

ISRAELI MILITARY RATIONALITIES

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Thank you to Professor Merlingen, who is a reminder the impact of kindness and patience can go a long way.

ABSTRACT

The Israeli Defense Forces (IDF) responds to allegations of violence toward Palestinians by arguing in a number of ways: the violence was in self-defense, it was an appropriate and legally permitted response, and/or that it is a rare occurrence and not reflective of the military's values. However, research indicates Israeli soldiers categorize Palestinians into an undistinguishable enemy, most investigations into illegal behavior are closed with inadequate explanation, and violence to Palestinian life and destruction of their property and daily routine is part and parcel of soldiers' experience in the West Bank- even when their work, such as checkpoint duty, itself is not violent. Through analysis of soldiers' testimonies, drawing on investigations of human rights organizations' reports, and building from scholarly research on the interplay of themes of power and morality, I uncover a number of *rationalities* upon which IDF soldiers depend on when explaining harmful practices and abuse toward the Palestinian population. My project is two-fold: to uncover the hybridity of rationales that are used to cause and legitimize destruction of Palestinian life and property, and through this to highlight the characteristics of routine and ordinariness this destruction has acquired. When Palestinian lives are lost or maimed, Israeli actors do not see the occurrences as deserving of any political importance: no one is made to take responsibility, no court case is launched, no policymaker is forced to resign. In a sense, there exists a norm that this is nothing *exceptional*, whereas loss of Israeli life can be met with nation-wide mourning and extensive media coverage. Clearly, a hierarchy exists, where Palestinian loss is not seen deserving as much weight. My thesis grapples with the following questions: How does violence become normalized? How has a hierarchy come to cement itself so pervasively in the military force? How are some lives not deemed important as others?

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INTRODUCTION

A. REALITY ON THE GROUND

In Israeli politics today the occupation is absent. It's not an issue for the public. It has become normal – not second nature; the occupation has become part of our nature.¹

Yehuda Shaul, former IDF soldier and co-founder of NGO *Breaking the Silence*.

Looking at the way Israeli policymakers and the Israeli Defense Forces (IDF) defend the use of violence toward Palestinian civilians is an interesting project. Human rights abuses committed by the IDF have been widely documented for decades now, and discriminatory bills passed by the parliament, the *Knesset*, met with outrage by local human rights organizations as well as the international community. Yet, the abuse still continues. What I tease out in this research is the hybridity of governing rationalities that translates into violence on the ground toward Palestinians in the West Bank. Soldiers rationalize violence toward Palestinians in a number of ways: some believe they are morally justified to be violent in order defend their communities, some argue they do not have the choice to refuse orders, some argue they are doing a job like any other, others refuse to recognize the distinction between Palestinian civilians and terrorists. Many occupy a mixture of these rationalities, arguing their work is morally justified despite the loss of Palestinian life that accompanies it and the danger they themselves are thrust in. Many soldiers, they participate precisely because they perceive danger has unwillingly been imposed on their and other Israelis' lives.

¹ Peter Beaumont, "Stories From An Occupation: The Israelis Who Broke Silence", *The Guardian*, 2014, accessed November 1, 2017, <https://www.theguardian.com/world/2014/jun/08/israel-soldiers-speak-out-brutality-palestine-occupation>.

My project analyses the rationalities that emerge in soldiers' discussion of their work. I study the logic behind their rationales, that is how they come to legitimize or explain the violence in their work, so that it has become a banal feature of their work. The way soldiers explain, whitewash, and justify their actions is at the epicenter of my argument. It has contributed to the apathy that exists on such an extensive scale. Since many soldiers display a mixture of rationalities, I approach these rationalities in terms of themes, to understand them better without distinct categorizations. This allows the nuances in reasoning to become more transpicuous.

The question that surrounds my research is: How do power and understanding of morality affect soldiers reasoning? What became evident through the course of my research was the impact of a military culture that enabled, hushed, and in some cases actively encouraged violent behavior. The result of this was that violence became an inherent feature of many soldiers' work. In the interplay of power, coercion, and morality in the militarized culture that the soldiers occupy, violence was the inevitable consequence.

Shirene Razack's work on Canadian soldiers' atrocities in Somalia is an example of how to approach the discourse soldiers create and the interplay of power, vulnerability, machismo, and racism in militarized spaces. The Canadian soldiers on the peacekeeping mission in Somalia in 1993 believed their role was maintaining peace in the otherwise volatile region, or as Colonel Labbé dubbed it, "putting that region of Somalia back on the path to a normal lifestyle." Somalis' unacceptance of the military intervention was crucial in the fear mongering among soldiers and rising tensions in response to theft on the military camp. In the desire to overcome the feeling of being surrounded by threat, commanders gave soldiers approval for various humiliating and abusive behavior in response to theft, ranging from beatings to "shoot[ing] between the skirt and the flip flops," what Razack calls a "feminizing" and "typical Orientalist gesture toward Muslim men." One soldier told the researcher Winslow,

“The guy who passes by in the morning with his cart could just as well turn up the next night with a grenade. We never knew what to expect.” Later in court, the military defense argued their aggressive behavior was necessary to “restore moral order.” In a denial of their behavior being morally reprehensible, soldiers emphasized that their precarious working conditions had caused their violent behavior. Essentially, they had created the *other*, against whom the soldier-self measured and justified its own behavior. Razack explained it well when she wrote: “For Western subjects to feel whole and to understand their presence in that space as necessary and justified, black savagery had to exist.”² Through the creation of the other, the soldier ‘self’ was able to rationalize their behavior as morally justified. This is phenomenon is very much evident in IDF soldiers’ rationalities as well.

Othering was a recurrent theme in Israeli soldiers’ testimonies, though not all of the interviewees were aware of it. The rationale commonly used by IDF spokespersons and soldiers that violence is an appropriate reaction to a security threat has been subject to regular contest by local and international human rights groups. Breaking the Silence, B’Tselem, Yesh Din, and Amnesty International have written extensively about unprovoked abuse and deaths of Palestinians and destruction of their property. The IDF’s response is usually to close cases before the Military Advocate General (MAG), which is a separate body that investigates allegations of illegal and abusive activity by soldiers. The common response of the IDF is that there is no evidence of illegal activity, though investigations of human rights groups have found extensive evidence to the contrary.³ The argument that incidents of unprovoked violence and abuse are exceptional and few and far in between don’t hold ground. In interviews to Breaking the Silence, Yesh Din, and the researcher Erella Grassiani, soldiers reveal a military culture that

² Sherene Razack, "From The "Clean Snows Of Petawawa": The Violence Of Canadian Peacekeepers In Somalia", *Cultural Anthropology* 15, no. 1 (2000): 127-163.

³ B’Tselem, *The Occupation's Fig Leaf Israel's Military Law Enforcement System As A Whitewash Mechanism*, (B’Tselem, 2016), 16, http://www.btselem.org/sites/default/files/201605_occupations_fig_leaf_eng.pdf.

accepts violent and illegal behavior toward the Palestinian population as an inherent feature of their work, as one soldier describes:

The fact is, it was illegal, the whole thing with shooting the tires. And how did they deal with the fact that they'd done it? They didn't, you don't deal with things in the army, you don't talk about it, you just move on. It was allowed, now it's not, end of story. That's how things work in the army, like every time there's some kind of breach, someone closes their eyes, exploits an ethical breach, does something, okay, it's smoothed over, it's over. It never happened, forget it, it goes no further. They treat it like nothing.⁴

In 2002, the *Knesset* approved a law that disempowered Palestinians from claiming compensation for harm caused by the IDF's activities any further. Policymakers reasoned that awarding compensation interrupts the forces' work in the West Bank, however this is highly problematic because most of the IDF's work in the West Bank comes under the foray of routine or "ordinary policing," such as maintaining military checkpoints. By denying Palestinians from claiming compensation as a consequence of harm caused to them by the IDF, policymakers have made it easier for the IDF's work to be less scrutinized and held less accountable.⁵

As I dissected soldiers' interviews and researched the best way to organize their rationales, the *banality* of violence and aggression became very clear. It was not just that violence had become part and parcel of soldiers' work even when they weren't involved in military operations, but soldiers had adapted to violence's presence and themselves deemed it characteristic and necessary in the nature of their work. They also struggled with it, and as I show later, many awakened to the brutality of the occupation as a result of the practices they witnessed as soldiers.

⁴ "Testimony- The City's Hermetically Sealed", *Breaking The Silence*, <http://www.breakingthesilence.org.il/testimonies/database/103475>.

⁵ *Human Rights In The Occupied Territories*, ebook (B'Tselem, 2008), 3, accessed December 1, 2017, http://www.btselem.org/sites/default/files2/publication/200812_annual_report_eng.pdf.

The objective of this research is thus to demonstrate through discourse analysis that there is a hybridity of rationalities that approaches the governance of Palestinians, causing violence and brutality to lose the moral weight they carry. As we will see, legitimizing rationalities, ever persistent, ever nestled in euphemistic language, allude to norms in the IDF, rather than exceptional situations.

B. LITERATURE REVIEW

While there is extensive research on the violent nature of the occupation, far less has been written honing in on and taking apart the defense of Israeli soldiers and commanders who act violently in the West Bank. Approaching the conflict by thinking of *multiple rationalities* is a different feat. The veteran Eyal Ben-Ari has written about his personal experience in the Force, writing that soldiers develop “masks” and “masquerades” that allow them to act in ways they wouldn’t otherwise in their societies back home. Machismo behavior and *othering* encourages them to treat Palestinians harshly as a way to claim power. These soldiers become “a certain ‘other’ to themselves,” once they begin acting “within the context of their army service.” Eyal writes the military’s “different meaning system” encourages behavior that soldiers would find at odds practicing in their own communities.⁶ Ben-Ari’s discussion was interesting in the insider look it gives, but limiting in terms of contributing to a research project identifying more pervasive behavior over a longer period of time.

A crucial piece of work which then became very instructive in my research was Erella Grassiani’s book *Soldiering Under Occupation: Processes of Numbing among Israeli Soldiers in the Al-Aqsa Intifada*. Based on her own interviews with soldiers, Grassiani develops the concept of “moral numbing”, a result of creating a moral hierarchy where Israeli soldiers and

⁶ Eyal Ben-Ari, "Masks And Soldiering: The Israeli Army And The Palestinian Uprising", *Cultural Anthropology* 4, no. 4 (1989): 372-389, accessed October 1, 2017, <https://www.jstor.org/stable/pdf/656247.pdf>.

citizens are perceived to be on a higher scale than Palestinians. She also studies various responses of soldiers she collected first-hand and how they understand the ethically contentious activities they engage in. Othering is a central theme. Soldiers create distance from the *other*, always the Palestinian, which helps evade ethical and moral quandaries about the nature of their work that many felt deeply uncomfortable to confront. Grassiani identifies “distance” as “a guard against sympathizing with the 'other', who one is controlling.”⁷

I must stress that, as Grassiani discovered in her interviews, soldiers’ rationalities could not be placed in distinct categories. In the interviews conducted by Breaking the Silence (BTS), many soldiers were conflicted about the experience they had been part of, feeling guilty for causing pain but also rationalizing that they could not have acted differently in the heat of the moment. Some soldiers recognized the harm their work caused but felt they did not have the choice to refuse. Others legitimized the violence by measuring it against Palestinian terror attacks. Others stood up against the violence. Soldiers are self-thinking beings at the end of the day and under varying amounts of influence from their surroundings, superiors and peers, as well as their own ideologies, so it is neither fair nor accurate to put them in black-or-white categories. Some recognized the moral quandaries they were involved in, as one soldier put it: “It's very difficult to be moral there. There's always a dilemma. If you want to perform the assignment, to prevent a terrorist act, you are liable to injure the rights and the human dignity of the Palestinians.”⁸ Some soldiers preferred to be kept in the dark about the aftermath of military operations, “a legitimating strategy,” Grassiani writes, “what one does not know (how the Palestinians really feel, what these operations do to them) one does not have to feel responsible for.”⁹ Soldiers talked about feeling disillusioned about the IDF’s work because of

⁷ Erella Grassiani, *Soldiering Under Occupation: Processes Of Numbing Among Israeli Soldiers In The Al-Aqsa Intifada*, 1st ed. (New York and Oxford: Berghahn Books, 2013), 69.

⁸ “Testimony- It Was a Horror”, *BTS*.

