trial and the execution of justice, as might have been expected from a story that deals with a series of serious offences – murder and abuse of refugees. The focal point of the film is the painful dilemma of Rafa, and the expectations of his friends in the

unit. Even if *One of Us* took a longer step in toward law than *Paratroopers*, and the law is felt breathing down the neck of the army to a greater extent, *One of Us* as well breaks away from involvement in the law at a very early stage. And even if the mystery of the death of the Palestinian were solved factually, the question of legal responsibility for the death remains open, since the story comes to an end before this matter is resolved. Here, too, the end of the story is convincing within the poetic context of the film. The legal relevance of the film is secondary to the moral dilemma that creates its ideological core – when should loyalty to army comrades prevail. And the implied answer is: always.

One of Us does not even set up the law as a worthy rival for the unit. From the very start the unit is described as an enclave well protected from outside interference, including legal interference. As is made clear at the beginning of the film, the reason why the death of the Palestinian came to be investigated by the military police was American pressure. The American ambassador was a friend of the dead man's father. The dead man with whom the film is concerned was specifically pulled from all the other cases that occurred in the army enclave but were not investigated, not because they were not worth investigating but because no external factor demonstrated interest in them. Legal involvement is presented in the film in as being forced, and not as naturally required. The dilemma of Rafa is presented not as a failure in the conduct of a man of the law who, instead of carrying out the investigation to the end, is drawn into questions of personal morality and friendship, but as a well-understood choice that represents the positive ethos that underlies the character of the Israeli soldier.

Rafa is portrayed as an honest and conscientious person, with strict moral standards. But ironically enough, it is just because of this that he is expected to cooperate in plastering over factual truth for the sake of a greater duty. When Karni (Arnon Zadok), the commander of Yotam, considers whether to transfer Rafa from the investigation because of his personal history in the unit, Yotam objects and says: "This man is straight, straight as an arrow." It is just because of this honesty that Yotam is sure Rafa will be guided by correct and proper standards that would lead him to do the right thing. And Rafa, who does indeed expose not only the lies of the officers and the fact that the Palestinian was murdered by them but also the cruel abuse carried out by the soldiers of the unit in the refugee camp, is in no hurry to openly share his knowledge with outsiders.

At the beginning of the film the following announcement appears:

This film is not a documentary.
Any resemblance between the plot and the
characters and reality is completely coincidental.
The story of the film does not reflect realities in the IDF.

– IDF Spokesman

In the director's band that accompanies the DVD version, Uri Barbash notes that he was obliged to insert this announcement by the IDF spokesman. However, IDF does not regard the film as subversive nor aims to distance itself from it. On the contrary, IDF continuously screens *One of Us* in its courses for officers and commanders.

Again, as in *Paratroopers*, that is still being screened in various IDF contexts, the film *One of Us* also does not overturn the "military obsession" to use a phrase coined by Ne'eman, but only reflects to what extent it is present, and how ambivalent and complicated is the Israeli collective perception regarding jurisdiction over what takes place in the army. It seems that one of the results of this "military obsession," a result that *One of Us* so well reflects, is the emergence of a tendency to attribute collective responsibility to an army group for the occurrences that take place within the group enclave, and by doing so negate personal responsibility that underlies the legal perception of events.

4.5. *Lebaon War Early Films – Two Fingers from Sidon and Time for Cherries*

Two fingers from Sidon

I am so upset

Watching over all day long

Looking for someone to shoot at

Seeing a beautiful girl in a village

And remembering you.

Far from the eye, far from the heart

You have forgotten me and it hurts

Thinking of you a lot

A soldier captive in Lebanon

Two fingers from Sidon

Opening the routes is the primary task

A little confident and a little scared

In the bushes there is a roadside bomb

*On a branch a butterfly rests
And I have down pat yon.*

— Eli Madorosky.²⁴

This is the opening song from the film *Two Fingers from Sidon* (1986). The song, which was highly popular in Israel and became a hit, represents until today the way in which the First Lebanon War was perceived in collective Israeli memory. As in the film that bears its name, the song describes the state of mind of a soldier who finds himself in a strange and alien place, full of hidden traps: the village that has a beautiful girl but also human targets to shoot at, a road with bushes and butterflies and also a roadside bomb. The Lebanon of *Two Fingers From Sidon* is a mixture of cherries and sweets, platonic love and childhood innocence, together with betrayal and denial, explosions and unexpected outbursts of firing, death lying in wait at every corner and bodies ripped apart. This is a place as Tuvia, the tough and clear-sighted commander, says, where "Black is white and white is black." In this illusory and distorted existence, every soldier is "a bit confident and a bit scared," having to cope with homesickness, fears and dangers. It was easy for Israelis to love this soldier, the soldier who represents the collective identity at its best.

This is a film that was produced by a filming unit of an IDF spokesman (a fact that arouses some degree of surprise in itself) and was filmed in Lebanon, with cooperation between actors and real soldiers playing their actual army roles. Although this is a sponsored film, it was regarded both in Israel and abroad as authentic, and even as a source of pride, stemming from the fact that that the army could produce a film that criticizes the very war that it is conducting.²⁵

The film focuses upon the figure of a young officer, Gadi (Roni Finkovitz) who arrives in Lebanon equipped with humanistic beliefs and moral principles. His commander Tuvia (Shaul Mizrahi) repeatedly tells him one should not confuse the usual Israeli norms and what occurs in Tel Aviv with the treacherous realities of Lebanon. The events that he experiences provide one after the other, the cruel corroboration for this warning. The soldier Effi (Boaz Ofri) exchanges love glances, chocolate and cherries with a young Lebanese girl, until it is discovered that she is working for the Shiite terrorists. The Druze soldier Rauf (Nazzy Rabach), who is engaged to a Lebanese Druze woman, is found by his friends with his throat cut. A Lebanese child who befriends an Israeli soldier is killed by accident by Israeli soldiers.

In the central scene of the film, the conflict between the constant mortal danger in Lebanon and the aspiration to act morally reaches a climax. Gadi and his men surround a house in which a dangerous wanted man is

supposedly found. The soldiers debate whether it is better to break into the house or to blow it up. There is the apprehension that innocent civilians are living there, but blowing up the house would protect the lives of the soldiers. Gadi, in a kind of mirror image of Weisman throwing the suicide grenade in *Paratroopers*, bursts into the house, knowing for sure that he will die. Unlike Weisman's death in *Paratroopers*, that is perceived as unnecessary and as difficult or impossible to justify ideologically, the fate of Gadi is adorned with the highest kind of ideological justification and at the same time supports the perception that Lebanon is an enclave that deserves to be exterior to the confines of any legal jurisdiction.

This perception is reinforced in *Time for Cherries*, the film of Haim Buzaglo (1991). The film tells about a group of reserve soldiers who are sent to Lebanon in 1985 before the retreat of the IDF. In the center of the film is the figure of Mickey Gur (Gil Frank), a Tel Aviv copywriter. An American TV team accompanies Miki and his friends into Lebanon, and documents the events.

