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Savage Restraint: Israel, Palestine and the Dialectics of Legal Repression

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In 1988, Israeli security forces engaged in a wide variety of repressive tactics aimed at putting down the Palestinian uprising in the West Bank and Gaza Strip. Rather than viewing these methods solely as products of instructions handed down from on high, this article regards Israeli tactics as emerging from processes of innovation and elaboration by military personnel. Rules stipulating the legal use of lethal force placed important limits on Israeli military behavior. Within those limits, however, soldiers were free to invent new methods of repression. The article draws on 50 open-ended interviews with Israeli military veterans.

In January 1988, 21-year old Eyal Masad stood watching with a cluster of Israeli soldiers as one of their number clubbed a Palestinian lying on the floor of Nablus military headquarters. The assault was not an attempt to extract information, but was rather an impromptu punishment session for earlier stone throwing against Israeli troops. After a few moments, the trooper took a break, permitting a medical corpsman to verify the victim was not gravely injured. The medic knelt down, ran his hands over the Palestinian’s body and then, according to Masad, “stood up and kicked the Arab, saying ‘he’s fine, there’s nothing to cry about.’” The beating continued for several more minutes.

The assault was illegal under military regulations, but Masad, a second lieutenant in the elite Golani infantry brigade, did not halt the beating, largely because he knew it was tacitly encouraged by senior officers. The Palestinian uprising, or Intifada, against Israeli occupation was underway and the Israeli military command, fearful of losing control in the West Bank and Gaza, was eager to suppress protests. Unofficial beating sessions of this sort were widespread (Al Haq 1989; Amnesty International 1988; Friedman 1990; Schiff and Ya’ari 1989).

Masad’s story raises an intriguing question. Why was the beating crafted to avoid lasting injury, as was evidenced by the medic’s hasty examination? Indeed, such restraint amidst brutality was common that year, as senior officers combined painful repression with efforts to avoid loss of Palestinian life. Evidence of this can be gleaned from the number of slain and deported Palestinians during 1988, the first and most intense year of the uprising. Israeli troops killed 204 Palestinians that year (Al Haq 1989, p. 12) and expelled 36 (Peleg 1995, p. 48). While this was high for law enforcement, it was lower than what might have been had the Israeli army unleashed its full firepower. Yet, tens of thousands were injured by non-lethal methods, thousands were imprisoned, and virtually every Palestinian family spent prolonged periods under harsh curfew (Al Haq 1989; JMCC 1992; Middle East Watch 1991). What explains this peculiar mixture of savagery and restraint?

Israel is not alone in injecting moderation into an otherwise brutal context. In divided societies such as apartheid-era South Africa (Brewer 1994; Cawthra 1994, 1997), Serbia

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security forces have responded to protest with detentions, harsh interrogations, selective assassinations, and assorted legal distortions. Yet, while security forces have deviated from law enforcement procedures, they have rarely bypassed them altogether. Instead, they have sought to project an aura of restraint, due process, and legality amidst the repression. These efforts, in turn, have had important effects on their victims’ lives, reducing the number of slain demonstrators, limiting forced expulsions, and facilitating survival, mobilization and resistance. Yet, frequently, critics highlighting the intolerable nature of existing abuses have ignored this. This neglect obscures important determinants of violent social control.

My first goal is, thus, to note that in most deeply divided societies, government forces are often capable of being even more abusive than they already are. Exploring counterfactuals and non-events is a powerful tool helping to identify key causal variables (Fearon 1991; Tetlock and Belkin 1996). My investigation suggests that states are torn by contradictory pressures. While they seek to quickly and brutally end rebellions, they are also beset by cravings for legitimacy in the eyes of significant audiences. Together, these opposing imperatives create a “dialectic of legal repression” that shapes and constrains styles of repression (Balbus 1973). Security forces negotiate the dialectic by creating hidden and deviant operating codes that promote suffering while avoiding excessively blatant legal violations. Although this code distorts and circumvents law enforcement procedures, it does not bypass them entirely. In the Palestinian-Israeli case, the cumulative result was a de facto policy of savage restraint.