⁹ Grassiani, *Soldiering*, 69.

the brutality they witnessed. They spoke about realizing something was very wrong but having no power to change things and so becoming passive, “try to forget”¹⁰, or adapting into the “move on” culture.¹¹ Analyzing soldiers’ language and descriptions of their work, one begins to understand how violence can acquire powerful, moral legitimacy.

In another publication, Grassiani delves into how military checkpoints *other* Palestinians. This Foucauldian analysis of the interplay of power and architecture provides for a rich understanding of the function of checkpoints. Beyond being physical spaces regulating Palestinians’ movements, checkpoints are powerful structures that also help soldiers make sense of their work, “divid[ing] their world into different categories” in a “hierarchical manner.” These categorizations, later paving the way for dehumanization, inhibit soldiers from being empathetic towards the people they govern.¹² This theory is supported in Grassiani’s as well as BTS’s interviews with soldiers, where they emphasize the implications of not being stern and thorough at checkpoints, which for them translates into being soft on “terrorists.”¹³ Soldiers’ categorizations of Palestinians are strengthened by physical spaces that consolidate the imagined distance. Grassiani’s article was very instructive in her Foucauldian analysis of architecture, othering facilitated by checkpoints, and their effects on soldiers’ rationalities.

By making Palestinians into an *other*, soldiers are able to withhold and reserve feelings such as empathy or concern which they would bestow upon non-Palestinians. However, in some instances soldiers are trapped in cycles of violence themselves. In 2015, Yesh Din reported a widespread practice of soldiers condoning settler violence on Palestinians. Soldiers reported being instructed by IDF commanders to not display any aggression toward settlers, even if the

¹⁰ "Testimony - I Was The Power; I Was The One Who Kept Order And Discipline In The Territories", *BTS*.

¹¹ "Testimony - Coping With A Civilian Population", *BTS*. See also "Testimony - A Family That Returned From A Wedding", *BTS*; "Testimony- Such Was The General Attitude", *BTS*.

¹² Erella Grassiani, "Moral Othering At The Checkpoint: The Case Of Israeli Soldiers And Palestinian Civilians", *Critique of Anthropology* 35, no. 4 (2015): 379-380.

¹³ "Testimony - I Didn't Know There Were Roads Just For Jews", *BTS*.

reverse was true. Yesh Din writes that in all the testimonies collected of soldiers for their report, no soldier was “familiar with any procedure...about their powers and obligations with respect to Israelis.” This policy is indicative of tolerance of violence directed at Palestinians by IDF policymakers, but also demonstrates that in many cases IDF policy traps soldiers from preventing violence toward the *other* who they will recognize is being unfairly harmed. This is interesting for it shows that soldiers’ understanding of the *other* and how to treat him changes depending on the circumstances. Even in incidents where settlers displayed aggression toward the IDF, soldiers could not respond.¹⁴ The following is part of the report’s author’s conversation with one soldier:

If a Palestinian throws rocks at you, or at an Israeli or a settler – can you arrest him?

Obviously. You have to arrest him.

And what if a settler throws rocks at a Palestinian?

*I don’t think you can arrest him. You can ask him to stop...*¹⁵

Daniela Mansbach draws on a Foucauldian analysis of power in her work on checkpoints in *Normalizing violence: from military checkpoints to ‘terminals’ in the occupied territories*. She argues that the justification for checkpoints’ existence is used to make them a more routine and unquestioned part of Palestinian lives. The influence of the checkpoints has increasingly become consolidated with the recent decision to place them under control of the Israeli Airport Authority in a bid to make them function “equivalent to any international border-crossing,” and transform them into “terminals” “designed to look like high-security offices or airport terminals.” If checkpoints become more routine and banal features of Palestinian life, then the violence taking place at them and the power hierarchy they uphold is more likely to be

¹⁴ Yesh Din, *Standing Idly By: IDF Soldiers’ Inaction In The Face Of Offenses Perpetrated By Israelis Against Palestinians In The West Bank*, (Yesh Din, 2015), 62, accessed October 1, 2017, http://files.yesh-din.org/userfiles/Yesh%20Din_Omdim%20Mineged_Eng_Web.pdf.

¹⁵ Yesh Din, *Standing*, 60.

accepted as part of the routine too. Mansbach draws on Agamben's *State of exception* to study the government and military's justifications of the checkpoints as necessary to protect the lives of Israelis. Also called "Closed Military Areas," checkpoints permit soldiers to operate with both legal and political control, determining who goes through and who doesn't, changing rules sometimes day by day, and closing them by their own will. These "terminals" are in essence similar to the checkpoints, not really "modernized" or allowing for greater accountability as per the government claims. Most are built inside the West Bank which is occupied territory. Their architectural design conceals power so now there is only a "judgmental one-way gaze," that "perpetuates the operation of pre-panoptic forms of power." The threat of violence has become more "concealed" and violence's lack and Palestinian conformance at them has been attributed to be the "result of a legitimate use of power, not violence." But Palestinian "obedience" is not because they have "internalized law-abiding norms and self-disciplinary methods," but because of the ever-present threat of violence. The "terminals" have formed "a 'sterile' environment in which no explicit violence can be seen by anyone who is not actually crossing the checking point itself." Their influence on soldiers' behavior toward Palestinians is bound up with the hierarchy they enable.¹⁶

Reports by human rights organizations such as Breaking the Silence, Yesh Din, HaMoked: Center for the Defence of the Individual, and B'Tselem were crucial in my research. While they are certainly not primary research, they are the closest to it, with English translations of hundreds of soldiers' testimonies and reports of Israeli policymakers, and data on human rights abuse cases brought against the IDF. Breaking the Silence publishes first-hand soldiers' and commanders' testimonies of experiences working in the IDF. Yesh Din, Breaking the Silence, and B'Tselem have published a number of reports that shed light on experiences of

¹⁶ Daniela Mansbach, "Normalizing Violence: From Military Checkpoints To 'Terminals' In The Occupied Territories", *Journal of Power* 2, no. 2 (2009): 255-273, accessed October 1, 2017, <https://doi.org/10.1080/17540290903072591>.

Palestinians, including reports on settler influence on the IDF. As I discuss in detail later, settler involvement adds complexity to an already complicated situation: soldiers stationed for safety of settlers from Palestinians would end up protecting Palestinians from violence by the settlers, including beatings, stone throwing, and destruction of property. Soldiers felt frustrated at orders that settlers could not be harmed in any circumstances even if they attacked them. As the reports show, interests of settlers always take precedence over interests of Palestinians. This is important to note because it is the clearest indication of a system of hierarchy, where Palestinians and Israelis are hierarchically divided into groups afforded distinct levels of respect, compassion, and concern.¹⁷

My research also relies on psycho-social theories to understand how soldiers other Palestinians. One of the more important works is Opatow's discussion on "moral exclusion." She writes that individuals create "moral communities" to which "moral values, rules, and considerations of fairness" apply. Those perceived outside these boundaries are not treated as equally and fairly. In our case study, it is the soldiers who other Palestinians through a wide variety of rationalizations. Opatow identifies twenty-seven methods that cause "moral exclusion" as well as are indicative of it. In times of conflict, the distinction between the groups is consolidated, leading to practices such as "accepting violence as ordinary" and thinking one's harmful activities are an exception.¹⁸ In my research, I will highlight a few of these methods.

C. RESEARCH METHODS

¹⁷ Yesh Din, *Standing; Breaking the Silence, THE HIGH COMMAND: Settler Influence On IDF Conduct In The West Bank*, ebook (Jerusalem: Breaking the Silence, 2017), accessed October 1, 2017, <http://www.breakingthesilence.org.il/inside/wp-content/uploads/2017/01/The-High-Command-Shovrim-Shtika-Report-January-2017.pdf>. See also: *Expel And Exploit: The Israeli Practice Of Taking Over Rural Palestinian Land*, ebook (B'Tselem, 2016), accessed November 15, 2017, http://www.btselem.org/sites/default/files/sites/default/files/201612_expel_and_exploit_eng.pdf.

¹⁸ Susan Opatow, "Moral Exclusion And Injustice: An Introduction", *Journal of Social Issues* 46, no. 1 (1990): 1-18.

My main data is from soldiers' testimonies collected by the NGOs Breaking the Silence and Yesh Din, and Erella Grassiani in her book *Soldiering Under Occupation*. Breaking the Silence's database is very basic, and there are only very few ways to generate relevant testimonies. By using certain keywords, I was able to generate interviews relevant to the themes I was interested in. These keywords were violence, abuse, humiliation, dehumanization, terrorist, safety, job, routine. Many testimonies had a number of running themes, and discourse analysis of these testimonies revealed the psycho-social themes at work which I analyzed by drawing on theories of Grassiani, Opatow, Morris, Mansbach, and Bandura. I also discuss reports of human rights organizations on the conflict to present a fuller picture of the extent of the conflict and pervasiveness of certain rationalities. My data is only focused on soldiers who served in the West Bank for purposes of clarity. I believe one of the limitations of my work is that I don't have a method that quantifies the rationalities which can be a more powerful representation of soldiers' beliefs. Until such a database that collects all soldiers' accounts and allows greater flexibility with accessing the data is created, this remains the case. Nevertheless, the testimonies mentioned still point to a pandemic amount of similar rationalities across soldiers serving in different units and settlements and villages in the West Bank.

D. ROADMAP

My thesis follows the following order: In the next section, *Violent Conditions*, I identify five key aspects of Israeli governance in the West Bank, the discriminatory legal system, checkpoints, mass surveillance, the Barrier Wall, use of torture, and a deficient military investigations system. This provides for understanding the reality on the ground before we could analyze it.

In the second section, *Understanding Violence*, I delve into the governing rationalities of soldiers. There is much overlap with the rationalities and isolating them takes away the

complexity of the rationalizations that many soldiers described. So, this section has a thematic approach, in which I've identified six main ideas to revolve the discussion around: construction of moral communities, denial of suffering, moral justification of harm, role of settlers, normalization of oppressive checkpoints, and the question of moral agency.

RATIONALITIES

A. VIOLENT CONDITIONS

"I don't need any international report or any international commission to know that the IDF is an ethical army." - Knesset opposition leader, Isaac Herzog.¹⁹

"The joke in the army is 'why do I need to speak Arabic, I have my gun'." - A soldier to Grassiani.²⁰

Human rights abuses are in dire straits in the Occupied Territories. As the occupation entered its fiftieth year, Human Rights Watch published a detailed report on human rights violations in Israel, identifying six violations characteristic of the occupation:

unlawful killings; forced displacement; abusive detention; the closure of the Gaza Strip and other unjustified restrictions on movement; and the development of settlements, along with the accompanying discriminatory policies that disadvantage Palestinians.²¹

The report proceeded to address the several arguments given in response to allegations of violence and discrimination: security of the Israeli state, prevalence of Islamic terror, protection of a Jewish homeland.²² This response has served as a blank check for unchecked violence, prejudice, and humiliating behavior on part of soldiers. It is evident that a hierarchy has been established, distinguishing the two ethnic groups, Arabs and Jews, and harm is seen as justifiable in the case of the former. While there is no shortage of documentation of IDF

¹⁹ B'Tselem, *Whitewash Protocol: The So-Called Investigation Of Operation Protective Edge*, ebook (B'Tselem, 2016), 7, accessed October 1, 2017, http://www.btselem.org/download/201609_whitewash_protocol_eng.pdf.

²⁰ Grassiani, *Soldiering*, 83.

²¹ "Israel: 50 Years Of Occupation Abuses", *Human Rights Watch*, last modified 2017, <https://www.hrw.org/news/2017/06/04/israel-50-years-occupation-abuses>.