The routine of the Israeli soldiers in Lebanon is described as a bizarre combination of guard duty, watching pornographic films, evenings of group entertainment filled with bursting energy, and daily updates on the number of dead. During their entry into Lebanon the soldiers bump into a roadside bomb. Later on, Mickey goes on home leave instead of his friend who agrees to exchange leaves with him and postpone his departure. The friend is killed by a sharpshooter. On their return, the soldiers ride over an explosive device and Mickey and his comrades are killed. To describe the odd symbiosis between war and the media that follow their tracks, between the civilian and military population, and between the Tel Aviv realities and the Lebanon experience, the film uses the style of fantastic realism. This style expresses both the illusory character of being in Lebanon, as well as the dissociation between the war and its image in the media. The visual and poetic language of the film is beautifully presented in a scene depicting soldiers traveling in a covered jeep. Here is Nurit Graetz description of this scene:

When the soldiers went up the slope of the mountain in their jeep for the first time, they seem like angels in a fantastic spectacle of mounting heavenward (with a pair of white wings bursting out of the landscape and accompanied by a chorus singing the Carmina Burana), and when they descend the slope the second time they are already dead soldiers – the fantastic vision of mounting to the heavens is fulfilled ... (Graetz, 2008, p. 346)

Time for Cherries emphasizes and intensifies the image of Lebanon as an anomalous enclave in which everything is possible and that nothing taking place within its borders can be subject to the usual standards of judgment. Immediately after a soldier of the unit is shot and killed by a sharpshooter,

one of the soldiers who are interviewed says: "Everything in our state is considered sacred, here nothing is considered so."

The film presents the gap between Israel – "our state" – and "Lebanon," and the significance of the gap in practical terms. In Lebanon one does things that one would never consider doing in Israel. But who can demand an account or impose judgmental standards when it comes to soldiers in danger of their lives, who relieve the tension through the excited smashing of dishes and disorderly behavior? It would surely be inconceivable to speculate as to whom the dishes belonged, whether the soldiers would be held responsible for the destruction of property, over whose home they took control, and whether their actions conform to the principles laid down for warfare in international or national law, or deviate from them. Who can judge with legal tools the emotional outburst of Mickey's rage after the death of his best friend, when he destroys the car suspected as a trap, doing so without appropriate inspection, taking an unnecessary risk, and destroying property?

Everything in Lebanon is permissible. *Time for Cherries* presents Lebanon of Israeli soldiers as a place in which law and order are absent, a kind of Wild West. Herds of cattle are devastated. Personal property becomes ownerless. No one reacts to illicit actions. This legal vacuum is portrayed as the consequence of Lebanese reality, the product of the struggle of the soldiers to survive in an impossible situation. As one of the soldiers in the film says: "When you are fired upon, you want to live, but afterwards, when you are in bed, you have the feeling that all this was unnecessary." The message and suggestion is that probing into the niceties of the law belongs to a dimension in which people are lying peacefully in bed and thinking about the futility of war; in other words – in Tel Aviv, which is presented in the film as the polar opposite of the Lebanon experience. When you are two fingers from Sidon, everything seems different.

4.6. *Lebanon War Later Films – "Beaufort" and "Waltz with Bashir"*

In the years that have passed cinematic interest in the war did not fade away. In 2007 Joseph Cedar's *Beaufort* was screened, won vast acclaim and aroused lively critical discussions. *Beaufort*, which is based on the novel by Ron Leshem *If there is a Paradise* (2005), describes the last days before the IDF retreat from the outpost Beaufort, which was conquered by the Golan Brigade in 1982. Ziv Faran (Ohad Knoller) is an engineering officer who was sent to deactivate an explosive device placed on the route descending from the outpost and blocking the ascent of the convoy toward it. Ziv examines

the area and comes to the conclusion that the task is too dangerous, and that instead of manually deactivating the bomb, it would be preferable to blow it up by using a bulldozer. After an argument with Liraz Liberty (Oshri Cohen), the commander of the outpost, Ziv presents his reservations to his superiors, and receives the order to act as planned. He goes out to perform the task and is killed in the process. Immediately after this, the bomb is deactivated by the alternative means that had been rejected. The route is opened.

In the background preparations are made to dismantle the outpost before its evacuation, while soldiers are being occasionally killed. Liraz repeatedly calls in vain for a revenge operation against the Hezbollah that are located at the foot of the mountain. The final part of the film describes the departure of the last soldiers from the outpost. The remaining equipment left behind is blown up, and then the soldiers mount the armored vehicles and return to Israel.

Beaufort focuses on and distills two of the themes that were prominent in the earlier war films: the army as an enclave distant from the realistic world and possessing its own laws, and the status of being protected from normal judicial processes that applies to the enclave and everything that occurs within it.

The first theme is constructed not only through the contents but also through the visual language of the film. The outpost is built from underground tunnels detached from reality and familiar geographical features. Not surprisingly, Ziv, the newly arrived engineering officer, loses his way through them. Within the surrounding gloom the soldiers lie down sleeping in their clothes and shoes, on bunks that are hung by chains from the ceiling.²⁶

The unusual visual scenery forms an appropriate setting for the special norms that are observed in it, and their delineation constitutes the second central theme. Accordingly Ziv soon realizes that Beaufort is an enclave with its own norms. One of these norms is that deaths occurring in Beaufort are not to be examined too closely. Already at the beginning of the film Beaufort claims the life of Ziv, a death that casts a dark shadow over the rest of the film. Ziv, as mentioned, warned his commanders that there was no realistic possibility to carry out his task, and that the orders should be changed and another option should be used. Contrary to the common sense and reasonability that dictate that the expert in the field is better equipped to judge the actual situation, Ziv's commander ignores his opinion and orders him to carry out the task as planned. The attempt to deactivate the bomb fails and Ziv is killed. In reality, when such catastrophe occurs, the disregard of a report that a plan does not go with the situation in the field would have

been rigorously investigated, primarily to reach conclusions as to the question of responsibility for death. Yet in *Beaufort*, the death of Ziv is not presented as an event that will or should motivate this kind of inquiry. The death remains unresolved. The soldiers of the outpost are comforted by the unusual permission for hot showers and some special dishes that the opening of the route allows to be transported. But an investigation that would place responsibility on whoever had the duty to prevent the death of Ziv is not feasible. Even the bereaved father of Ziv does not mention the possibility or duty to find out why exactly his son died. He does speak in bitterness and pain about guilt and responsibility, but the only guilt and responsibility he can think of is his own:

I blame only myself...one may blame the army, the generals, but these generals are not really responsible for my son, they don't know him at all. I am responsible for him, I educated him, and it seems I did not educate him well.

The death of Ziv, like the other deaths in the film, is perceived as random fortuitous, and at the same time unavoidable. There is no clear connection or even an indirect one between any death in the film to terms such as responsibility or guilt, or the expectation and demand to conduct investigations in matters of responsibility and guilt. All that Liraz, the commander of the outpost demands (a demand that his superiors reject) is to relieve the rage and to seek revenge through an attack that would make the enemy pay with their lives.

The film delineates the distance between the experience of the soldiers and a normal and normative regime, and at the same time shows how invalid it would be to impose such a regime on them. The soldiers in the Beaufort outpost are in a state of siege, both internally and externally, and in a situation of constant danger to life into which they were put by society. In such a situation, the besieged are left to their fate and there is no place for outside interference. The Beaufort enclave is organized (or at least is supposed to be organized) to defend as best possible both the individual and the group from outside threats and dangers. Law is not capable of intervention in the internal forces acting within the Beaufort enclave and among the group of soldiers inside it.

Throughout the film the soldiers are often called "children," even by their commander, who is not very much older than them, and seems no less a "child" than his subordinates. These children, who are perceived in Israel as the children of the Israeli society at large, are caught up in a nightmarish situation from which it is doubtful they will safely come out. The

combination that the film creates between the abnormal state of the Beaufort enclave and the vulnerability of the soldiers-children, lauded by the feelings of mutual brotherhood, devotion, and self-sacrifice, adds another layer to a story that most Israeli war films specialize in – the heroic story of soldiers who salvage the entire society. This is a story in which there is no place for law.

In 2008, Ari Folman's film, *Waltz with Bashir*, was screened. The film is classified as a "documentary animation" (animation that is drawn on the basis of a documentary photograph in video form), but in fact creates a novel cinematic type. It takes place during the first months of the First Lebanon War, at the end of 1982, and focuses upon the massacre of Sabra and Shatila that took place at in September. The film-script makes use of the memories of the director and testimonies that he collected from other people who were in Lebanon in that period. Most of the figures in the film are based on animation drawn on the basis of photographs of real characters, but some are invented and dubbed by actors.