Israel’s repression of the Palestinian Intifada is my primary case study. Although the rebellion has been studied in depth, scholars have largely examined the determinants of Palestinian protest, not Israeli coercion (Hiltemann 1991; Lustick 1993b; McDowal 1989; Nasser and Heacock 1990; Peretz 1991; Shalev 1991). Existing studies of Israeli violence tend to examine soldiers’ feelings or moral dilemmas (Ben Ari 1989; Ezraki 1997; Liebes and Blum-Kulka 1994), or the repression’s efficacy (Inbar 1991). My analysis, by contrast, is concerned with explaining the style of Israeli “protest policing” (Della Porta 1996; Della Porta and Reiter 1998). Israeli methods were simultaneously restrained, in that they did not seek to eradicate Palestinians altogether, but were also savage, in that tens of thousands were beaten, imprisoned, and humiliated.

Sources and Methods

My findings rely on two clusters of original data, as well as secondary sources and human rights reports. The first is a pool of 52 interviews with Israeli military veterans of all levels, with special emphasis on the rank-and-file. These interviews were open-ended, tape-recorded, conducted in Hebrew, and took place in informants’ homes or cafes. They ranged from two to eight hours and occasionally continued over multiple sessions. Respondents were identified through a snowball sampling technique, producing a group embedded in shared social networks. Most had served in high-status combat units such as the paratroops, infantry, or the armored corps, and all had participated in Israel’s West Bank/Gaza repression.2 The bulk

served during 1988, the first and most intense year of the *Intifada*, and my findings are based largely on that year's events. Access was facilitated by my prior experiences as a conscript in the Israeli paratroops (1985–1988). Israeli veterans, like their counterparts worldwide, are often unwilling to speak frankly with persons without military experience, believing the uninitiated cannot comprehend their world (Ellis 1979). Although this may have complicated efforts at scholarly objectivity, the gains afforded by access outweigh any losses (Burawoy 1998). My interviews with rank-and-file troops heed Migdal's appeal (1994) for an "anthropology of the state" based on sources at the "lowest rungs on the [state's] organizational hierarchy where direct engagement with society often occurs" (p. 15). Lipsky encouraged a similar approach with his 1983 study of "street-level bureaucrats" such as policemen, tax collectors, teachers, and low-ranking social service employees. As he noted, these functionaries enjoy substantial discretion and wield enormous de-facto influence over civil society.

My second cluster draws on experiences and research conducted during 1992–1994 for Human Rights Watch, a U.S.-based group reporting on human rights conditions worldwide (Middle East Watch 1993, 1994). That effort involved hundreds of interviews with Palestinian witnesses, political and human rights activists, as well as with Israeli military and government officials. These interviews, coupled with my own participant-observation, provided insight into local human rights politics. I worked for over 12 months out of the offices of B'Tselem, the leading Israeli human rights group, but maintained close and regular contact with staffs from Al-Haq, the preeminent Palestinian rights organization. During that time, I traveled between Israeli and Palestinian zones on a daily basis. Being a U.S. passport holder, I was able to pass through Israeli checkpoints while riding in Palestinian vehicles with Palestinian companions, something most Israeli citizens are unable to do.

Cumulatively, these interviews and experiences revealed profound ambiguities within the Israeli coercive apparatus. On the one hand, the military made a concerted effort to preserve an image of due process and legality during its repressive actions. Yet at the same time, coercive actors devised an array of hidden methods to induce Palestinian suffering without triggering excessive external criticism. Together, this package of legal appearance and clandestine practices amounted to a policy of savage restraint.

**Was Greater Violence against Palestinians a Possibility?**

My counterfactual exercise is premised upon the notion that greater violence was, indeed, a possible Israeli response to the *Intifada*. What evidence is there for such a claim? First, the historical record is suggestive. During the 1947–1949 Israeli-Arab war, Jewish military forces pushed, encouraged, or facilitated the exit of 750,000 Palestinians over international borders, arguing that Israel's security required ethnic separation. That process was marked by substantial violence, including methods that, today, might be termed ethnic cleansing (Khalidi 1979; Kimmerling and Migdal 1993; Morris 1986a, 1986b, 1989, 1990; Pappe 1994, 1997; Segev 1986). Later, Israel denied those refugees permission to return. After the war, harsh Israeli raids against West Bank and Gaza civilians continued, often in retaliation for Arab guerrilla strikes (Morris 1993, 1996c). Israel, thus, demonstrated a capacity for substantial violence against Palestine only three decades before the uprising.