²² See "Netanyahu: IDF Has Free Rein To Fight Terror In West Bank", *Timesofisrael.Com*, last modified 2015, accessed December 10, 2017, <https://www.timesofisrael.com/netanyahu-idf-has-free-rein-to-fight-terror-in-west-bank/>; "Deadly Terror Attack Challenges Israeli Army's Aversion To Collective Punishment", *Haaretz.Com*, last modified 2017, accessed December 10, 2017, <https://www.haaretz.com/israel-news/.premium-1.814440>.

violence by academics and media groups, I want to shift the lens we are looking through. Violent conditions exist, yes, but it is not enough to report on them- that is too superficial an understanding of this conflict. A fuller understanding of the factors causing soldiers to behave in this way in the first place needs to be studied. Understanding the psycho-social factors at play, such as aggression fueled by boredom, how power and ideas of morality affect soldiers' thinking and thus their behavior is critical. Understanding the moral groups that soldiers create is important in understanding how violence is performed and legitimized. In a testimony to BTS, a former deputy commander described the changed situation at the Qalandiya checkpoint following the killing of a soldier, feeling angry because he²³ had lost his friend, "We started shooting at the legs of Palestinians who didn't follow our instructions." He also recognized the role he had begun to play as a result of the system he was in: "He mumbled a bit, I hit him in the face with the butt of my gun—and just like that I was part of the cycle of violence."²⁴ Accounts such as these show soldiers are often involved in self-reflective processes as they try to make sense of their work after leaving the military. Opatow writes that "the extent of our moral community is fundamental to the psychology of justice." When a certain group in society is not given "membership" to a "moral community," there starts "the first of a long train of abuses."²⁵ As we will see, soldiers do not believe Palestinians belong to their community. This can begin to explain why violence toward Palestinian has come to be characterized by banality.

a. CHALLENGES OF THE LEGAL SYSTEM

The Israeli legal system presents a challenge when we think about how governance of the Palestinian population is approached compared to that of the Israeli population. Since most

²³ Since the database does not identify the gender of soldiers, 'he' referencing soldiers is assumed to be applicable for both male and female soldiers.

²⁴ "Testimony- He Mumbled A Bit, I Hit Him In The Face", *BTS*.

²⁵ Opatow, 4.

of the Arab population identifies as Palestinian, I will refer to them as Palestinians. A number of them may claim Israeli citizenship, but identify as Palestinian (or Arab) by ethnicity.²⁶ Governance of Palestinians is essentially divided along ethnic lines, where Palestinians fall under Israeli military rule, and Israelis under Israeli civil law.²⁷ The *State of emergency* first declared in 1948 and re-declared every year allows the government to act in ways it sees fit for the proclaimed safety of Israel, including confiscating Palestinian land to create illegal settlements.²⁸ It also allows the government to create discriminating laws toward Palestinians. The human rights organization Adalah has to-date published information on 65 laws that discriminate against Palestinians in the West Bank. These laws range in severity from fines on “parents of minors convicted of committing an offense” (thus legalizing collective punishment) to the “Stop and Frisk” law which gives power to the police to conduct “arbitrary and invasive searches” on any person based on “more general suspicions.”²⁹ Their justification comes at the expense of rights of Palestinians, which are pulled into the “security hole” where anything becomes justified under vague terminology that has real, heavy impact on the lives of

²⁶ However, Palestinians don’t enjoy the same equal rights as Jewish citizens of Israel, being denied access to certain privileges including welfare. See "Israel-Palestine And The Settler Colonial ‘Turn’: From Interpretation To Decolonization", *SAGE*, last modified 2017, <http://journals.sagepub.com/doi/pdf/10.1177/0263276416688544>; Sherry Lowrance, "Identity, Grievances, And Political Action: Recent Evidence From The Palestinian Community In Israel", *International Political Science Review* 27, no. 2 (2006): 167-190, accessed December 1, 2017, https://www.academia.edu/171195/Identity_Grievances_and_Political_Action_Recent_Evidence_from_the_Palestinian_Community_in_Israel; Dov Waxman, "A Dangerous Divide: The Deterioration Of Jewish-Palestinian Relations In Israel", *The Middle East Journal* 66, no. 1 (2012): 11-29.

²⁷ Fatma Koru and Noam Hofstadter, *BY THE RULES: Comparative Study On The Legal Framework Of Torture In Turkey And Israel Executive Summary*, ebook (Human Rights Foundation of Turkey Publications, 2015), 8, accessed October 1, 2017, <http://stoptorture.org.il/wp-content/uploads/2015/11/By-the-Rules-Executive-Summary-ENG.pdf>.

²⁸ Ibid. See also Lahav Harkov, "Knesset Extends 65-Year-Long National State Of Emergency", *The Jerusalem Post / Jpost.Com*, last modified 2013, accessed December 10, 2017, <http://www.jpost.com/National-News/Knesset-extends-65-year-long-national-state-of-emergency-335194>.

²⁹ "Fines On Parents Of Stone-Throwers - Amendment No. 20 To The Youth (Care And Supervision) Law- Adalah", *Adalah.Org*, accessed October 1, 2017, <https://www.adalah.org/en/law/view/595>; ""Stop-And-Frisk" Law- Amendment No. 5 To The Power For Maintaining Public Security Law - Adalah", *Adalah.Org*, accessed October 1, 2017, <https://www.adalah.org/en/law/view/597>.

millions.³⁰ Abusive, humiliating behavior on the ground cited in response to security threat has given policymakers a blanket cover for indiscriminate aggressive behavior against Palestinians. Some mandatory strip checks on checkpoints have “bordered on humiliation,” even if crossing Palestinians possessed documentation.³¹ On some level, this behavior hurts Israelis as well, as we will see later. The evidence of the weakness in the security-threat argument shows itself in testimonies of soldiers who describe their accounts in great detail, indicating how abusive behavior is covered under various justifications. In the following quotation, a soldier describes a competition between soldiers at a checkpoint judging masculinity in terms of who was more aggressive and also points to the basis of the othering:

But because they're Arabs, because they're Palestinians and to begin with they're not okay and they're not good and whatever, when they would arrive there was this thing of... who aims his weapon and comes and threatens more and who comes and shouts more and talks in Arabic and degrades and doesn't treat these people seriously, as he should.³²

This is interesting because it touches on a number of points that sets the scene for the analysis in this paper. The behavior occurring here does not demonstrate any connection to preventing a security threat. In fact, it indicates consequences of how the security threat argument has been played out. Soldiers have *othered* Palestinians in a very essentialist way. And to them, this othering has to some level come to morally justify behavior that they otherwise would not practice on non-Arabs or non-Palestinians. Further, they're engaged in a highly competitive game measuring their individual power against the vulnerability and dependence of the Palestinian.

³⁰ Samera Esmeir, *In The Name Of Security*, ebook (Adalah, 2004), 4, accessed December 10, 2017, <https://www.adalah.org/uploads/oldfiles/Public/files/English/Publications/Review/4/Adalah-Review-v4-In-the-Name-of-Security.pdf>.

³¹ "Testimony- You Strip The Father In Front Of The Kids", *Breaking The Silence*, <http://www.breakingthesilence.org.il/testimonies/database/577160>.

³² Ibid.

b. CHECKPOINTS

And that's something you also notice at a checkpoint: the younger kids and Palestinian youth, you can still see the hatred in their eyes. You immediately see it at most checkpoints. But the old people, you see that they're already occupied people. They're people with a twinkle in their eye that doesn't exist, and they plead with you because they know there's no other way. The young people don't plead. The old people plead. "Please, soldier, I want to pass through, I need to work," because they've already gone through so much occupation that they don't have any more strength to resist. Because whoever resisted in their generation is probably no longer with them.³³

Military checkpoints, scattered throughout the West Bank, severely restrict movement of Palestinians.³⁴ Established under justifications of existence of threat, they are perhaps the most physical manifestation of the Occupation that can be found. In a letter to the High Court of Justice, the Ministry of Justice wrote that the checkpoints were placed "to make difficult the movement of terrorists and artillery in Judea and Samaria... to prevent their free and unsupervised movement on their way to perform terrorist attacks."³⁵ Allegations of abuse, humiliation, and beatings are commonplace in literature on West Bank checkpoints.³⁶ Testimonies collected by Breaking the Silence add to the length of the list, and while there are many soldiers who participate in abusing Palestinians without any recognition of moral wrongdoing or acceptance of blame, a number discuss feeling guilt at the time of the incident

³³ "Testimony- A Family That Returned From A Wedding", *BTS*.

³⁴ Mansbach, 255.

³⁵ Mansbach, 258.

³⁶ See Avram Bornstein, "Military Occupation As Carceral Society: Prisons, Checkpoints, And Walls In The Israeli-Palestinian Struggle", *Social Analysis* 52, no. 2 (2008); Maia Carter Hallward, "Negotiating Boundaries, Narrating Checkpoints: The Case Of Machsom Watch", *Critique: Critical Middle Eastern Studies* 17, no. 1 (2008); Amahl Bishara, "Driving While Palestinian In Israel And The West Bank: The Politics Of Disorientation And The Routes Of A Subaltern Knowledge", *American Ethnologist* 42, no. 1 (2015).

or later. In one incident, some soldiers took a child that was throwing bottles at them to his mother who began to beat him in front of them: “Before we even finished talking, this kid's mother started beating him up, and you saw the pain in her eyes. You saw her hitting him to please the soldiers.” Feeling remorseful at the situation, he described the lingering impact of it on him for days: “[The mother’s] look, I mean it followed me for several nights... it wasn't me doing the hitting, but I have no doubt it was because of me.”³⁷

One soldier explained the checkpoints on Palestinian life as means of economic control “for Israel’s bank account,” than for the sake of its security. Without work permits to cross villages and towns, Palestinians cannot work.³⁸ In 2014, The International Monetary Fund estimated a 16% poverty rate.³⁹ According to the Palestinian Central Bureau of Statistics, the most recent recorded unemployment rate in 2016 stands at 16.9%, with 19.4% of Palestinians on wage employment making less than the minimum monthly wage, which amounts to 293 USD.⁴⁰ Low wages keep them in near permanent destitute. The soldier estimated a pay of 50 shekels (about 14 USD) for a day’s work.⁴¹ Getting a permit itself is fraught with difficulty: “If any family relation – fourth degree down – has ever been charged with an act of violence toward Israel, no work permit will be issued.”⁴² Considering the two populations have been in conflict for decades now, the likelihood of somebody’s relative having been charged is very high. It is likely that policymakers behind this rule understood the colossal impact of this criteria on the

³⁷ "Testimony- You Saw The Pain In Her Eyes", *BTS*.

³⁸ "Testimony - A Checkpoint For Israel's Bank Account", *BTS*.

³⁹ *West Bank And Gaza Report To The Ad Hoc Liaison Committee*, ebook (International Monetary Fund, 2016), 21, accessed December 1, 2017, <https://www.imf.org/~media/Files/Countries/ResRep/WBG/2016WBGRR.ashx>.

⁴⁰ "The Labour Force Survey Results Fourth Quarter (October - December, 2016) Round", *Palestinian Central Bureau Of Statistics*, last modified 2017, accessed December 1, 2017, <http://www.pcbs.gov.ps/site/512/default.aspx?lang=en&ItemID=1848>.

⁴¹ It is likely the soldier was estimated the pay in the neighborhoods surrounding the checkpoint he was working at.

⁴² "Testimony - A Checkpoint For Israel's Bank Account", *BTS*.

population. It amounts to both economic and political means of control. The soldier's testimony is worthwhile to quote here:

We're at war with them for over fifty years now, clearly someone somewhere back on the family tree had thrown something sometime, you see? Now everything's documented. So you get a 16-year old boy, all smiles, and the grandfather of the father of his brother is the guy who threw a Molotov cocktail in 1962. Now why would this guy bypass the checkpoint – to go on a terrorist attack? No. To get a day's work done. So I'm his checkpoint for economic interests.⁴³

c. PRESENCE

A veteran lieutenant who served in the Givati Brigade in 2004 described a practice, termed “mapping,” where the military entered “isolated” villages so “people know that the army's active,” nevertheless the disturbance that causes. In the interview, it is evident he understood that this process was actually counter intuitive to wiping out security threats, a terrorist would not “hold back because you entered his house at night. On the contrary, perhaps it would push him to it.”⁴⁴ Similarly, a sergeant stationed in Nablus described mass random arrests with the intent to “show that the army is everywhere.”⁴⁵ Another soldier in the Nahal Brigade described his commander conducting “practice arrests” on Palestinian civilians and the resentment some soldiers felt as a result.⁴⁶ This line of thinking, of demonstrating constant surveillance and emphasizing a feeling of siege underlines much of the IDF's behavior. Another soldier indicated patrols of Palestinian neighborhoods were often commanded by a platoon commander to “demonstrate presence... to show the Palestinians there's someone ruling over

⁴³ "Testimony- A Checkpoint For Israel's Bank Account", *BTS*.

⁴⁴ "Testimony- Mappings Are Something That I Think The Army Doesn't Do Any More", *BTS*.

⁴⁵ "Testimony- Everyone Over 40, Over 20, Had Been Arrested, There Wasn't Anyone Left To Arrest", *BTS*.