The film begins with a conversation between Folman and a friend who asks for his help in getting rid of a nightmare that has been pursuing him for years – the scene of the dogs that he killed at the beginning of the Lebanon War. Folman, whose figure stands at the center of the film, does not remember anything of his days as a soldier in Lebanon, except for a dream or illusion about night bathing on the shores of Beirut in light of illuminating flares. He decides to question those who had been in Lebanon, members of his former platoon and senior commanders, to help him recall the part he played in the events. The process of reconstructing his memories is not laid out in a linear way. The film is composed of a collection of images, some of them surrealistic and some of a more realistic character, that relate to the shreds of memory in the minds of Folman and other soldiers. Images, interpretations, nightmares and sounds, memories of Lebanon and memories of the Second World War, the streets of Tel Aviv, landscapes of Holland and pictures of burning Beirut are all weaved together. At the end of the film, Folman recalls the circumstances of the massacre and the place where he was located – apparently in the second or third circle of soldiers. A psychologist suggests why his memories were blocked. Actual pictures of the massacre conclude the film.

Waltz with Bashir includes certain elements that are similar to earlier Israeli war films. Folman presents the traumatic effect of war on soldiers, the death of comrades and other such harsh war events that have already been widely depicted in previous Israeli war films. *Waltz with Bashir* is not a

pioneer in the cinematic portrayal of failures and flaws in the military function and command of the army. *Paratroopers* and *One of Us*, as well as many other war films have not spared their audiences detailed descriptions of such failures. Depiction of the absurdities of war and military experience as an enclave was also well developed in previous films such as *Avanti Populo* and even *Beaufort*. In addition, *Waltz with Bashir*, like the other films that preceded it, emphasizes the motif of comradeship that army experience generates. This comradeship provides the practical and conceptual structure for the narrative framework of the film. The initial motivation for Folman's journey into memory is the anguish of a friend whose recollections of Lebanon torment him at night, and to distill his own memories from himself, Folman needs his other friends. Only through interweaving a narrative composed mostly of the evidences of soldiers who shared the experience can Folman achieve the catharsis he seeks.

Hence, the film thus makes use of salient elements that had characterized previous war films. However, it is also an exceptional articulation that breaks out to a great extent from the paradigm of the earlier films. In *Waltz with Bashir* the familiar themes serve as background for a novel discussion. The film is not centered upon the self-sacrifice of the soldiers or their bravery, nor on the absurdities and the glories of war. The film's main focus is a profound concern with the issues of responsibility and guilt.

The novelty of the film lies in the implied assertion that the army environment, however removed from reality it might be, does not really constitute an enclave that exempts those within it from the demands of responsibility and guilt. Interestingly enough, in this film that heightens the cinematic image of Lebanon as the opposite of a rational and law-abiding reality, central concentration is placed on the question of responsibility. The responsibility in this film is connected with an event known as "massacre," and it is examined in the film at both the collective and personal levels. For this reason, *Waltz with Bashir* is the most legal oriented film of all the war films that had preceded it, if only in the sense of being focused upon questions of responsibility and guilt.

According to the website of the film, Folman began working on it by "collecting evidence,"²⁷ a practice that is clearly of a legalistic nature. Over a period one year, scores of Israelis were interviewed about their experiences during the first three months of the Lebanon War, with the central event in the evidence gathered being that of Sabra and Shatila in September 1982.²⁸ As it is known, an examination of Israeli responsibility for what had

occurred was conducted by judicial inquiry appointed by the Israeli Cabinet to on September, 1982. Its task was defined as follows:

To investigate all the facts and factors in connections with the atrocious acts that were carried out by Lebanese forces against the civilian population in the Sabra and Shatila refugee camps. (<http://www.mfa.gov.il/mfa/go.asp?MFAHD09m0>)

Presiding over the committee, called the Kahan Committee was Yitzhak Kahan, the President of the Israeli Supreme Court at that time. The Committee that then defence minister Ariel Sharon and than Chief of staff Rafael Eitan bore partial responsibility. In the Knesset website summary of the committee's conclusions, it was said:

The Committee concludes that the direct responsibility for the massacre falls upon the Lebanese Phalangist Forces, and that no responsibility is placed upon the State of Israel or on those who acted on its behalf, although it found reasons to censure the behavior of the political and military ranks...The Committee found reason to censure the Minister of Defense, Ariel Sharon, for allowing the entry of the Phalangists into the refugee camp, and for not taking into account the danger that they would carry out revenge activities after the murder of the elected president, Bashir Jemayl, and for not taking the appropriate means to prevent the bloodbath or to reduce the danger. The Committee recommends that Minister Sharon draw personal conclusions. He should be transferred from his position, but may remain in the government as a minister without portfolio...The Committee criticizes the decision-making process in all that concerned the massacre in Sabra and Shatila, including the absence of suitable report and registration procedures, and recommends that education will continue in the IDF concerning the basic moral commitments that should be upheld in times of war. (www.knesset.gov.il/lexicon/heb/cohen_val.htm)

Does the examination of Israeli responsibility for the massacre in the film add any significant layer to the conclusions of the committee? Does the film provide a supplementary dimension that has so far been absent in public debate on the question of responsibility? If so, what can be deduced from this about the structural limitations of law as a medium that makes it possible to cope personally and collectively with the questions concerning the moral responsibility of the individual acting within an organizational framework that is not under his or her control?

A review of the positions expressed in Israel about the film reveals a debate over the stand it takes. The reactions range from criticism of Folman for missing the opportunity of bringing the public significantly closer to a discussion about responsibility, or even for making use of the film to fabricate an alibi to release the soldiers from responsibility, to regarding him as treating the question of responsibility in a balanced and appropriate manner, and going as far as to perceive the film as exposing hidden guilt, or

as unilaterally stressing Israeli responsibility for the event (see: Dichek, 2009, pp. 37–38). All the reactions, despite the gap in their perception of what the film is stating, share in the common recognition that *Waltz with Bashir* is a film that deals first and foremost with the issue of responsibility and guilt.

The debates concerning the “verdict” of the film testify to its complexity and depth, which do not allow a definite conclusion. Out of a medley of memories and the vagaries of personal consciousness translated into a unique visual language, comes a sharply portrayed concern with the question of personal and collective accountability that remains an open one. The film does not suggest a closure and sealing of the questions of guilt and responsibility it deals with, but seems to urge the viewer to hold a kind of personal trial in the light of the unusual evidence that the cinematic text lays before us.

Waltz with Bashir is not a “law film,” but is one in which acts of judgment are central to it. It is the judgment that the author-narrator of the film activates against himself, against his friends, and against the decision-makers of that time, and the judgment of the friend-narrators. Side by side with these, the film promotes the personal judgment conducted by each and every viewer. Although the judgment is one that constitutes a reaction to the aesthetic presentation of reality, a presentation that from the start lacks objectivity and is the product of intentional and declarative manipulation, yet it is eventually a judgment. Present at the background is the formal judgment that finalizes the events at the center of the film – the conclusions of the Kahane Committee, and the need to evaluate from the perspective of decades whether the formal judgment dealt sufficiently with the need to examine in depth the question of responsibility, or whether it has left gaps that are visible until today.