Israel's more recent record in Lebanon was also indicative. From 1968 to 2000, the same Israeli troops responsible for patrolling West Bank/Gaza engaged in counterinsurgency operations in Lebanon, causing thousands of civilian casualties and hundreds of thousands of internally displaced (Amnesty International 1992; Beydoun 1992; Burnett 1985; Fisk 1990; Hamizrachi 1988; Human Rights Watch 1996, 1997, 1999; Jansen 1983; Kahan, Barak, and Efrat 1983; Evron 1987; Khalidi 1979; Lamb 1984; Norton 1993; Randal 1983; Sayigh 1997; Schiff and Ya'ari 1984; Schulze 1998; Yaniv 1987). In the 1970s and early 1980s, Israel's bombardments of Palestinian refugee camps were indiscriminate, and during its 1982 invasion, Israel killed as many as 10,000 civilians (Fisk 1990; Jansen 1983; Randal 1983). Israel's
clandestine security services, moreover, supported Lebanese militias involved in death squad activities against Palestinians (Burnett 1985; Hamizrahi 1988; Kahan, Barak, and Efrat 1983; Randal 1983; Sayigh 1997). Further forced displacement was also on the agenda. Immediately prior to the 1982 war, Israeli policymakers planned to deport hundreds of thousands of Palestinian refugees from Lebanon. The plan, which called for coordination with local militia allies, was thwarted at the last minute by negative publicity over militia massacres (Schiff and Ya’ari 1984, p. 240). Although the Lebanon war provoked internal Israeli debate, the military continued to use disproportionate force long after. During the 1990s, years after the Intifada began, Israeli shellfire was still displacing hundreds of thousands of Lebanese civilians as punishment for guerrilla attacks (Human Rights Watch 1996, 1997, 1999). Its Southern Lebanese Army militia allies, moreover, continued to be involved in torture, kidnappings, and unlawful killings (Amnesty International 1992; Human Rights Watch 1999). Given its contemporaneous Lebanese record, why would the military choose policing over war for Palestine?

Israel’s non-resort to war is also intriguing in light of its populace’s general anti-Arab orientation (Bar-Tal and Zoltack 1989; Carmi and Rosenfeld 1989; El-Asmar 1986; Liebman 1985; Lustick 1988, 1993a; Masalha 1997; Seliktar 1986; Shafir and Peled 1986; Smooha 1992; Sprinzak 1991). Jewish-Israeli opinion veered especially rightwards during the 1980s, supporting policies of “territorial expansion, hostility to other nations, and the elaboration of the national interest as a supreme social value” (Liebman, p. 41).

Polling data are suggestive. In 1988, 38 percent of Israeli Jews believed Arabs were “primitive,” 40 percent felt Arabs would never reach “Jewish levels of development,” and 68 percent refused to work under Arab supervisors (Smooha 1992, pp. 142, 154). A 1985 survey found 70 percent objecting to living with Arabs in the same apartment building (Liebman 1985 p. 40), while a 1988 poll found 75 percent with no experience of Arab friendship and unwilling to live in ethnically mixed neighborhoods (Smooha, pp. 85, 148). Jewish support for hard-line policies included 73 percent for discrimination against Palestinians with Israeli citizenship, 76 percent for reserving Israel as an exclusively Jewish homeland (Smooha, pp. 149, 58), and 52 percent for forced expulsion of Palestinians from West Bank/Gaza (Lustick 1993a, p. 540).

Still, decision-makers rejected calls to unleash Israel’s full armed might against Palestinian Intifada activists (Schiff and Ya’ari 1989, pp. 136–137). My explanation draws on Balbus’ (1973) finding that security forces facing rebellion are buffeted by pressures both for greater restraint and greater violence. In the case of Israel, incentives for anti-Palestinian repression were offset by civil society oversight, international human rights norms, and the army’s own sense of “proper” West Bank/Gaza procedure. The relevance of these restraining forces, ironically, was contingent upon Israel’s own appetite for Palestinian land.