⁴⁶ "Testimony- Not Real Arrests - Practice", *BTS*.

them.”⁴⁷ Another rejected that there was any rational line of thinking in patrols: “There’s absolutely no logic—that’s the whole idea, I think it’s just to make it hard for them.”⁴⁸

A soldier working in the city of Hebron in 2004 described receiving orders to “conduct random searches and mappings of houses,” precisely to “sow uncertainty among the Palestinians.” The intention to instill “fear” to “create deterrence” indicates the attempt to create a self-disciplining subject.⁴⁹ The threat of violence (and its practice) ensures the docility of this subject. A Lieutenant stationed in the city of Qalqilya in the West Bank described a frequent practice of “sending out all kinds of stupid ambushes in the middle of night” to raise the army’s morale and cultivate a sense that the battalion was “active.”⁵⁰ Another soldier described a practice of shooting bullets in the air as “a show of force.”⁵¹ Asked whether he witnessed any violent behavior while stationed at Hebron in 2014, one soldier responded with: “It was really at every corner,” and explained the need for its presence to create a certain political structure: “The mission there is not to maintain order; the mission there is to enforce Jewish supremacy in the city of Hebron.” He likened himself and other soldiers to being a “hammer” catapulted at the Palestinians by settlers.⁵²

d. THE WALL

The West Bank barrier wall was built by Israel in 2002 under the justification of security defense and only meant to be temporary. Dubbed the “anti-terrorist fence”, The Ministry of Foreign Affairs describes it as an “inconvenience” to Palestinians necessary for “the right to

⁴⁷ "Testimony- To Show The Palestinians There's Someone Ruling Over Them", *BTS*.

⁴⁸ "Testimony- I Didn'T Know There Were Roads Just For Jews", *BTS*.

⁴⁹ "Testimony- To Ensure Constant Uncertainty", *BTS*.

⁵⁰ "Testimony- The Main Thing Is Presence", *BTS*.

⁵¹ "Testimony- I Remember It Well Because I Was Very Against It", *BTS*.

⁵² "Testimony- You're Asking Me Where I Saw Violence In Hebron? That's Like Asking Where I Saw Hebron In Hebron", *BTS*.

live” of Israeli citizens.⁵³ However, its impact on Palestinians is far greater. Human rights organizations see the wall as serving other purposes. Amnesty International argues that since most of the wall runs through the West Bank instead of forming a barrier between Israel and West Bank, its purpose is far from battling terrorism but rather to cause “unprecedented disproportionate and discriminatory restrictions on [Palestinians’] movements” including, “the right to work, to food, to medical care, to education, and to an adequate standard of living.”⁵⁴ Originally meant to be built *along* the Green line, 85% of the 708-km long wall is estimated to cut through the West Bank.⁵⁵ To fulfill this purpose, large amounts of Palestinian agricultural land have been seized by Israeli authorities, with promises of being short-term confiscations. However, newer permanent settlements have been built on them, destroying farmland for future use for crops. Movement restrictions have hit the Palestinian economy hard, making farming more difficult as the wall takes away their land and imposes further restrictions on the areas they are allowed to enter and cultivate.⁵⁶

Travelling to other towns has become more difficult because of road-blockages and child labor has seen a rise as authorities refuse passage to adults so children travel to farm the land.⁵⁷ According to *The United Nations Office for the Coordination of Humanitarian Affairs* (OCHA), upon completion the wall will isolate up to 25 000 Palestinians residing between the Green Line and the wall.⁵⁸ Amnesty International estimates that 270 000 Palestinians will be

⁵³ "Saving Lives: Israel's Anti-Terrorist Fence -Answers To Questions", *Ministry Of Foreign Affairs*, last modified 2004, accessed November 1, 2017, <http://www.mfa.gov.il/mfa/foreignpolicy/terrorism/palestinian/pages/saving%20lives-%20israel-s%20anti-terrorist%20fence%20-%20answ.aspx#1>.

⁵⁴ *Israel And The Occupied Territories: The Place Of The Fence/Wall In International Law*, ebook (Amnesty International, 2004), 1-13, accessed November 1, 2017, <https://www.amnesty.org/download/Documents/100000/mde150162004en.pdf>

⁵⁵ *Seven Years After The Advisory Opinion Of The International Court Of Justice On The Barrier: The Impact Of The Barrier In The Jerusalem Area*, ebook (UNITED NATIONS Office for the Coordination of Humanitarian Affairs occupied Palestinian territory, 2011), 5, accessed November 1, 2017, https://www.ochaopt.org/sites/default/files/ocha_opt_barrier_update_july_2011_english.pdf.

⁵⁶ OCHA, 5-21; Amnesty, 1-11.

⁵⁷ Amnesty, 11.

⁵⁸ OCHA, 3.

trapped in “enclaves encircled by the fence/wall.”⁵⁹ Further, according to a survey by the United Nations Relief and Works Agency for Palestine Refugees in the Near East: “95.7% of Palestinian households reported that the emotional wellbeing of adults has deteriorated since the construction of the Barrier.”⁶⁰ B’Tselem has written of the wall as part of deliberate attempts to “create conditions that will enable expansion and perpetuation of settlements.”⁶¹ Human Rights Watch has condemned it for its “institutionaliz[ing] of a system in which all movement is sharply curtailed except to a handful of permit-holders.”⁶²

e. TORTURE

The United Nations Convention against Torture (UNCAT), defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person...”⁶³ Israel has been a signatory of this treaty since 1991. In 1999 in a case between the High Court of Justice and the state, the former challenged the defense of torture based on the “necessity defense”, that torture is justified to avert possible terrorist attacks. Judges ruled that the “doctrine of ‘necessity’ at most constitutes an exceptional *post factum* defence,” that it was not possible to determine whether torture was legitimate until after all the facts of the case could be known. They ruled that there was no need for a “bureaucratic set up of the regulations and authority” regarding “ticking time-bombs” that would “merely regulate the torture of human beings.”⁶⁴

⁵⁹ Amnesty, 3.

⁶⁰ OCHA, 15.

⁶¹ B’Tselem, *Human Rights*, 9.

⁶² “Israel: West Bank Barrier Endangers Basic Rights”, *Human Rights Watch*, last modified 2003, accessed November 1, 2017, <https://www.hrw.org/news/2003/09/30/israel-west-bank-barrier-endangers-basic-rights>.

⁶³ “Convention Against Torture”, *United Nations Office Of The United Nations High Commissioner For Human Rights*, accessed December 1, 2017, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>.

⁶⁴ “Israeli Supreme Court: Judgement On The Interrogation Methods Applied By The GSS Outlawing Torture”, *Derechos*, accessed November 1, 2017, <http://www.derechos.org/human-rights/mena/doc/torture.html>.

In practice, there is evidence that torture is still used as a means to obtain information. Three definitive reports compiled by B'Tselem and HaMoked, *Absolute Prohibition* (2007), *Kept in the Dark* (2010), and *Backed by the System* (2015) detail “systematic” abusive interrogation techniques used on Palestinian detainees by the Israel Security Agency (ISA)⁶⁵ that violate the High Court of Justice’s 1999 ruling against torture, and are also illegal according to UNCAT and Israeli law.⁶⁶ Detainees reported being subject to various physical violence and emotional abuse including beatings, refusal of medication, strip searches facing a number of soldiers, and threats of sexual assault and death. Some detainees were threatened with arrests of family members if they refused to supply information to interrogators, blindfolded and handcuffed, and refused access to lawyers.⁶⁷ Koru and Hofstadter argue that torture, is the act of being “marked by the state” as being an exception to shelter otherwise afforded under the legal system. This mark which is done “sometimes physically but always conceptually” can be legalized or justified by the governing authority. In Israel, the on-going state of emergency, reinforced every year by a perception of a security threat, “permit[s] the exceptionalism” in the eyes of torture’s defendants.⁶⁸

f. INVESTIGATIONS OF ALLEGATIONS OF ABUSIVE AND ILLEGAL BEHAVIOR

The IDF’s “guiding compass” rationality, portrayed as a self-defense strategy is based on offensive action, with phrases such as “concentrate ... capabilities and win” and “defend and win.” The threat of “Islamic rule over the Middle East” is identified, one that seeks to

⁶⁵ Also called Shabak, Shin bet, and General Security Service (GSS).

⁶⁶ *Kept In The Dark*, ebook (B'Tselem and HaMoked, 2010), accessed November 1, 2017, http://www.btselem.org/download/201010_kept_in_the_dark_eng.pdf.

⁶⁷ *ABSOLUTE PROHIBITION: The Torture And Ill-Treatment Of Palestinian Detainees*, ebook (B'Tselem and HaMoked, 2007), accessed November 1, 2017, http://www.btselem.org/download/200705_utterly_forbidden_eng.pdf; B'Tselem, *Kept; BACKED BY THE SYSTEM: Abuse And Torture At The Shikma Interrogation Facility*, ebook (B'Tselem and HaMoked, 2015), accessed November 1, 2017, http://www.btselem.org/sites/default/files/201512_backed_by_the_system_eng.pdf.

⁶⁸ Koru and Hofstadter, 21.

“erode and exhaust” the otherwise “peaceful nation” of Israel. Among the four “needs” of the IDF, one of them, perhaps unsurprisingly, is “maintain[ing] the legitimacy of the use of force.”⁶⁹ If this is explicitly mentioned in the IDF’s strategy, it is certain that recruits would be told how their work is legitimate even if there is harm to Palestinians. In recent years, investigative processes into alleged illegal IDF behavior have undergone significant changes. The Military Advocate General Corps (MAG) is a branch of the IDF that investigates violations committed by soldiers. However, it is not completely independent from the IDF since the head, the “Military Advocate General, is appointed by the Minister of Defense recommended by the IDF’s Chief of Staff.”⁷⁰ The MAG provides “legal counsel to the military during and after combat” as well as decides whether any allegation against a soldier needs to be investigated. This is obviously a “conflict of interest” because an investigation in a soldier’s activity is essentially an investigation into MAG’s own policies.⁷¹

In 2016, B’Tselem published a report on the 739 allegations of violence and abuse it had reported to the MAG from 2000 to 2015. The system is essentially built to protect soldiers: first the MAG conducts an “operational inquiry”, which can take months, to determine whether something illegal actually occurred. If it concludes there is indeed something to be investigated, it directs the Military Police Investigations Unit (MPIU), to conduct an investigation. The MPIU sends its results back to the MAG who decides, instead of an external, independent body, what action to take if a soldier is proven to have “violate the IDF’s norms and values.” Until the Second Intifada in 2000, the MPIU investigated “every case in which soldiers killed a Palestinian.”⁷² Now, that is dependent on the results of the initial “operational inquiry.”⁷³ MAG

⁶⁹ "The IDF Strategy | Idfblog", *Israel Defense Forces*, last modified 2015, accessed December 1, 2017, <https://www.idfblog.com/2015/11/23/idf-strategy/>.

⁷⁰ "Mission", *IDF MAG Corps*, accessed December 1, 2017, <http://www.law.idf.il/320-en/Patzar.aspx>.

⁷¹ B’Tselem, *Fig Leaf*, 27.

⁷² *Ibid.*, 7-17.

⁷³ IDF MAG Corps, *Mission*; B’Tselem, *Fig Leaf*, 10.

justified this new change by arguing that new “characteristics of Palestinian terror” meant the nature of combat “now permitted the use of force – even lethal force – against those identified as being involved in the fighting or in terror activity in certain circumstances.” This vague phrasing is highly problematic. The current policy is that “all fatal shootings ... are investigated immediately” except for “combative incidents” which still depend on the decision of the operational inquiry’s results. But these “operational inquiries” are focused on improving the military’s targets and conducting “internal evaluations,” rather than holding officers liable. Data shows that much leaves to be desired: Investigations were not opened in 182 cases, 343 cases were “closed with no further action,” information about 44 cases was missing, 132 cases were still being processed, 25 cases saw soldiers actually charged, and 13 cases had been “referred for [some sort of] disciplinary action.” This means the conviction rate stands at 3.3%.⁷⁴

Pervasive failures can be identified in the MAG’s handling of the cases. To cite a few, investigators took a cursory, half-hearted approach: they rarely went to the scene of the incidents to collect information, if for whatever reason a witness was unable to come in to provide a statement, such as not getting time off from an employer, investigators closed the case. Sometimes investigators cancelled interviews themselves at the last moment, and there was a troubling suggestion that investigators had not been trained in how to talk to victims of crimes⁷⁵ :

Investigators do not believe statements made by Palestinians and, in what appears to be an attempt to find justification for the soldiers’ conduct, demand the Palestinians prove they themselves are not to blame for the violence they were subjected to. Witnesses are sometimes also asked about relatives and involvement in activities against Israel.⁷⁶

⁷⁴ B’Tselem, *Fig Leaf*, 7-23.