What does the film contribute to understanding the structural limitations of law as a means for coping with the question of the moral responsibility of the individual functioning within a military framework? It seems that the scarcity (or deficiency) of formal judgment on the question of responsibility for the massacre (as reflected in the conclusions of the Kahane Committee) as compared with the profound moral dilemmas with which the interviewees in the film are coping, does not lie in a specific failure of the Kahane Committee but in the structural failure of jurisdiction as a practice that allows for deep and comprehensive clarification of the question of moral responsibility. It may be that the main reason for this is the limited “mandate” that law is given from the start, or the ways in which events are legally presented through lawyers and procedural mechanisms²⁹ and are geared toward the

production of authoritative and declarative conclusions. In any case, it may be that this very deficiency that remained after the law had spoken is that which provides the starting point for the interviewees to cope with the question of their moral responsibility. The distance of time, together with the fact that this clarification is taking place in an extra-legal framework allow them to confront the questions that would certainly have been precluded (e.g., by lawyers, or by the laws concerning evidence) had they been raised in a juridical context. *Waltz with Bashir*, by circumventing these roadblocks, adds another valuable stratum to the legal engagement with the problem of the massacre, and by doing so it provides the concrete realization of the added value that cinema offers as a framework for the discussion of questions regarding personal and collective responsibility for this event.

Does the intensive engagement of *Waltz with Bashir* in the issue of responsibility and guilt, and the great success won by the film among audiences and critics,³⁰ indicate an expansion of the traditional areas so far dealt with by Israeli war films? *Waltz with Bashir* is an exceptional film in many respects, and perhaps its acute interest in questions of responsibility and guilt will remain isolated. Or perhaps the film contains a first attempt that will be continued, to fill a disturbing emptiness with significant content, to respond to the need of Israeli cinema to deal more profoundly with questions that were usually left to the world of law.

4.7. Interim Conclusion

Israeli war films generally reflect a significant affinity with a heroic-collective narrative.³¹ This affinity is often already noticeable at the stage of film production, in many of which the IDF spokesman is involved. *Two Fingers from Sidon* is a special case, in which the IDF spokesman funded and produced the film. But even the films that were privately funded have a significant link with the army, since in carrying out the intention to produce a war film that deals with the army depends, in most cases, with receiving army assistance – either in borrowing arms or in advice. Not all requests are accepted. Borrowing the equipment is conditioned upon presenting the script and its examination by the IDF spokesman.³²

In addition, many of the producers of war films have a military background, which sometimes motivates them and is also the source of inspiration for their films. At the same time it constitutes a certain restrictive measure against total detachment from the Israeli ethos applied to the

perception of the army and its function. Even the public discourse about the films that refer not only to their contents and artistic value but also to the way in which they reflect on the image of the army in Israel and abroad indicates the inability to separate cinema from the Israeli reality that it describes.³³

This means that both the film producers and their audience are not really prepared to forgo the narrative centered upon the permanent linkage between society and the army as having the highest responsibility for protecting its continued existence. The empathy for the heroic-nationalistic narrative that most war films maintain means an explicit or implicit detachment of this narrative from the sphere of law.

Evidently there is not full parallelism between the absence of law reflected in war films to its status in real army experience in Israel. It should also be noted that the phenomena and situations described in the films that refer past periods, have undergone changes and developments. Cinema does not provide an imitation of reality, but merely a fictional presentation of some parts of it. And in this spirit, the films dealing with the army provide a fictional representation of the army. They do not provide a mirror image of law actually applied to military territory. But even considering these reservations, it seems that the absence of law from one of central fictional representations that have been created in Israeli culture – war films – is a symptom of reflecting some of the deeper social perceptions that are connected to both the law and the arm in Israeli society.

It appears that the tendency to almost eliminate law from war films is linked to two perceptions that act in tandem and complement each other. The first is the perception of the army as an enclave that cannot and should not wholly subject to the law.³⁴ The second is the perception that soldiers often deserve law-exempt treatment.

According to the first perception, the army enclave is a territory that differs essentially from the realities of normal, civilian life.³⁵ A stay within it means surrounding oneself to the highest danger of losing one's life. The soldiers are demanded to take upon themselves his perilous stay within the enclave to protect the vital interests of the public outside it. Under such circumstances, everything that results from the abnormality of staying in an army enclave demands abnormal treatment. This means that cases of lawbreaking, which in other circumstances would receive legal treatment ending in the laying of responsibility, remain open and unaccountable if they take place within the army enclave. For example, usually violent deaths require immediate examination, stringent and exhaustive, to determine where responsibility lies. But if violent deaths occur within the army enclave,

often they would be perceived as raising questions of another kind that thrust aside the question of determining responsibility for the death, and in most cases, unless unusual circumstances arise (as in the unexpected interest of the American ambassador in the death that occurred in *One of Us*), detach the event from the sphere of law.

The second perception refers to status of Israeli soldiers. The Israeli public sends children-soldiers into an army enclave with all its dangers to preserve its existence, and places on their shoulders the burden of defending the entire society. To meet such a challenge in the best way, the soldiers develop the values of brotherhood, devotion, and self-sacrifice as meta-values that overrule the usual norms. This perception sometimes compels legal norms to retreat when encountered by these meta-norms.

In the films discussed earlier, the absence of law is not regarded as an unfortunate irregularity that the film criticizes or presents as disgraceful. Rather than that, the absence of law in the films is regarded as reflecting the basic meta-norms and their undeniable necessity. In all of them, this absence is not perceived as a perversion of justice as an outrageous Kolhasasian case,³⁶ but as an acceptable, and even vitally essential state of affairs, that corresponds with the social utilitarianism or pragmatism that hover in the background.

To sum up, some of the films that were reviewed (*Avanti Populo*, *Time for Cherries Season*, *Waltz with Bashir*) present the army experience as an enclave where the application of law is considered to a large extent irrelevant and even as unfair. From other films (*Stretcher Trek*, *One of Us*, *Two Fingers from Sidon*, *Beaufort*), the shunting aside of law is portrayed as being in conformity with the general good. Examining the situations presented in the films with the tools of law would be perceived as ingratitude toward the commanders and soldiers, and even be detrimental to soldier solidarity and motivation, and as a result – security and the general good would be harmed. It appears that the absence of law in war films represents a widely held perception in Israeli society and brings into prominence an important aspect, which sometimes remains hidden, of the existing socio-political reality.

5. WHY IS LAW ABSENT FROM ISRAELI CINEMA?

Until now I have been dealing with one type of potential rationale for the absence of law in Israeli war films. That rationale the way in which the

army and its soldiers are perceived in Israeli society. Another type of rationale focuses on the way in which law is perceived in Israeli society.

In an intriguing article, Yoram Shahar describes how the salient differences between the Anglo-American system of law and the Continental system are reflected in the literary and art works produced in each of the societies (2007). In his view, legal proceedings stand at the center of American culture, and are perceived as main instrument for redeeming the nation through achieving justice. The society produces legal heroes – juries and lawyers – that act bravely in courts of law:

The American people put lawyers in the center of culture and tell their tales of courage every night at the campfires of the tribe.... In the paradigmatic story of heroic bravery about the boy who fights a dragon and wins, the American people cast lawyers as the brave boys. (*Ibid.*, p. 154)

Such a paradigm is reflected in the various kinds of American cultural product, in literature, cinema, theatre and television. European culture, on the other hand, dictates “a model of serious law, based on bureaucratic mechanisms and professional expertise” (*Ibid.*, p. 164). The institutional and professional law that is conducted in the Continent is not redeeming or a source of good, and those who engage in it are not the saviors of the people but professionals, charged with the rather tedious task of application of legal principles, and not on their redemptive interpretations. In this case as well, the collective perception of law is reflected classical and popular literature and in other products of Continental culture.

The argument of Shahar illuminates well the reason for the extensive engagement with law in American culture,³⁷ and even provides an explanation for the existence of a presumably contrary genre in American cinema that Shahar does not refer to one that presents the failures of law through a description of the tension between legal procedure and justice,³⁸ or the wrongful use of legal processes.³⁹ Such films constitute a kind of complement to the genre of “the redemptive trial” because the central message that emerges from the failure of law presented through them is the emphasis on collective denunciation of whoever travesties justice through the improper use of it. Therefore, even films that focus on the criticism of law, strengthen in their own way the American ethos on the power of law, and are an effective call to improve legal justice to fortify its power to continue its quality as redemptive.