The Social Organization of Restraint

The Palestinian Intifada lasted from December 1987 to 1993. Israeli spokesmen highlighted their use of police-style methods to suppress the challenge, impressing some with their restraint (Ezrahi 1997; State of Israel 1990; Straschnov 1994; Yahav 1993; Zamir 1989). Keen to project an appearance of “enforcing the law” against Palestinian “criminals,” Israeli spokesmen noted that the military was “imprisoning law breakers,” conducting “trials,” and convicting “suspects” on the basis of “evidence.” Officials insisted they were doing their best to “restore order” to an unruly environment. Israel’s resort to criminal justice measures rather than all-out war, they implied, was evidence of substantial and laudable restraint. On the other hand, Israel’s critics highlighted systematic deviations from proper law enforcement standards, including false arrests, sham trials, excessive force, torture, systematic beatings, prolonged curfews, and collective punishments. Israel, its critics said, was abusing Palestinian legal rights on a massive scale through the use of arbitrary and brutal methods (Al-Haq 1989; Amnesty

Although the debate polarized into bitterly opposed camps, both interpretations contained kernels of truth. Israeli forces did conduct a police operation of sorts in the West Bank and Gaza, limiting the use of lethal force by Israel’s powerful war-machine. Although the figure of 204 slain Palestinians was high for a good-faith policing effort, it was lower than what might have been had Israel unleashed a full-scale assault. At the same time, there is little doubt that Palestinians suffered tremendously. This article’s task is to include both these “truths” in one explanatory model.

**The Dialectics of Legal Repression**

My explanation builds on Balbus’ (1973) notion of the dialectics of legal repression, a term he coined while studying contradictions within the criminal justice system during U.S. race riots. Balbus focused on the effects of conflicting institutional, legal and normative pressures on state coercive agents. One the one hand, states must maintain order, monopolize the means of force, and rapidly subdue physical challenges. When rebellion erupts, social control agents feel compelled to react decisively, since moderate repression is likely to stimulate further protest (Rasler 1996; White 1989). On the other hand, states are deeply concerned with preserving long-term legitimacy. To do so, they embed their actions in notions of due process and legal rationality. The repression imperative, in other words, works against the legality imperative. This contradiction sets “definitive constraints on the ability of political elites to dispense efficiently with collective violence,” complicating social control efforts (Balbus 1973, p. 3). Ironically, “the very effort of the sovereign to preserve its life is subject to rules which dictate the manner in which this effort may be accomplished” (p. 235). Insurrections are sites of acute contradiction since pressures for greater repression coincide with greater public oversight. During the U.S. race riots, this push-and-pull dynamic produced a coercive style in which official violence was “often brutal and led to considerable destruction of life,” but did not include the “wholesale slaughter of riot participants” (p. 234). Although U.S. forces deviated from the principles of criminal justice, they did not jettison them altogether (Feagin and Hahn 1973). Senior officials helped manage appearances by emphasizing their commitment to law enforcement and highlighting their use of “courts,” “prosecution,” and “evidence.” Rank-and-file police deviance, coupled with high-level lip service, was the coercive apparatus’ way of negotiating the dialectic.

**The Dialectic in Illiberal Contexts**

Would the dialectic apply to non-democratic instances such as Israel’s rule over Palestine? Many would suggest not, saying legal sensitivities exist only in democracies (Howard and Donnelly 1986; Mitchell and McCormick 1988; Rummell 1994). Others, however, argue that concern with legality exists even in illiberal contexts such as the post-Stalinist Soviet Union, where notions of “socialist legality” were vital. Soviet security organs went to “extraordinary lengths . . . to pretend . . . that the rules [were] being followed” (Lieven 1999, p. 164). Other instances include Serbia (Ron 2000) and South Africa (Cawthra 1997, p. 45). These illiberal regimes still craved the appearance of legality, with important results: protestors were not regularlygunned down en masse in public view, and the principles of criminal justice were not jettisoned altogether. Instead, repression was organized in more indirect and subtle ways.

**Sources of Restraint**

What promotes this concern with legal appearances? The literature suggests four possibilities, including the interests of capital, civil society, international activists, and the state’s own

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coercive apparatus. Balbus adopts a Marxist perspective, arguing that restraint comes from capitalists eager to ensure that states remain predictable and routinized. Although this argument is intriguing, it seems not to have played a key role in the Israeli-Palestinian case. More useful are the work of Weberians focusing on state-society relations. They note that, while modern states have deep roots in civil society, enhancing their control, that embeddedness also requires subtler social control techniques. For Giddens (1987), this reflects the simultaneous expansion of state power's “scope” and the contraction of its “intensity” (p. 15); for Mann (1993), it signals the replacement of weak “despotic” rule by a deeper and more comprehensive “infrastructural” method of control (p. 60). Infrastructural rulers, Mann explains, cannot “brazenly kill or expropriate their [internal] enemies without exciting opposition” (Mann 1984, p. 190). In this, he recalls Foucault's (1979) discussion of the transition from traditional “punishment” to modern “discipline.” Although punishment is spectacular and intimidating, it excites popular revulsion and protest. Discipline, on the other hand, is a more insidious and less perceptible form of power.