⁷⁵ Ibid., 18-23.

⁷⁶ Ibid., 19; This is also interesting because it is one of twelve “symptoms” of moral exclusion highlighted by Opatow. Blame is displaced on the other party. See Opatow 9-11.

Investigators that conducted interviews with soldiers did not employ any “interrogation tactics whatsoever, not even the most rudimentary”, serving more as “stenographers” with “a list of predetermined questions.” In incidents involving more than one soldier, all soldiers had their interviews at the same time, “waiting together [giving] them another opportunity to compare stories.” Investigators relied on soldiers’ accounts even if they were suspicious: “In the vast majority of cases, soldiers simply deny the contradicting account and that is the end of the interview.” ⁷⁷

A case in point: In 2013, Lubna al-Hanash and Sou’ad Ja’rah were walking on a college campus when a soldier fired at Al-Hanash’s head and Ja’rah’s hand. Al-Hanash died an hour later. In the investigation opened, three soldiers were identified as primarily involved in the case: Lieutenant Colonel Shahar Safda, Deputy Commander of the Yehuda Brigade, and Corporal Ram. They claimed they were defending themselves from the Molotov cocktails being thrown at them from a crowd. A year later, the case was closed with the justification that though *“regrettably the deceased, who was standing near the escape route taken by the terrorists, was hit by the gunfire”*, the soldier who fired had not “deviate[d] from (open fire) regulations.” B’Tselem’s investigation revealed that investigators did not collect any forensic evidence from the scene or ask for data the police had collected, nor they did not investigate contradictory statements from officers and eye witnesses. Corporal Ram initially claimed he did not know who in the crowd had thrown the Molotov cocktails, and later that he stated that he did in fact identify the person. He also said he had never saw a woman in the crowd when he fired. He wasn’t asked about why al-Hanash and Ja’rah were targeted and shot when they were at least 145 meters from the scene, and why he had fired at them when he claimed he knew the identity of the single individual who had thrown the cocktail after all. Later, one of the first soldiers

⁷⁷ Ibid., 17-23.

who arrived at the scene following the shooting identified al-Hanash's clothing which contradicted Lieutenant Safda's identification of her. Ram claimed he was worried that Safda was in mortal danger and could not find him. However, police photographs of the locations of bullet casings from his gun contradict this statement- Ram and Safda were no more than 30 meters apart. None of this was taken up by the investigators. The decision to close this case was made not on the basis of any of the evidence, but a cursory statement posted online by the MAG that "lethal gunfire after an assault" was "lawful."⁷⁸

This is only one case, but its theme is similar to that of others, and we can identify a number of issues here: The decision to close investigations depends on the soldiers' testimony rather than evidence collected by investigators (if there is any collected in the first place). This suggests the army's "near complete faith in soldiers' statements" and belief that the soldiers must have been in "mortal danger" to commit violence. Investigators' disinterest in the existence of this "danger" cultivates a culture where, instead of restraint, heavy-handedness towards the civilian population is accepted, and in some cases, encouraged, as following first-hand testimonies of soldiers will indicate. Further, the MAG's system investigates individual soldiers but does not question the judgement of higher-ranking military officers and policymakers. The extremely low conviction rate and inappropriate handling of cases "grants sweeping immunity to soldiers from criminal investigations."⁷⁹ This is similar to a testimony given by a soldier who was assigned in the Nachshon Battalion in 2007 and worked at checkpoints. Soldiers frequently employed unrestrained, heavy-handed measures toward dealing with Palestinians crossing the checkpoints, such as detaining for wearing "a necklace with the word Palestine on it" or somebody "who just didn't look at us nicely." These detainments and other abusive behavior such as confiscation of IDs for without reason became

⁷⁸ Ibid., 52- 57.

⁷⁹ Ibid., 24-37.

so common that soldiers began to assume that behavior was “part of orders,” until they received explicit orders to the contrary a year later.⁸⁰

⁸⁰ "Testimony- I Didn't Report It Or Anything. I Wasn't That Brave", *BTS*.

B. UNDERSTANDING VIOLENCE

*You operate on the assumption that every Arab there is a liar, that you have to check everything, you need to check every document, no one is innocent. - IDF veteran*⁸¹

a. MORAL COMMUNITIES

The argument that violence toward the Palestinian population is in response and proportional to the security threat soldiers feel is a problematic one. Testimonies of soldiers and reports of NGOs demonstrate that this response is often a cover for abusive behavior. While some soldiers defend their actions, many speak out clearly about the violence that the army produces and its effects on both Palestinian and Israeli societies. A soldier recalled being taken aback when three women defended young children who had begun throwing stones at a Palestinian car: “That was my first shock like that. A group of three mothers with a stroller talking about how unfair it is that their poor kids can’t throw stones at the [Palestinian] vehicle. I stare at them, thinking, what, where am I?”⁸² Perhaps my most startling discovery was not that IDF soldiers possessed an understanding that behavior was harmful toward Palestinians, but that many *did not*. Many soldiers genuinely believed their actions were not immoral in any way. From these sprung numerous rationalities that tried to make sense of their work and/or legitimized the violence on the ground; making their work seem a routine, banal part of life as an Israeli soldier in the West Bank. It is evident that “no matter what a certain operation entails, the safety and protection of the soldiers within the force takes precedence. There seems to be a moral hierarchy: first the soldiers should be safe, then the Palestinians.”⁸³

⁸¹ "Testimony- You Operate On The Assumption That Every Arab There Is A Liar", *BTS*.

⁸² "Testimony- I'll Never Forget Hearing This, I Couldn't Believe My Own Eyes", *BTS*.

⁸³ Grassiani, *Soldiering*, 119.

Not all soldiers operate with the intent to cause “malevolent harm” but nevertheless cause harm because of “unconcern or from efforts to achieve [their] own goals.” One soldier described his involvement in the IDF as a “responsibility” that was *necessary* in order to protect Jews. He emphasized the necessity of violence to “maintain order” and “preserve stateliness,” telling his soldiers: “... if I won't be here, Jews will be murdered, and I don't want Jews to be murdered, so I'm here, and I, like, do it.”⁸⁴ Through a process that Susan Opatow calls “moral exclusion,” soldiers create “boundar[ies] in which moral values, rules, and considerations of fairness apply,” which Palestinians, by virtue of being Palestinian, are not part of. They come to be seen as “expendables and undeserving” because they are outside the soldiers’ “scope of justice.” This is an instance when “moral exclusion” is at the more extreme end. Opatow writes: “Justice during conflict is different than during times of calm. Danger, conflict, and stress [three factors one can agree IDF soldiers experience] reinforce group boundaries.”⁸⁵ Soldiers have talked about the charged atmosphere commanders and peers create which creates an atmosphere packed with prevalence of violence. One soldier was briefed by his commander to “operate under the assumption that everyone wants to kill you” and “every kid there lives with the knowledge that he has to one day grow up and kill you”⁸⁶; another was told “You’re not ranked by arrests— you’re ranked by the number of people you kill.”⁸⁷ Yesh Din reported that testimonies of soldiers pointed to a pervasive judgement that “any Arab who lives there is a suspect. That’s what they drilled into us. They didn’t say it. It was the spirit of things... We were there to protect Jews. That’s it.”⁸⁸

A strategy used to rationalize violence is dehumanization which makes it easier to cause harm. If they are not perceived as thinking, feeling beings quite in the same way as those

⁸⁴ "Testimony- The Whole System Needs Violence, That's What It's Based On", *BTS*.

⁸⁵ Opatow, 1-11.

⁸⁶ "Testimony- You Operate On The Assumption That Every Arab There Is A Liar", *BTS*

⁸⁷ "Testimony - The Division Commander Said, “You’re Ranked By The Number Of People You Kill”", *BTS*.

⁸⁸ Yesh Din, *Standing*, 124.

belonging in the same “moral community,” harm brought on Palestinians is not perceived just as unjust.⁸⁹ Testimonies indicate a pervasive line of thinking that refuses recognition of Palestinians humanity or individuality; one soldier explained to Grassiani “We are different, we are above them. We are not animals, we don’t kill babies...”⁹⁰ We can defer a number of factors from that statement: the establishment of an *other*, a hierarchy, a dehumanization, and accusation of targeted murder. Another commander in the Egoz Reconnaissance Unit told his unit after a mission: “Yes, we killed twenty-eight people. They’re not people at all, they’re terrorists, it’s okay.”⁹¹ Dehumanization makes it easier to rationalize violence as a means to govern the *other* because the self is perceived as “‘good’ and moral... strengthened against the other who is placed securely outside of this boundary.”⁹² One veteran who served in the Artillery Corps stationed in Bethlehem described feeling “corrupted” because of the work he had to do: “I was in a situation that in this regard corrupted me so much that after some time, the Palestinians no longer had a face. They’re Arabs and they lost their humanity as far as I was concerned.”⁹³ Similarly, another soldier told Grassiani, “From a jeep it is easier to see a ‘category.’”⁹⁴

David Matless identifies “moral geography” as how groups develop “moral judgements” or perceive one another, aided by their surrounding architecture playing a significant role. Soldiers find it useful to create emotional distance between themselves and Palestinians using the checkpoint so as to scrutinize them for threat more easily. The soldier’s “self” presumes within itself a sense of *rightness*, which is planted “within the moral boundaries of the [soldier’s] social group.” The Palestinian *other* becomes “the embodiment of the cold,

⁸⁹ Opatow, 1-10.

⁹⁰ Grassiani, *Moral*, 382.

⁹¹ “Testimony- The Commander Said, ‘I Want Bodies Full Of Bullets’”, *BTS*.

⁹² Grassiani, *Moral*, 383.

⁹³ “Testimony- So That People Know Where They’re Really Sending Their Children.”, *BTS*.

⁹⁴ Grassiani, *Soldiering*, 71.

the heat, the dust, the boredom...”⁹⁵ This theory is supported by numerous testimonies. A soldier recounted an incident in Mevo Dotan where soldiers had resorted to throw stones at a detainee to “pass the time.”⁹⁶ Similarly, another described that in addition to beatings “just to pass the time,” soldiers, squad officers, and sergeants planned patrols “look[ing] for ways to rile the Arabs up a bit, so [they would] shoot a lot of rubber bullets, that it’d be interesting, and the time in Hebron would pass a bit quicker.” Violence seeped in in the most ordinary of interactions, “Some kid would just look at us like this, and we didn’t like the look of it—so he’d immediately get hit.”⁹⁷ Soldiers also become susceptible to “moral numbing”⁹⁸ so crying, becomes interpreted as “some sort of performance, some sort of theatrical behavior by these lying Arabs.”⁹⁹ Some Israeli soldiers characterize the need for “order and professionalism” at the check point, with one soldier equating order to “professionalism, another that crossing the “imaginary line” brought disorder: “... you say ‘don’t cross that line’. So if they would cross the line I would get angry.” It is through establishing order, even if that includes being heavy-handed, that many soldiers understand “who belongs to what moral category”, with the soldier-self always “normal” or “sane.”¹⁰⁰ If the *other* is then *not-normal*, does he suffer as we do?

b. SUFFERING AS A “SOCIAL STATUS”¹⁰¹

This is perhaps where our discussion gets more interesting and we can begin to understand more why the IDF is riddled with accusations of impunity, especially by its own

⁹⁵ Grassiani, *Moral*, 377-379.

⁹⁶ "Testimony- He Said That He Had Fallen Down", *BTS*.

⁹⁷ "Testimony- A Patrol To Beat Up Arabs", *BTS*; see also Testimony - I Don’t Know, Make Up An Incident", *BTS*.

⁹⁸ Grassiani, *Soldiering*, 1-15.

⁹⁹ "Testimony- They Simply Stand There Helpless Facing The Shouting Soldier On Duty.", *BTS*.

¹⁰⁰ Grassiani, *Moral*, 377-380; See also "Testimony - Beatings Like “Get Back To Your Place In Line”", *BTS*.