American Courtroom dramas won global popularity and have been shaping the perception of the law not only in the United States but even beyond its borders (Machura & Ulbrich, 2001). In Israel, on the contrary,

law does not fulfill a similar function, despite its prominent presence in public life. The courts, and especially the Israeli Supreme Court, play a central role in Israeli society. Most of the main issues, sometimes even marginal issues, that engage public discourse in Israel, find their way into the courtroom. This situation, which has allies and opponents within Israeli public, does not find any serious expression in Israeli cultural life. As it is known, the Israeli courts have made significant achievements in the establishment of human rights, especially impressive in view of the lack of a constitution.

However, these achievements have not received artistic depictions as they have in the United States, in which nearly every constitutional achievement has been translated into a film or a television series. The major legal struggles that occurred in Israel, have been reflected in quite a number of documentary films, and less often in television series, but not in cinematic feature films.

Perhaps the main reason for this is that the stories of courage and redemption in Israeli society are perceived as those that occur in war fields and not in legal fields. The role of young boys overcoming the dragon and saving the people is reserved for soldiers and commanders and not for judges or lawyers.⁴⁰ Since it is the army that fills the role in Israeli society of the savior of the community, there is hardly any place for stories about the saving power of other factors, including the law. The “military obsession” (the term used by Judd Neuman), produces among other things war stories, and blocks out stories about law. Nearly all the war stories that are told through films are in a sense heroic tales. Even films such as *Beaufort* and *Waltz with Bashir* that portray soldiers at moments of disorientation or fear of death, serve at the same time as another layer in the meta-narrative that deals with the courage of soldiers and their readiness to sacrifice themselves, and strengthen a general identification with them.⁴¹

Israeli Supreme Court repeatedly declares that every Israeli soldier must carry with him in his knapsack not only his army equipment but also all the norms of Israeli law (HCJ 1661/05). Yet the films insist on describing the army as an enclave in which special norms apply. And even if public discourse indicates that law is sought for in nearly every aspect of Israeli life, Israeli cinema presents a different state of affairs in which the special standing of the army and the superiority of the security ethos are emphasized.

6. CONCLUSIONS

It is worth repeating that it is not only war films that lack significant dealing with the law, but that law is almost absent from Israeli cinema in general,

and also (though to a lesser extent) from Israeli literature. As the A.B. Yehoshua describes it:

Jurists do not belong in the context of a society that organizes things together, through intimacy, through loyalty to an ideology. A society of this kind cannot accept the finality of legal judgments. (Almog, 2002)⁴²

Israeli films reflect, above all, a lack of interest in law. Perhaps this lack of interest as compared with the central function of law in Israeli life derives from a gap between the way law refers to itself and the way it is perceived in Israeli society. It may that even if the Israeli Supreme Court perceives law as an exalted and redeeming, a perception similar to the one associated with law in American culture, the public perceives law as instrumental, as a tool that rather than being associated with higher values, is identified with the option of providing practical answers to specific cases. The thought-provoking realization of the gap between the declared level at which law describes itself in its legal judgments and the way it is perceived in society is concretely expressed through the minimal treatment of law in the cinema, especially in war films.

As said earlier, one of the basic assumptions that justify researching cinematic representations of law is that it is possible to regard a cinematic work as a mirror that reflects, and also participates in its turn, in the construction of cultural norms and social values. Therefore tracing the way in which law is presented in films that describe one of the socializing mechanisms in the formation of the Israeli experience (the army experience), may shed light from a new angle on widespread cultural perceptions of the place of law in shaping the social and political norms in Israel. In this connection, the conclusion regarding the minor representation of law in these films may contribute to understanding the way in which law is perceived and the socio-historical developments that affect it in Israeli society. 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 society and in the political establishment during those years. On the other hand, the minor representation of law in war films since the 1980s can be perceived as surprising in view of the trend toward legalization, entailing (among other things) the transformation of the Supreme Court into a central forum to which Israeli society addresses almost any significant issue.⁴³ It may be argued that the constant absence of law suggests interesting insights regarding the lack of social consensus around the vision "world reform through jurisdiction" that underlies the justifications for extensive involvement of the Israeli Supreme Court in public life.⁴⁴

The cultural choice reflected by the absence of law, provides a key to understand the extent of the limited realization of this vision in Israeli society.

Other explanations for the absence of law in Israeli cinema from can be suggested. The law system in Israel is relatively young, and it may be that rich and varied juridical resources that would also have the power to produce the cultural treatment have not yet accumulated.⁴⁵ Moreover, ceremonial and visual aspects of the law, that go in partnership with cinematic representation of law, and are prominent features in the Anglo-American and Continental systems of law, are missing from Israeli law, which has never emphasized visibility. In this regard, the cinematic presentation of law conforms to the well-known maxim "Justice must be seen to be done" (Almog & Aharonson, 2004). Ella Shohat (1989, p. 269) raises an interesting speculation in this connection – what would have been the cinematic implications of the traditional Hebraic love for listening, in contrast with the Greek preference for seeing? In Jewish tradition, there is no need to see justice, but to listen to it; this is the tradition in which it is important to hear the commandment, to interpret its meaning, to tell stories about it as is done in Halacha (Jewish legal rulings) and Aggada (Jewish legend), but it was never essential in its framework to create a visual realization of it.

It is difficult to predict whether the future holds any potentiality for significant change. Cinematic production is a dynamic activity that is influenced by changing balances between social perceptions, economic factors, and artistic developments. It may be, as I would like to hope, that the changes in the weight of each of these and in the balance between them will put an end to the continual absence of law in Israeli cinema in general and in war films in particular, and will ensure the production of films that focus directly upon Israeli law.⁴⁶

In this work I chose to sway from the conventional focus of law and film scholarship on analyzing cinematic representations of actual legal processes. I believe that that law and film scholarship (and indeed, the cultural study of law more generally) can gain important insights about the nature of law and about the place it captures in the collective consciousness by theorizing law's absence (from cultural texts which represent situations in which law could be expected to appear) and not only the forms of its appearance. Some of the arguments in the chapter have implications which go beyond the Israeli context. It would be interesting to investigate comparatively how law is represented in war films in different national contexts, and I hope this work will provide a useful point of departure for such an analysis.

NOTES

1. Law and film research is engaged with films that use law as their central subject (legal films), films that describe legal processes (courtroom dramas), and films indirectly associated with the law. Law and film scholarship deals, among other things, with the influence of these films on the way in which law and its functions are perceived in society. Other studies focus on the structural similarity between law and cinema. For a review of the different types of research in the field of law and film, see Reichman (2008).
2. For a discussion about the links between society and community and the films that describe them, see McKierman (2008).
3. For the complex connections between the culture of a society and law, see Proccaccia (2007). As Professor Proccaccia asserts, the task of identifying the main cultural values that characterize a society is not a simple one, and one of the ways in which this can be done is by examining how cultural and societal values are reflected in works of art created in that society.
4. The chapter examines films that represent Israeli culture as hegemonic and reflect collective consciousness and narratives. As will be explained, war films are central in this context. Although this is a prism chosen for developing the arguments in the chapter, it is worthwhile remembering the multiplicity of human experiences which exist in Israel besides the collective one. "Israeliness" is wide. It includes any minority group which is part of the Israeli society, including women, Palestinians, Druze, Bedouin, new immigrants, and more. Exploring how the wide range of Israeli identities and experiences is reflected in Israeli films is a project I hope to pursue in the future.
5. On the characteristics of law films, see Greenfield, Osborn, and Robson (2001, pp. 14–24). See also Silbey (2001, p. 97).
6. As defined by Greenfield et al. (2001, p. 24).
7. Concern with legal themes in Israeli TV and documentary films is far more widespread. TV serials such as *Shon* (1995), *Bus Route 300* (1997), and *Franko and Specter* (2003) deal with actual legal events.
8. 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. Lior 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 N.I.S. The director interviews the friends (who were suspected for helping him) and brings exclusive footages from the police's investigation. The representation of law in documentary and TV films is important and interesting, but is beyond the scope of this chapter, which focuses on Israeli feature films.
9. This term was coined by Natan and Ya'akov Gross (1991, p. 224).
10. For a review of the cinema produced in Palestine and during the first years after the establishment of Israel, see Zimmerman (2002, pp. 124–127).
11. For an analysis of the way in which the myths created by the early are reflected in later cultural productions, see Zimmerman (2002, pp. 117–118).

11. Below are further examples of films that were produced before the establishment of the state and in the first years that followed and can be classified as part of the national-heroic genre: *Land* (1947), which deals with a young Holocaust survivor who arrives at a boarding school in Palestine at the end of the Second World War, and succeeds to become involved in Israeli society and culture; *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 of course *Exodus* (1960), which despite being a Hollywood product, became the ultimate model of the heroic-Zionist cinema.
12. For example, see Tahmon (2001, p. 32).
13. Such as *Eldorado* (1963), this deals with a criminal who tries to rehabilitate himself through a romantic affair.
14. For example, *Ervinika* (1967), a romantic comedy on an unemployed roughneck who conquers the heart of a policewoman, and *Dalia and the Sailors* (1964) on a stowaway that the sailors hide from the captain.
15. This term was coined by Ne'eman (2006a, p. 137). For a comprehensive analysis of the new sensitivity films, see Schweitzer (2003).
16. Among the films that belong to the new sensitivity trend are *Hole in the Moon* (1965), *Three Days and a Child* (1967), *Woman in the Second Room* (1966), *The Dress* (1969), *Case of a Woman* (1969), and Snail (1970).
17. Shohat (1989, p. 138) writes in this connection:

The [social] criticism that is in any case not clear-cut, becomes irrelevant because of the ideology of integration – as if marriage and ashkenazification were sufficient to change the system of political and economic domination... The "happy end" of the "buekas" films encourage a "mythical" solution that in fact supports the status quo. In fact, the inequality in the second generation was greater than in the first one, since the very process itself that created the communal division of labor in the 1950s and early 1960s also set up the machinery that recreated the communal division of labor and the inequality.
18. Here are a number of examples of American films that describe legal contests: *Inherit the Wind* (1960) describing the trial of 1925 in which a teacher was forbidden to teach Darwinism; *The Long Walk Home* (1990), *The Rosa Parks Story* (2002), and also *Separate But Equal* (1991) that deal with the struggle of Afro-Americans for equality in the 1950s and 1960s; *Roe vs. Wade* (1989), describing the precedent-making verdict of the American Supreme Court on the question of abortions; *The People vs. Larry Flynt* (1996), which describes the legal struggles over the question of free speech; *Erin Brockovich* (2000) based on the public and legal struggle of the citizens of California over the right to breathe clean air and to drink unpolluted water; *Recount* (2000) deals with a legal struggle over the recount of votes in the State of Florida and the intervention of the Supreme Court which ended with the election of George Bush as president. *Heavens Fall* (2006), describes the Scotsborough trials of the 1930s in which a Jewish lawyer conducted a legal battle against the racist accusation of the number of black men for raping white girls; *Milk* (2008), deals with the legal battle of the politician Harvey Milk against a proposed law in California to exclude homosexuals and lesbians from teaching posts in public schools. And the list goes on.
19. See, in this connection: Almog and Aharonson (2004).

20. For example, Eyal Sivan defines the film as "a real kick at Israeli masculinity, perhaps the most critical and significant statement about the army" (Sivan & Munk, 2006, p. 25). And Ella Shohat notes that the film abandons the idealization approach of the national-heroic films that preceded it, and "cut down" the myth of the brave Israeli fighter (Shohat, 1989, p. 219).

21. As stated in the analysis of Shohat (2006, p. 97).

22. Zimmerman notes that in view of the stated position of the film, it is understood why the IDF gives the film its backing and sometimes shows it in the various courses it conducts.

23. It should be noted, however, that the figure of "The White Angel" who is portrayed as a sadist contains elements that add complexity and indicate that in fact "The White Angel" acts in accordance with the vital principle of preparing soldiers for battle through training methods that take them to the very limits of their endurance.

24. My translation from Hebrew.

25. As stated by the American journalist, Thomas L. Friedman (1986). Compare the words of Ella Shohat who criticizes this perception, and describes the film as "the modern successor of the Israeli national-heroic films," centered upon "the moral superiority of the Israeli soldier" (Shohat, 1989, p. 255). Yehuda Ne'eman also defines *Two Fingers from Sidon* as a "soft" war film that "which is restricted to a realistic description of the Israeli fighter and his loss of morale in the Lebanon War," and belongs to the war films that were produced in the past in weaving garlands for the brotherhood of warriors and the purity of arms (Ne'eman, 2006b, p. 125).

26. See the description of Uri Klein, who notes the success of the film producers to turn the site in which the events of the film take place "into a territory that seems as though floating in a space of its own, as if on a planet separate from the state that the soldiers in the film are supposed to serve. Because of the décor and the uniforms that the soldiers are wearing, that sometimes give them a distorted and grotesque appearance (especially when they are filmed from a distance), Bearfort occasionally reminds us, especially in the first part, of science fiction films of the 1950s that describe what occurs in an isolated station somewhere in outer space" (Klein, 2007).

27. www.waltzwithbashir.com/home.html

28. In the website of the film the event is described as follows: That afternoon, Israeli troops penetrated a region in West Beirut that was mostly populated in those days by Palestinian refugees, and they surrounded the Sabra and Shatila refugee camps. Towards evening, large Phalangist forces made their way to the area, driven by a profound sense of revenge after the killing of their revered leader. At nightfall, Phalangist forces entered the Sabra and Shatila refugee camps aided by the IDF's illumination rounds. The declared objective of the Christian forces was to purge the camps of Palestinian combat fighters. However, there were virtually no Palestinian combat fighters left in the refugee camps since they had been evacuated on ships to Tunisia two weeks earlier. For two whole days the sound of gunfire and battles could be heard from the camps but it was only on the third day, September 16, when panicked women swarmed the Israeli troops outside the camps, that the picture became clear: For three days the Christian forces massacred all refugee camp occupants. Men, women, the elderly, and children, were all killed with horrific cruelty.

29. On the way in which the established practice for legal clarification structurally neutralizes the ability to clarify in depth the questions regarding personal moral

responsibility in the context of the structural limitations of criminal proceedings, see Christie (1977).

30. It seems that *Waltz with Bashir* is one of the most widely acclaimed Israeli film ever produced. It has won the U.S. National Society of Film Critics Best Picture Award, the Golden Globe Best Foreign Film Award, the U.K. Best Foreign Independent Film Award and six Israeli Academy Awards. It was also nominated in 2009 for best Foreign Film in 2009 Academy Awards.

31. Ruhama Merton mentions a similar characteristic as the source for the success of Israeli films which, even if they castigate some collective sin or present problematic aspects in the Israeli experience, they do so in moderate doses that do not upset the moral outlook of the viewers (Merton, 2007, p. 190). In war films it seems as though the characteristic described by Merton is even stronger. In this connection, see also the argument by Moshe Zimmerman according to which the meta-narrative model of Israeli cinema, which determines which subjects are permitted and which are prohibited (or better still – are not interesting) to be dealt with – remains fixed (Zimmerman, 2007).