¹⁰¹ David Morris, "About Suffering: Voice, Genre, And Moral Community", *Daedalus* 125, no. 1 (1996): 40, accessed December 1, 2017, <http://www.jstor.org/stable/20027352>.

soldiers. If soldiers create “ingroups” and “outgroups”¹⁰² visa-à-vis Palestinians, their concern and compassion for them would be desensitized as well. This “moral exclusion” prevents “moral values, rules, and considerations of fairness” from being perceived as applicable to those considered outside of the group or “moral boundary”. In our case, Palestinians come to be seen as “nonentities, expendable, or undeserving,” and harm caused to them “appears to be appropriate, acceptable, or just.” Opotow writes that one of the characteristics or “symptoms” of “moral exclusion” is that it will appear “ordinary and [can] frequently occur in everyday life.”¹⁰³ Certainly, soldiers have talked about the routine-ness of harmful behavior committed by their peers and commanders. One soldier described IDF culture as one in which unfortunate incidents are justified under the idea that it is too routine to appear extraordinary, where “it happens” becomes “the ruling tone.” As long as the incident does not affect the soldiers or Israeli citizens, the desire to correct it does not exist: “And at some point, no matter how much you sympathize with that population, with the Palestinians, you also get into that mode of ‘it happens’.”¹⁰⁴ Another described the helplessness of some of his missions, frequently not being very well planned out: “95 percent of the cases, the whole point was to hurt the family and go back,” often leaving the targeted Palestinian family harmed in some way or another. One mission involved visiting the home of a very poor family, “they didn’t even have a bathroom—it was a shock.” He explains that harmful activities become justified if there is no physical violence involved: “Some would also say, it’s good to do it even if they’re innocent, the sanctity of the mission is everything, okay? Meaning, there’s no problem here, they’ll tell you there’s no ethical problem with what you’re doing.”¹⁰⁵

¹⁰² Albert Bandura, "Selective Moral Disengagement In The Exercise Of Moral Agency", *Journal of Moral Education* 31, no. 2 (2002): 109.

¹⁰³ Opotow, 1-11

¹⁰⁴ "Testimony- Yeah Bro, It Happens", *BTS*; See also "Testimony - 'No Problem, Beat Them Up – But Do It Behind Some Wall.'", *BTS*; "Testimony - Coping With A Civilian Population". *BTS*.

¹⁰⁵ "Testimony- We Go Into The Homes Of Innocent People. Every Day, All The Time", *BTS*.

The soldier that beat up a Palestinian with his gun while his young son watched on helplessly, may genuinely not believe he was acting immorally. Indeed, the sergeant who related this account said this sort of behavior had an allusion of being “legitimate” in the IDF, as other soldiers have similarly said in their testimonies, implying that Palestinian “suffering is often not appreciated or simply denied.”¹⁰⁶ Another soldier working at a checkpoint in Nablus related the influence of personalities of soldiers at checkpoints determining conduct of Palestinians. A female officer “smashed the windshield” of a car with her rifle butt because the owner asked her not to let the dog into the vehicle. “Any damage done would not be a matter of concern: ‘What can you say? ‘I’ll get you a new one’? No, I’m a soldier in the IDF and you’re an Arab... So you say, ‘Well, shit happens’ and move on.”¹⁰⁷ If we see suffering as a “social status”, as David Morris and Grassiani do, whether we believe somebody actually experiences it or not is dependent on whether or not *we* place them in our “moral community.”¹⁰⁸ In this community of soldiers, peers killed in the line of duty would be called “heroes” and Palestinians’ suffering perceived as deserving.¹⁰⁹ If Israeli soldiers and commanders do not perceive Palestinians to be part and parcel of Israeli community, and this is clear, they quite simply would not fathom their suffering.¹¹⁰ A soldier described this phenomenon as thinking there is no distinction between civilians and terrorist groups. Opatow calls this “expanding the target” where the group of “legitimate victims” is enlarged.¹¹¹

Psychologically, I think the reason is that you constantly feel you're at war with them.

You don't separate. I think most Israelis don't separate – I mean there used to be

Palestinian policemen, but say also between Hamas and such groups and civilians. It's all

¹⁰⁶ “Testimony- The Line Wasn’t Straight, So The Officer Shot In The Air”, *BTS*; Grassiani, *Moral*, 380.

¹⁰⁷ “Testimony- Coping With A Civilian Population”. *BTS*.

¹⁰⁸ Morris, 40; Grassiani, *Moral*, 380.

¹⁰⁹ Jessica Steinberg, “30,000 Attend Jerusalem Funeral Of Lone, US-Born Soldier”, *Times Of Israel*, last modified 2014, accessed December 10, 2017, <https://www.timesofisrael.com/thousands-lay-lone-soldier-to-rest-on-mount-herzl/>; See also “Testimony- ‘They Deserve It, Right?’”, *BTS*.

¹¹⁰ Morris, 40.

¹¹¹ Opatow, 10.

seen as one block because that's how the army is trained. To fight a war against "Them", so you're against "Them", period. It's very difficult to make this separation when you look at these people... you hear a lot of people saying they all have to be killed. Sometimes it's just angry talk, but often when you take this with you into an operation, you are less likely to consider the feelings of civilians standing in front of you, and you'll get more violent, "show them what's what", with a vengeance.¹¹²

This points to a number of themes we have been discussing: Existence of violence by the IDF towards Palestinian civilians which cannot be denied. The IDF trains its soldiers by *othering* Palestinians. So, soldiers become prone to categorizing Palestinians, "You check trucks and cars and what can you do, they are all potentials."¹¹³ This contributes to the stress and toil inside soldiers' minds as they are trained to dehumanize another people. Finally, these categorizations have harmful consequences for any Palestinians soldiers interact with, usually resulting in heavy-handed, collective punishment.

c. INJUSTICE IN THE NAME OF JUSTICE

Beyond the judging whether they are right or wrong, some soldiers act on the basis of a "moral imperative," where their "pernicious conduct is made personally and socially acceptable by portraying it as serving socially worthy or moral purposes." This form of "moral justification" is at the epicenter of my thesis.¹¹⁴ This kind of reasoning tries to portray as within reason of the actions of the offender. Because the *self* is in the right, the consequences of its activities on the *other* does not register as immoral.¹¹⁵ This begins to account for why many

¹¹² "Testimony- You'll Get More Violent", *BTS*.

¹¹³ Grassiani, *Soldiering*, 106.

¹¹⁴ Bandura, *Selective*, 103; Albert Bandura, "Moral Disengagement In The Perpetration Of Inhumanities", *SAGE*, 200, last modified 1999, accessed November 1, 2017, http://journals.sagepub.com/doi/pdf/10.1207/s15327957pspr0303_3.

¹¹⁵ Bandura, *Selective*, 103.

soldiers and commanders are unable to identify behavior which is atrocious and harmful to Palestinians but can relate the impact of the occupation on themselves. They have become “numb,”¹¹⁶ to borrow Grassiani’s sense of the word, so violence toward the Palestinians becomes a natural part of their work, while also refusing to accept a similar situation for themselves. A soldier described working at a checkpoint in Elkana, an Israeli settlement in the West Bank which is considered illegal under international law. He related an incident when he and his colleagues “blindfolded and handcuffed” a Palestinian trying to pass the checkpoint, for four to five hours because he “really annoyed” them. The soldier continues to express remorse through the interview, and explains the disconnect between the “rules” of life as a soldier in the West Bank and home: “my god, [it is] a totally different world there with totally different rules. In this world, that story is unacceptable, at least for me . . . there it’s so natural. The rules are so different. No one understands this unless they’ve been there.”¹¹⁷ In another case, a soldier described the commander’s use of people as “human shields” to find explosives in blockades set up by Palestinians during the Second Intifada in 2000 in southern Jerusalem: “So the logical thing to do was grab random people on the street and tell them that they had to do it. We grabbed all kinds of people, it depended on who was there at the moment.”¹¹⁸

When people are made to believe that their behavior can be morally justified, they will genuinely believe they are acting righteously and for the overall good, even if they witness the harm they cause. “The conversion of socialized people into dedicated fighters is achieved not by altering their personality structures, aggressive drives or moral standards. Rather, it is accomplished by cognitively redefining the morality of killing so that it can be done free from self-censure.”¹¹⁹ A soldier described a military operation in the Bethlehem area called “Change

¹¹⁶ Grassiani, *Soldiering*, 1.

¹¹⁷ “Testimony- I’m Ashamed Of What I Did There”, *BTS*.

¹¹⁸ “Testimony- We Were Waving The Gun, Showing The Boy What To Do”, *BTS*.

¹¹⁹ Bandura, *Selective*, 103.

of Address” in which the unit demolished houses of people and their relatives, including distant relatives, accused of terrorism: “It was also something that became much more acceptable over time.”¹²⁰ The “redefining [of] the morality of killing” is a crucial point.¹²¹ It explains the rhetoric of the military that they act in the safety of the state, which essentially whitewashes the criminal and harmful nature of the work. It confirms why soldiers talk of an army culture that explains away aggressive and violent behavior: “You can carry on sometimes, throw a stun grenade when it's not necessary, but it's all in the framework of "aggression" and allowed with discretion.”¹²² It also explains the evidence why the MPCID, the division of the military formed to investigate illegal harmful activities committed by soldiers toward Palestinians, has investigated and indicted so few soldiers for harm caused to Palestinians: the harm is not seen to be *immoral*. Opatow explains this a form of “moral exclusion” by which use of euphemisms is a way to “sanitize” destructive behavior.¹²³ A testimony that is both interesting and relevant here is of a soldier explaining the personality of soldiers who had looted: “This has nothing to do with their character, nice guys did this...”¹²⁴ It is certainly the case that this behavior is of men and women whose families would talk of them in warm and loving ways. What is relevant for us is how young men and women can be made capable of committing and defending atrocious crimes in their daily lives. In her book *Eichmann in Jerusalem* and the subsequent essay *Thinking and Moral Considerations*, Arendt challenged the view that evil deeds are committed by evil people. She argued that the most mundane motivations, such as a fulfilling career, can lead people to commit horrific acts.¹²⁵ While her analysis of Eichmann is not relevant to this paper, Arendt’s challenge is interesting in our context because it probes how

¹²⁰“Testimony- They Came, Set The Explosives, Blew Up The House”, *BTS*.

¹²¹ Bandura, *Selective*, 103.

¹²² “Testimony- I Am Doing An Injustice And No One Cares”, *BTS*.

¹²³ Opatow, 11.

¹²⁴ “Testimony- Nice Guys Did This”, *BTS*.

¹²⁵ Richard J Bernstein, *Radical Evil* (Cambridge: Polity Press, 2002), 205-226.

people can be made to rationalize or passively accept violence with mind-nerving routine. Bandura quotes Voltaire aptly in his discussion: “Those who can make you believe absurdities, can make you commit atrocities.”¹²⁶

The question of morality is a running theme in many soldiers’ accounts. They grapple with the destructive, ethically contentious nature of the IDF’s activities on Palestinian life: “There’s always a dilemma. If you want to perform the assignment, to prevent a terrorist act, you are liable to injure the rights and the human dignity of the Palestinians.”¹²⁷ Another veteran expressed the inner conflict he and his friends felt once they joined the military and realized how different the “existing reality” was from the one they had been told about: “I thought I was going to do things that I was educated to do in the youth movement, like [promoting] equality and tolerance and suddenly I reach this place where these things are thrown in the garbage trash.” He and his friends had been told Palestinians “cause all the trouble” and “they’re the troublemakers.” The mode of thinking that sees “every Palestinian citizen as a suspect, always” consolidates the *other*’s foreignness.¹²⁸ As we see shortly, some soldiers react to the harm inevitably caused by this line of thinking by denying responsibility altogether or displacing blame through often unconscious strategies.

d. MORAL NUMBING

In her empirical study on the experiences of Israeli soldiers in the military, Erella Grassiani approaches checkpoints as bio-political means of controlling and regulating all aspects of Palestinian life. As we have seen, checkpoints determine Palestinian livelihood, and a number of families get affected if a single person is charged with terrorism at any point in

¹²⁶ Bandura, *Selective*, 103.

¹²⁷ “Testimony- It Was A Horror”, *BTS*.