32. According to officer appointed on this matter "there are conditions for assistance in production. It is necessary that the values of the IDF and the State are not compromised...we are for criticism and dilemmas, but will not assist a film that encourages anything that is opposed to our values" (Pinto, 2007).

33. An interesting of example is the lively public discussion that was conducted (mainly through talkbacks) around the question of the army serve of some of the actors in *Bearfort* (Dazanshvili, 2007).

34. For a discussion on the way in which cinema presents the enclave in which the special normative systems apply, see Almog and Reichman (2004).

35. The view of the army as an enclave and the emphasis on the gap between army experience and the experience outside, it is not exclusive to Israeli society and finds expression in many societies and their cultural artifacts. For example, the American films *Apocalypse Now* (1979), *Paths of Glory* (1957), and *Full Metal Jacket* (1987) present army experience as an enclave with its own legitimacy.

36. The reference is to *Michael Kohlhaas*, the well known novella that became the symbol of the perversion of justice injurious to the individual and dangerous to social order. See Kleist (1982).

37. Concerning the centrality of cinema and television engagement with law in the United States, see Rafter (2001); Papke (1998–1999); Kuzina (2001).

38. See in this connection: Almog and Aharonson (2004).

39. For example, in the films *Good Night and Good Luck* (2005); *Citizen Kohn* (1992), and *Point of Order* (1965) that deal with processes in which the trial was used to persecute those who were suspected of Communism in the McCarthy period in the United States; *Sacco e Vanzetti* (1971), which deals with the political conviction of two citizens for a murder that they did not commit; and a television film *The Murder of Mary Phagan* (1988), concerning the conviction of a Jew for the murder of a girl of 13 that he did not commit, which resulted from public pressure and the desire for revenge.

40. See what Shahar (2007, p. 170) says in this connection: "The culture of the Return to Zion, of the pioneers, and of 1948 – none of them have given occasion for courtroom scenes or have chosen lawyers as their heroes...in national consciousness the good strikes at the bad with a stick or a harrow and not by cross-questioning."

41. There are many American films dealing with the conflict between the desire to examine the responsibility for deaths occurring in the army and the interest to protect the brotherhood of warriors. In most cases, law is presented in them as having the upper hand. The standpoint that emerges from these films strengthens the perception of law as the instrument that will save the entire community, and that its power is retained even in the military sphere. Here are some examples of such films: *The General's Daughter* (1999); *A Few Good Men* (1992); *A Soldier's Story* (1984); *In the Valley of Elah* (2007).
42. See also Almog (2000).
43. For a critical analysis of the legalization trend, see Aharonson (2008); Gal-Nur (2004).
44. For example, President Aharon Barak announced at the end of the 1970s that: "As jurists... we are the cutting edge of the aspiration for a more desirable and better kind of justice... we are the architects of social change" (Barak, 1977).
45. Similarly, it appears that the products of American culture, both in cinema and television, satisfy the needs of the Israeli, where these exist, in fictional legal dramas, while reference to Israeli law is supplied by the news broadcasts and documentary films.
46. Although the most recent Israeli war film, *Lebanon* (2009) seems to repeat some patterns of the previous war films. The film conveys the suffering of four Israeli soldiers in a tank, during the first Lebanon war, in 1982. The main focus of the film, that was made by Maoz, who drew from his personal trauma as soldier in Lebanon war, was to explore the emotional wounds caused by war and their continuing affect. The film avoids explicit references to the historical, political, or legal contexts of the war. In this sense, it is perhaps a step backwards in comparison to *Walitz with Bashir* (2008), which dealt, among other things, with the issues of collective and individual accountability. Nevertheless, following the international success of *Beaufort* (2007) and *Walitz with Bashir* (2008), *Lebanon* (2009) won wide global attention and won the Golden Lion Award at the 2009 Venice Film Festival.

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REFERENCES

- Aharonson, E. (2008). The legalization of political culture in Israel: How does it affect public discourse on emancipatory issues? *Iyyunei Mishpat*, 31, 157-218 [Hebrew].
- Almog, S. (2002). Conversation between A.B. Yehoshua and Yoram Shazar. In: S. Almog (Chairperson), *Conference on Law and Literature*. Ramat Gan: University of Bar Ilan [Hebrew].
- Almog, S. (2000). *Law and literature* (Hebrew). Jerusalem: Nevo.
- Almog, S., & Aharonson, E. (2004). Law as film: Representing justice in the age of moving images. *Canadian Journal of Law and Technology*, 3, 1-18.
- Almog, S., & Reichman, A. (2004). Casablanca: Judgment and dynamic enclaves in law and cinema. *Osgoode Hall Law Journal*, 42(2), 201-227.
- Barak, A. (1977). The rule of law. In: S. Shitreet (Ed.), *Collection of lectures at conferences for judges 1976: Innovations and developments in legislation and law* (pp. 15-25). Jerusalem: Hebrew University [Hebrew].
- Burstein, Y. (1990). *Battlefield faces: Cinematic history of Israeli faces* (Hebrew). Tel Aviv: Hakibutz Hamerhaz.
- Christie, N. (1977). Conflicts and property. *British Journal of Criminology*, 17, 1-15.
- Dazanshvil, D. (2007). Their fear of themselves. NRG. Available at www.nrg.co.il/online/5/AR11/546/611.html. [Hebrew].
- Dieck, B. (2009). Waltzing from Bashir to Hollywood. The Jerusalem Report, 37-38. [Hebrew].
- Friedman, T. L. (1986). *Ricochets*. *New York Times*, June 11.
- Gal-Nur, Y. (2004). On jurisdiction in public life in Israel. *Mishpat ve-Mishal*, 7, 355-380 [Hebrew].
- Gilai, A., & Ben Uziel, D. (2009). Battle legacy bequeathed by the paratroopers of the first decade. In Tzananim: Asor Rishon, Available at 202.org.il/Pages/moreshet/mor13_890-a.php. [Hebrew].
- Graetz, N. (2008). The war that was not: Time for cherries in comparison to two fingers from Sidon and Cup Final. In: E. Kedem & L. Shayer-Livni (Eds.), *East and West in Israeli Cinema* (pp. 330-354). Raanana: The Open University [Hebrew].
- Greenfield, S., Osborn, G., & Robson, P. (2001). *Film and the law*. London: Cavendish.
- Gross, N., & Gross, Y. (1991). *The Hebrew film: Chapters in the history of the moving pictures and the cinema in Israel* (Hebrew). Jerusalem: Hamol.
- Klein, U. (2007). *They will have machine guns*. Haaretz, March 9 [Hebrew].
- Kleist, H. V. (1982). *Plays*. W. Hinderer (Ed.), New York: Continuum.
- Kuzina, M. (2001). The social issue courtroom drama as an expression of American popular culture. *Journal of Law and Society*, 28, 79-96.
- Laguy, M. E. (1992). *De l'histoire Du Cinema: Methode Historique et Histoire Du Cinema*. Paris: Armand Colin.
- Leshem, R. (2005). *If there is a paradise* (Hebrew). Or Yehuda: Zmora-Bitan.
- Machura, S., & Ullrich, S. (2001). Law in film: Globalizing the Hollywood courtroom drama. In: S. Machura & P. Robson (Eds.), *Law and Film, Journal of Law and Society*, 28(1), 117-132. Oxford: Blackwell Publishers.
- McKereman, D. W. (2008). *Cinema and community*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan.
- Merton, R. (2007). The 41st year: Notes on viewing 11 successful Israeli films. *Mahbarot Kohno'a Darom*, 2, 185-200 [Hebrew].
- Ne'eman, Y. (2006a). The moderns: The unpublished manifest. *Mahbarot Kohno'a Darom*, 1, 133-141 [Hebrew].
- Ne'eman, Y. (2006b). The "soft" porno and Israeli war films. *Mahbarot Kohno'a Darom*, 1, 124-126 [Hebrew].
- Ne'eman, Y. (2006c). Horror is beautifully filmed. *Mahbarot Kohno'a Darom*, 1, 130-132.
- Papke, D. R. (1998-1999). Conventional wisdom: The courtroom trial in American popular culture. *Marquette Law Review*, 82(3), 471-489.