¹²⁸ “Testimony- To Show The Palestinians There’s Someone Ruling Over Them”, *BTS*.

time. Grassiani writes that soldiers conjure a “moral geography” while working at checkpoints to understand their work. Through *othering*, they try to bring a sense of “order and professionalism” into their work which may otherwise feel “black” and “dirty.”¹²⁹ Checkpoints, as part of surrounding environment, play their part in “numbing” soldiers. In their daily work interacting with Palestinians, determining who poses a threat and who to let through, “a ritual of such repetitive acts as identification, obedience, reward and punishment” occurs; soldiers classify Palestinians into different groups “with (unconscious) labels, such as ‘like me’ or ‘not like me at all’ in a hierarchical manner,” always the *other* and outside the “moral boundary” soldiers have created.¹³⁰ This affords Palestinians various degrees of compassion and concern in their daily interaction at checkpoints. Checkpoints are also built to ensure the asymmetrical power relation is very obvious: Soldiers sit behind counters determining who passes and doesn’t, soldiers display their weapons as a threat of violence (and practice), “the way Palestinians stand in line, lower their eyes or fiercely look the soldiers in the eye.”¹³¹ All of these influence soldiers’ behavior and construct their moralities. Grassiani notes of her observance at the checkpoints: “While on duty, the feeling of controlling and having power over people overrides emotions of empathy towards other persons or the global understanding by soldiers of what their activities really encompass.” As one soldier told Grassiani, “I derive my power from my uniform and my machine gun; it’s what gives me the right to decide everything. And I do what I’m told to... I don’t care if I’m 18 or 17 or 21. I’m a soldier. I’ve got a gun and I’m from the IDF. I’ve got orders, and they better follow them.”¹³²

Soldiers create hierarchies placing Palestinians on lower rungs, and believing “relationships between the two should never be normalized.”¹³³ On “physical, emotional and

¹²⁹ Grassiani, *Moral*, 373- 386.

¹³⁰ *Ibid.*

¹³¹ Grassiani, *Soldiering*, 81; Grassiani, *Moral*, 373- 386.

¹³² Grassiani, *Soldiering*, 62-81.

¹³³ Grassiani, *Moral*, 373- 386.

cognitive” levels, soldiers come to understand their actions as moral and appropriate against the *other*, paving the way for more aggressive behavior.¹³⁴ A soldier described the atmosphere at a particular checkpoint known for the aggression of soldiers stationed there: “They’ve got no God, they wear a yarmulke but they’ve got no God when they’re in the army.... It’s the yeshiva students’ favorite spot [the checkpoint], that Wild West, because they know that they can do whatever they want, beat people up as much as they want, just go wild. I remember many times when we’d detain people just for the hell of it.” Because checkpoint duty is always fraught with danger, group differences become consolidated and harmful behavior is easier to explain away.¹³⁵ Grassiani writes that soldiers take orders from their superiors to be “moral” making it easier to carry them out because “personal responsibility is forsaken.”¹³⁶ A soldier who conducted military operations in Hebron described realizing the absurdity and “inhumane[-ness]” of the army’s violence to BTS:

It only looks normal in Hebron. It doesn't seem normal for someone in the middle of your kibbutz to enter your home and exit through the other door. It's inhuman. Really inhuman.

I never thought about this way until now... It's annoying. Infuriating. Because it's something that happens on a daily basis.¹³⁷

Because the military has a “normal” place in Israeli society, who have been taught it is there to protect them, people have developed “sheer comfort and familiarity” with its presence on streets.¹³⁸ When incidents of IDF violence reach the media, policymakers and IDF spokespersons argue that these are extraordinary or one-off incidents or explain the necessity of the IDF for Israel’s security. In March 2016, when a video of a soldier killing “a wounded Palestinian assailant” was publicized and the soldier charged, the Prime Minister Benjamin

¹³⁴ Grassiani, *Soldiering*, 2.

¹³⁵ “Testimony- The Checkpoint Wrecks Lives”, *BTS*.

¹³⁶ Grassiani, *Soldiering*, 19.

¹³⁷ “Testimony- Welcome To Hebron”, *BTS*.

¹³⁸ Grassiani, *Soldiering*, 3.

Netanyahu responded that it was not indicative of “the values of the Israeli Defense Forces”, later stating that “soldiers are forced to make decision...under stress and conditions of uncertainty.” Israeli politician and former cabinet minister Avigdor Lieberman said: “I clearly prefer that we have a soldier who makes a mistake in his assessment of a situation than one who hesitates, and is God forbid killed by a terrorist—cases which we have seen in the past.” A petition with 55,000 signatures called on Netanyahu to award the soldier with a badge of honor. A poll by Israel’s Channel 2 revealed that 64% of Israelis believed the soldier “acted ‘responsibly’ and ‘naturally’ under the pressure of the situation.”¹³⁹ As reports of Breaking the Silence, Amnesty International, and Yesh Din and soldiers’ testimonies indicate, this incident is not a one-off as the policymakers lead to believe, rather it is indicative of the military’s systematically violent approach toward Palestinians.

e. SETTLER INFLUENCE

In 2015, Yesh Din published a report detailing IDF soldiers being passive witnesses to settler violence on Palestinians and their property. Despite the IDF’s “Military Justice Law” according to which soldiers are required to “enforce the law in their capacity as public servants,” including protecting Palestinians from harm, the Yesh Din report and soldiers’ testimonies suggest to the contrary. The facts on the ground are complex to begin with. By law, Israeli citizens come under the rule of the police and Palestinians under the IDF, so when settlers initiate violence, soldiers find themselves unable to actively stop them because they are not under their jurisdiction and have to wait for police to come. Soldiers are instructed not to be aggressive with settlers and be on the defense: “We don’t have the power, as IDF soldiers, we don’t have

¹³⁹ Kate Shuttleworth, "In Israel, Many Now Find Justification For The Videotaped Killing Of A Palestinian", *Los Angeles Times*, 2016, accessed December 1, 2017, <http://www.latimes.com/world/middleeast/la-fg-israeli-soldier-20160331-story.html>.

the power to handle the Jewish population. We can't do anything to them. We can't do anything. We can't touch them. I think we can arrest, but physical pressure, arrest, handcuff, I don't think you're allowed to. It's only the Border Police." The IDF's tolerance of settler violence can be traced as far back as 1968 in the Jewish settlements in Hebron. Not a single soldier has been prosecuted for his failures in this regard to date.¹⁴⁰ Soldiers express frustration with being unable to control settler violence. In a testimony to BTS, a soldier described the apathy he came across when he found an elderly woman on the street who had been "beaten up" by settlers: "It was like routine there—this woman was lying on the ground and settlers were walking past, and we asked them what had happened, they said they don't know, kept on walking."¹⁴¹

In a report published by Breaking the Silence, settler influence on the IDF's work becomes clearer. Testimonies of soldiers show the various roles they play, including in planning military operations. Civilian Security Coordinators are settlers who permitted to act as "security authorities" in settlements. In theory, they are under the military's rules, but testimonies indicate the Coordinators have their own "ideological agenda[s]" sometimes having the last say in expanding settlements and limiting Palestinians' access to areas, and even "disrupting" IDF work to further their own interests. Soldiers describe IDF officials "sid[ing]" with settlers when they physically assault Palestinians or forcefully expel them from their property, both illegal activities and punishable by law. Often, soldiers are left to only separate the groups, leaving Palestinian daily routine full of conflict, and in some instances receiving verbal abuse or being assaulted by settlers themselves. They are instructed not to "engage" with settlers, with the opposite being true when it is violence perpetrated by Palestinians, which often results in

¹⁴⁰ Yesh Din, *Standing*, 5-85.

¹⁴¹ "Testimony- An Elderly Woman . . . The Guys Beat Her Up", *BTS*; See also "Testimony - They Shouted 'Nazis' And Struck Our Jeep", *BTS*.

serious injury, imprisonment, or death.¹⁴² Settlers' interests come at the cost of Palestinians lives and disruption of daily routine¹⁴³; when settlers instigate violence, soldiers are instructed only to separate the groups. Soldiers are given orders "[to] always strive to engage" with Palestinians, or "shoot to kill" as one soldier was told by a commander when asked what to do if they come across "two Arabs lynching a settler."¹⁴⁴ Another soldier described: "As far as we're concerned, we're in a situation in which we're in territory where the settlers are always right. As a soldier, if you have to choose between a settler and a Palestinian, or between a settler and a left wing activist – you choose the settler, no matter the situation."¹⁴⁵

Soldiers recognize the frustration of the situations and being unable to exercise the law: "No one will sit with you in a debriefing and tell you 'If you see a settler hitting a Palestinians, fuck up the settler.' No one will ever say that, even though there were officers that think that's how it should be."¹⁴⁶ A soldier who fired in the air to disperse settlers who were throwing stones at Palestinian schoolchildren and had begun throwing stones at was sent to prison for 35 days.¹⁴⁷ One soldier described confronting settlers throwing stones at Palestinians to stop: "We're supposed to guard the Arabs who pass, but you know, the settlers throw stones at them, and you won't stand like: throw at me, I'm here. You say to them, please, please don't throw. Like an idiot."¹⁴⁸ In many instances, settlers socialize with soldiers, which interrupts their work, and "confuses" them about not taking sides.¹⁴⁹ On coming into differences with settlers and how

¹⁴² Yesh Din, *Standing*, 5-85; This is another form of "moral exclusion" where different standards apply to the excluded group. see Opatow, 11.

¹⁴³ See "Testimony- Nowadays I Don't Know What They Do", *BTS*.

¹⁴⁴ *Breaking the Silence*, *High*, 69.

¹⁴⁵ "Testimony- If We Hadn't Been There, The Settlers Would've Fucked Them Up", *BTS*.

¹⁴⁶ *Ibid*.

¹⁴⁷ *Breaking the Silence*, *High*, 62.

¹⁴⁸ "Testimony- 'They Don't Pass Through Here, My Territory'", *BTS*.

¹⁴⁹ "Testimony- There Was An Instance In Which One Of The Settlers Gave A Soldier Who Shot A Palestinian In The Knee An Axe", *BTS*.

the situation can quickly escalate, one soldier said, “People who bring us cookies on Friday before the Sabbath, are suddenly throwing stones at us and calling us Nazis.”¹⁵⁰

f. NORMALIZATION OF CHECKPOINTS

Beginning in 2005, the Israeli government introduced plans to transform the military checkpoints through “administrative and architectural changes” and by referring to them as “border-crossing points” instead of checkpoints. Mansbach writes this was being done specifically to “normalize” and “modernize” them. But the checkpoints still exist within a “state of exception,” as they did before these changes; the governmental decision to implement them saw “civil liberties... replaced by a military legal order” under the justification of prevention of a security threat. What one saw as the “emptiness of law” was filled with military law- ever violent, ever present, ever justified under the guise of necessity.¹⁵¹

Mansbach reveals that while working with *Checkpoint Watch*¹⁵², she often witnessed soldiers closing off checkpoints and surrounding areas without possessing the special authorization to do so, likely in attempts to prevent the activists from witnessing events at the checkpoints and reporting them back to the public. This is indicative of soldiers’ belief that the checkpoints are “Closed Military Areas” and the happenings there are under the purview of the military. Because soldiers believe they are acting under military law – which rules there, not civil law- they have no qualms about closing off checkpoints, changing rules arbitrarily, often inflicting violence etc. The state of exception characterizing the checkpoints is “permanent and continuous” and “no longer limited, either in scope or duration”; constantly underpinned “by every knife that is found hidden on a Palestinian at a checkpoint and by any action that is seen

¹⁵⁰ B’Tselem, *Expel*, 12; See also “Testimony - Every Force That Enters The Settlement Answers To The Civilian Security Coordinator”, *BTS*.

¹⁵¹ Mansbach, 255-273.

¹⁵² An activist group that monitors checkpoints for abusive IDF behavior.

as a threat to Israeli lives.” There is no distinction between the legal and political power at checkpoints with soldiers possessing reins to both.¹⁵³

The move to portray these check points as being *normal* or *banal* is through “redefin[ing] them as civilian border-crossing points.” Soldiers are replaced by civilians working for “private ‘security’ companies” and the border police and Israeli Airport Authority also play a role in administration. This attempts to legitimize the checkpoints as representing and appearing like international borders while still serving the interests of the occupying power. The architectural design only camouflages the “control and oppression” still inherent in the checkpoints. The occupier’s gaze is ever present, the soldier replaces a civilian who continues to uphold oppressive practices, and the argument against the state of exception-nature of the checkpoint is distracted through semantics.¹⁵⁴

Checkpoints also create docile subjects out of Palestinians who are under continuous threat of harm by both settlers and soldiers. Kotef and Amir argue checkpoints are specifically designed to “fail” because of how they operate so as to render the disciplining of Palestinians as necessary. In many checkpoints, for example, soldiers draw mental lines on the ground, what Kotef and Amir call “the imaginary lines”, which they expect Palestinians not to cross, however since nobody can see them, these lines are frequently bypassed, Palestinians are labelled as “transgressors” of law, resulting in violent behavior by soldiers meant to *correct* Palestinians. Because only soldiers know where exactly the “imaginary line” is, it is also a regulation of “knowledge of [the] rules” surrounding Palestinians’ governance. Palestinians are seen as “undisciplinable” or “uncorrectable” and the occupation and military law appear justified to produce the *correct* kind of Palestinian. This Palestinian is always also in “an ever-lingering state of potentiality”: not completely separate because he is still under the rule of the Occupier,

¹⁵³ Mansbach, 255-273.