- Pinto, G. (2007). Let the IDF supervise. Haaretz on line, March 7. Available at www.haaretz.co.il/hasite/spages/834006.html. [Hebrew]
- Proccacia, V. (2007). *Russian culture, property rights, and the market economy*. Cambridge: Cambridge University Press.
- Rafter, N. (2001). American criminal trial films: An overview of their development, 1930-2000. In: S. Machura & P. Robson (Eds), *Law and Film, Journal of Law and Society*, 28(1), 9-24. Oxford: Blackwell Publishers.
- Reichman, A. (2008). The production of law (and cinema): Preliminary comments on an emerging discourse. *Southern California Interdisciplinary Law Journal*, 17, 457-506.
- Schweitzer, A. (2003). *The new sensitivity: Modern Israeli cinema in the 1960s and 1970s* (Hebrew). Tel Aviv: Bavel.
- Shahar, Y. (2007). When Faust takes a lawyer: On the pairing patterns of culture and law. *Dir u-Dvarim*, 3, 147-172 [Hebrew].
- Shakespeare, W. (1987). *The merchant of Venice*. M. M. Mahood (Ed.), Cambridge: Cambridge University Press.
- Shohat, E. (1989). *Israeli cinema: History and ideology* (Hebrew). Tel Aviv: Breter.
- Shohat, E. (2006). Yehudah Ne'eman: The moviemaker and the historian. *Mahbarot Kohva Darom*, 1, 95-98 [Hebrew].
- Shor, R. (1984). Israeli cinema - Israeli history. *Sitra Hodshit*, 31(5), 37-45 [Hebrew].
- Silbey, J. (2001). Patterns of courtroom justice. In: S. Machura & P. Robson (Eds), *Law and Film, Journal of Law and Society*, 28(1), 97-116. Oxford: Blackwell Publishers.
- Sivan, E., & Munk, Y. (2006). I Have not been privileged to be a Palestinian. *Mahbarot Kohva Darom*, 1, 9-36 [Hebrew].
- Talmon, M. (2001). *Blues for the Lost Sabra* (Hebrew). Tel Aviv: The Open University.
- Zimmerman, M. (2002). *Don't touch the holocaust* (Hebrew). Haifa: Haifa University Press.
- Zimmerman, M. (2003). *Hole in the camera: Studies in Israeli cinema* (Hebrew). Tel Aviv: Rasing.
- Zimmerman, M. (2007). *Films hidden from the eye: Canonization and popularity in contemporary Israeli cinema* (Hebrew). Tel Aviv: Rasing.

Filmography

- 4.7 Million (Limor Pincasov, 2005) [Hebrew]
- A Few Good Men (Rob Reiner, 1992)
- Apocalypse Now (Francis F. Coppola, 1979)
- A Soldier's Story (Norman Jewison, 1984)
- Avanti Popolo (Raif Butkai, 1986) [Hebrew]
- Beaufort (Yosef Sidar, 2007) [Hebrew]
- Big Eyes (Uri Zohar, 1974) [Hebrew]
- Bus Route 300 (Uri Barbash, 1997) [Hebrew]
- Case of a Woman (Jacques Cathmor, 1969) [Hebrew]
- Citizen Kohn (Frank Pierson, 1992)
- Cap Final (Eran Riklis, 1991) [Hebrew]
- Dalia and the Sailors (Menahem Golan, 1964) [Hebrew]
- Elidorado (Menahem Golan, 1963) [Hebrew]
- Erin Brockovich (Steven Soderbergh, 2000)

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- Erinika (Ephraim Kishon, 1967) [Hebrew]
- Exodus (Otto Preminger, 1960)
- Five Five (Shmuel Imberman, 1980) [Hebrew]
- Franko and Spector (Amalia Margolin, 2003) [Hebrew]
- Full Metal Jacket (Stanley Kubrick, 1987)
- Good Night and Good Luck (George Clooney, 2005)
- Haljon Hill Does Not Respond (Asi Dayan, 1976) [Hebrew]
- Heavens Fall (Terry Green, 2006)
- Hole in the Moon (Uri Zohar, 1965) [Hebrew]
- In the Valley of Elah (Paul Haggis, 2007)
- Inherit the Wind (Stanley Kramer, 1960)
- Land (Heinar Laurski, 1947) [Hebrew]
- Lebanon (Samuel Maoz, 2009)
- Licking the Raspberry (Uri Barbash, 1992) [Hebrew]
- Mighty As Death (Nili Tal, 1997) [Hebrew]
- Milk (Gus Van Sant, 2008)
- My Mother the General (Yoel Zilberg, 1979) [Hebrew]
- One of Us (Uri Barbash, 1989) [Hebrew]
- Paratroopers (Yehudah Ne'eman, 1977) [Hebrew]
- Paths of Glory (Stanley Kubrick, 1957)
- Peeping Toms (Uri Zohar, 1972) [Hebrew]
- Pillar of Fire (Larry Fish, 1958) [Hebrew]
- Point of Order (Emile de Antonio, 1965)
- Promised Land (Amos Gitai, 2004) [Hebrew]
- Recount (Jay Roach, 2000)
- Repeated Dive (Shimon Dotan, 1989) [Hebrew]
- Roe vs. Wade (Gregory Hobbit, 1989)
- Sacco e Vanzetti (Giuliano Montaldo, 1971)
- Satch Shabati (Ephraim Kishon, 1964) [Hebrew]
- Save the Lifeguard (Uri Zohar, 1977) [Hebrew]
- Separate But Equal (George J. Stevens, 1991)
- Siron (Uri Barbash, 1995) [Hebrew]
- Smile of the Gontkid (Shimon Dotan, 1986) [Hebrew]
- Srazil (Boaz Davidson, 1970) [Hebrew]
- Spihas (Boaz Davidson, 1982) [Hebrew]
- Summer Story (Shmuel Haimovich, 2003) [Hebrew]
- The Bubble (Eitan Fuchs and Gal Ohovsky, 2006) [Hebrew]
- The Dress (Yehuda Ne'eman, 1969) [Hebrew]
- The General's Daughter (Simon West, 1999)
- The Long Walk Home (Richard Pearce, 1990)
- The Murder of Mary Phagan (William Hale, 1988)
- The People vs. Larry Flynt (Milison Forman, 1996)
- The Rosa Parks Story (Julie Dash, 2002)
- The Syrian Bride (Eran Riklin, 2004) [Hebrew]
- The Troupe (Avi Nesher, 1978) [Hebrew]
- They Were Ten (Baruch Dinar, 1960) [Hebrew]
- Three Days and a Child (Uri Zohar, 1967) [Hebrew]

- Time for Cherries* (Haim Buzaglo, 1991) [Hebrew]
Travels of James in the Holy Land (Ra'anan Alexandrovich, 2003) [Hebrew]
Two Fingers from Sidor (Eli Cohen and the Film Unit of the IDF Spokesman unit, 1986) [Hebrew]
Waltz With Bashir (Ari Folman, 2008) [Hebrew]
Woman in the Second Room (Yitzhak Yeshurun, 1966) [Hebrew]

Cases

- HCI 1661/05, Regional Council of Gaza Coast & Co. vs. Knesset Israel & Co., 59(2) PD 481, 559-60 (2005). [Hebrew]