¹⁵⁴ Ibid.

and neither party to it, because he isn't "included" as a citizen is. The law is beyond them- soldiers speak in Hebrew, rules change according to wishes of checkpoint commanders- but there is also the assumption that they are aware of the law¹⁵⁵ :

'They know' is one of the most common justifications used by Israeli soldiers to rationalize their harassment of or violence towards Palestinian 'transgressors': 'they know that they should not be here', 'they know they are not allowed to drive on this road'; and 'they' indeed (presumably) 'know' all this without any sign, mark or clear indication of what is forbidden or allowed.¹⁵⁶

We must not only take into account the role of the perpetrator when he/she commits a crime, but also the external circumstances, including their beliefs, peer pressure, and pressure from superiors that lead to violence. In cultures where violent behavior is not held fully accountable, where the emphasis on obedience is high, as is the case in militaries, the perpetuation of violence, aggression, and oppression will be higher.¹⁵⁷

g. MORAL AGENCY

And while I'm talking to the father, his little girl clings to his leg. I'm standing there, and next to me a soldier is pointing his weapon at the father and the little girl is clinging to his leg. We check the car. My soldier says, "can I stop pointing the weapon?" I answer, "no, you can't," according to my understanding that this is how we're supposed to manage this thing in a professional manner, and protect ourselves.¹⁵⁸

¹⁵⁵ Hagar Kotef and Merav Amir, "Between Imaginary Lines: Violence And Its Justifications At The Military Checkpoints In Occupied Palestine", *Theory, Culture & Society* 28, no. 1 (2011): 55-80.

¹⁵⁶ *Ibid.*, 66.

¹⁵⁷ Grassiani, *Soldiering*, 17.

¹⁵⁸ "Testimony- A Family That Returned From A Wedding", *BTS*.

Describing their part in the occupation as that of any other job is a kind of defense mechanism used to cope with the moral weight one's actions carry.¹⁵⁹ In soldiers' testimonies, descriptions of their work in terms of being a 'job' were used very casually: "If everyone sticks to their own jobs, it will be fine"; "I remember that when I first started the job..."¹⁶⁰ This justification is a way to "naturalize" the military duties the soldier carries out, in order to legitimize, in their minds and to others, what they are doing, so "the activities of soldiers become ordinary performances without extraordinary meanings." Quoting Cohen, Grassiani argues this is a kind of "interpretative denial" where the reality is "acknowledged but (the) meaning is neutralized."¹⁶¹ Soldiers express helplessness with trying to understand their position in the order, rationalizing that either things were out of their hands or that they didn't have the choice to refuse to follow orders. A Lieutenant working in the Ramallah and al-Bireh area described the process of showing up at people's homes to give them a "summons" from the Israeli Security Agency (GSS/Shabak). It was done in the middle of the night to "scare" the Palestinians, "We were in the village all day, but you want to startle him, wake him up in the middle of the night, shove the summons in his face. Why not mail it to him? ... You deliver a letter, you're a postman." When probed, he responded he didn't have a choice but to carry out the duty as prescribed, "I get a name, I have to do it. Never mind who it is, it's an instruction issued by the Shabak."¹⁶²

Harm caused can be morally extenuated by whitewashing it and portraying it as a professional job. A commander explained his job to Grassiani in professional terms: "I'm not there to make peace, I'm there to do my job," as if that took away the questions of morality

¹⁵⁹ Grassiani, *Moral*, 103-115.

¹⁶⁰ "Testimony- One Of The Soldiers Starts Banging His (A Detainee's) Head Against The Wheel", *BTS*; "Testimony- Escalation In Settlers Violence", *BTS*.

¹⁶¹ Grassiani, *Soldiering*, 112.

¹⁶² "Testimony- Scare Him", *BTS*.

inherent in his work¹⁶³. Another soldier explained that when commanders were probed about their work in the West Bank during the Second Intifada, the response was that the work need not be politicized: "This is the situation, this is what we have to do, and there is no political explanation." Similarly, discussions with Grassiani, another soldier created distance to explain his work: "We want to do our job, questions and stuff can go to the government, to the one who is responsible, we are not... not with us. I'm not a minister or... I don't have any decisions, I execute (orders)." This method of distancing presents the soldier in a "passive" role. Grassiani writes that as the interview went on, the soldier acknowledged Palestinian suffering but insisted it was still necessary work: "...in his way of thinking, he does not have a choice but to do his job." ¹⁶⁴ The just a job defense seeks to exonerate the involved party by portraying their work in the occupation as part of any other profession, with its every day routine and requirements, just as what a businessperson or teacher would go through in their line of work.

Sometimes, the line between the legality and illegality of behavior becomes blurred, where illegal behavior is exercised as legitimate. For instance, a battalion commander stationed in Nablus in 2003 during the Second Intifada, allowed his soldiers to destroy people's cars even though that was illegal. One of the soldiers under his rule talked about the violence inherent in the system:

... there were many, many places in which I did use violence, that is to say that maybe within the logic of the system I was fine, but still, when I look back on it, then I understand that there's no such thing as an enlightened occupation. You can't do it like it should be done, you can't do it well. The stories about violence are not the exception, the stories about serious violence are those that reflect on the rule.¹⁶⁵

¹⁶³ Grassiani, *Soldiering*, 112.

¹⁶⁴ *Ibid.*, 70-113.

¹⁶⁵ "Testimony- I Also Took Part In All The Violence Because This Mission Is Really Established In The System Of The [Occupied] Territories", *BTS*.

This is interesting because it points to the logic of legitimized violence. The soldier recognizes the problematic nature of the occupation, but was unable to understand it when he was serving. He points out the commonality of violent incidents that “reflect[ed] on the rule.”¹⁶⁶ What we can also see is the congruence of legitimized violence with moral behavior, where it is associated with the entire nature of the occupation that is itself dependent on usage of violence to maintain itself. Soldiers create “a discourse” to rationalise violent behavior.¹⁶⁷ A soldier stationed in the Bethlehem area in 2005 described an incident when a man who approached a checkpoint which was closed at night. The procedure is that the person is asked to be identified and if they refuse and keep going, soldiers can “shoot near the feet (or) shoot at the legs.” As it happened, this person was mentally disabled and he fell down to the ground, either out of fear or an injury- the soldier was unsure-, and the checkpoint guards handcuffed him. The sergeant said this incident stayed in his and other soldiers’ minds because if it had not become apparent immediately that the person was retarded and hadn’t stopped walking, “legally the guys who shot him would be perfectly alright,” even though “morally, this was murder.” This case shows the lack of procedures in place to prevent unnecessary violence from occurring, indeed such incidents have occurred. The line between legitimized violence and what is perceived to be socially-permissible behavior is blurred in the heightened climates of checkpoints.¹⁶⁸

In Grassiani’s interviews, soldiers took a “passive” approach to distance themselves from being perceived as morally responsible for the consequences of their work. Many “acknowledged” Palestinian suffering, but did not see themselves as agents of change in their story.¹⁶⁹ They saw the occupation as something that was really under the control of their

¹⁶⁶ Ibid.

¹⁶⁷ Grassiani, *Soldiering*, 131.

¹⁶⁸ “Testimony - Yeah Bro, It Happens”, *BTS*.

¹⁶⁹ Grassiani, *Soldiering*, 103, 107-110.

supervisors and had a “there is nothing I can do” attitude.¹⁷⁰ As soldiers, they felt they were only there to follow orders and do their jobs. “This naturalizes their military activities,” Grassiani writes, couching their work in language in which “the activities of soldiers become ordinary performances without extraordinary meanings.” With their “moral competency” “numbed,” couching language within passive and professional terms evades responsibility for violent activities. A commander said, “I’m a person who wants to be professional, I’m not there to make peace, I’m there to do my job.” This rationality denies the role of the self in the ethical dilemma, while at the same time on some level recognizing the ethical dilemma present.¹⁷¹ The international media often falls into this itself. In a 2009 article in *The Guardian*, the headline read “Teargas canister shot kills Palestinian demonstrator,” but teargas canisters do not have ability of their own to shoot people. Interestingly, the writer of the article also adopted a passive approach describing the deaths of Palestinians by Israeli soldiers, “a Palestinian was shot dead by Jewish settlers...” but the active role when describing the actions of another Palestinian “... a Palestinian armed with an axe killed a 13-year-old boy in a nearby settlement...”¹⁷² The stress of the obedient environment of the military contributes to soldiers feeling they do not have moral agency to act differently: “You tell those stories and talk about your frustration but you can’t do too much about it.”¹⁷³ But it also indicates on some level a “deep passive acceptance” of the Occupation and its effects on both the Palestinians and Israeli soldiers. On a certain level soldiers are left feeling subjugated as well, involuntarily caught in a cycle of violence perpetuated by policymakers and commanders.

¹⁷⁰ Ibid., 103.

¹⁷¹ Ibid., 112, 135.

¹⁷² Rory McCarthy, “Teargas Canister Shot Kills Palestinian Demonstrator”, *The Guardian*, 2009, accessed November 1, 2017, <https://www.theguardian.com/world/2009/apr/17/west-bank-demonstrator-teargas>.

¹⁷³ “Testimony- I Took An Oath Never To Go Back There”, *BTS*.

CONCLUSION

We have seen that the IDF's work in the West Bank is filled with violence, uncertainty, and moral quandaries. Soldiers are regularly engaged in making meaning of their work and understanding how their sense of self relates to the morally contentious activities they participate in. This identity is very uncertain and changes in the charged situations and is dependent on a number of factors, including influence of the military culture and how peers and commanders handle the same situations. There is pressure to perform in a certain way, as we saw with the commander who told his soldiers they are ranked according to the casualties they cause- the higher, the better. Experiencing loss of their friends and people in their communities makes them susceptible to categorizing all Palestinians into a single enemy. The disconnect between the reality on the ground and what the media portrays is disorienting for their perception of the *other*. By taking ideas of morality out of the work they do, soldiers reason the work will become easier to perform. But as we have seen, the impact of the work lingers on their conscience, with some refusing to continue to be part of a system they perceive goes against their moral values.

Morality and law do not exist side by side most of the time. Often, soldiers attach a sense of rightness to their work by arguing they are in danger or that their work ensures future deterrence. This is problematic because so much harmful and criminal behavior is whitewashed and kept under the wraps under this justification. As we have also seen, this behavior isn't exceptional, rather it is representative of the norms of the military. The strongest indicator of this is that various soldiers speak of the military culture in *similar* ways. This isn't a case of a few rotten apples. Soldiers go through similar thought processes legitimizing and passively accepting the situation which leads to the wide-scale apathy through the military. This is important because the connection between their stories, which we have seen in descriptions of the military culture, tells us there are relationships between these stories, they have a number

of similar experiences. A number of soldiers talked about the “move on”¹⁷⁴ culture where harmful behavior is dismissed away without holding perpetrators accountable and not seeing a point to correct it. A number rationalized their activities by measuring them against the safety it provides to their societies. Many expressed shock at the mundanity of violence and brutality they experienced.

And this is the crucial issue. Palestinian loss has acquired a banality to it. The loss of the *other* has become unexceptional, dehumanized, hackneyed, occurring with such repetition that when those lives are maimed and lost, perpetrators do not always feel their morality is in question. In a sense, exposure and repetition have also made the violence easier to stomach. The moral hierarchy remains ever present, sometimes stated explicitly, other times concealed but revealing itself in the various discourses work soldiers construct.

¹⁷⁴ For example, see "Testimony - They Pay You With Their Masbahas (Prayer Beads)", *BTS*: "It was so intense, that period, that you don't have to time think, to get upset about something and go crazy, you immediately move on to something else."

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