Whereas the Weberians emphasize domestic civil society, others highlight the role of international human rights discourse and activities (Risse, et al. 1999). Some speak of an emerging international “human rights regime” (Forsythe 1985; Howard and Donnelly 1986), others emphasize transnational activist networks (Keck and Sikkink 1998; Sikkink 1993; Sikkink and Martin 1993), while still others speak of a global social movement (Smith 1995). Ron (1997) empirically demonstrates the power of human rights discourse by charting its increasing usage in the global media. These scholars all agree that international human rights activity serves as a check on state violence, especially in resource-poor states such as Israel, which rely heavily on international flows of aid and trade.

A final source of restraint is internal to the state itself. Modern states legitimize their monopoly over physical force by submitting to notions of disinterested and universalistic rule (Bourdieu 1998, p. 59). Although this bolsters their legitimacy in the eyes of the dominated, the discourse also infiltrates the dispositions and orientations of state agents, themselves. For Bourdieu, scholars viewing bureaucrats solely as cynical manipulators of legalistic rhetoric “ignore the very real effects of the obligatory references to the values of . . . disinterested loyalty to the public good.” These values “impose themselves, with increasing force, upon the functionaries of the state,” sinking deep roots in bureaucrats’ dispositions (1998, p. 59). Functionaries of various kinds become an “audience” for legalism in their own right. Three key audiences are, thus, of relevance. Civil society seeks moderation as a form of self-defense against the state; international human rights activists wield global influence; and state functionaries can be convinced by their own rhetoric. As a result, Israeli security forces could be expected to try and project images of restraint and due process, even at moments of great crisis.

**Israeli Infrastructural Power in Palestine**

These checks apply chiefly to domestic state violence, however, not to external conflict. While modern states do define domestic territories as zones of policing, they view foreign territories as zones of war (Giddens 1987, pp. 15, 187). Since Palestine was not part of Israel, why was Israel eager to project a police-like image in the area? Like Lebanon, Palestine should have been treated as a zone of war, not policing.

Scholars tend to take borders for granted, failing to problematize the construction of “internal” and “external” state domains (Soguk 1999). Although this assumption is, perhaps, justified for states with settled boundaries, states such as Israel are mired in territorial disputes, blurring the domestic/foreign divide (Lustick 1993a). As a result, Palestine and Lebanon were constructed very differently vis-à-vis Israel. Israel used Lebanon chiefly as a strategic buffer, but viewed West Bank/Gaza as an arena for colonization, long-term rule, and eventual incorporation (Benvinisti 1984; Lustick 1988, 1993a). Israel, consequently, sought a more powerful system of control in Palestine than in Lebanon, Although Palestine’s fate was still
open to debate at the diplomatic level, Israel engaged in *de-facto* methods of incorporation that critics labeled "creeping annexation."

To use Mann's terminology, Israel successfully sank deep "infrastructural" roots in Palestine.

Evidence for Israeli infrastructural power is considerable. Over 200,000 Jews settled in West Bank/Gaza by the late 1980s, new roads linked the region to Israel's urban heartland, water, electricity and telephones lines were joined, and some 150,000 Palestinians worked in Israel. Israeli civilian ministries such as health, transportation, communications, and education extended their reach into Palestine, incorporating the region as an integral, but subordinate part of Greater Israel (Abed 1988; Aronson 1990; Benvinisti 1984, 1989; Gazit 1995; Luscik 1988, 1993a; Palumbo 1990; Roy 1995; Semyonov and Lewin-Epstein 1987; Shafr 1984; Shehadeh 1989). Militarily, Israel's dominance was uncontested, since by 1971, Palestinian armed revolts had ended in total defeat, relegating armed resistance to marginal and isolated attacks. Israeli soldiers sealed Palestine's borders, preventing would-be guerrillas from entering (Black and Morris 1991; Sayigh 1997; Schiff and Rothstein 1972). When the Palestinian uprising did eventually emerge, therefore, its tactics were those of civil protest, not armed insurgency (Beitler 1995). By the late 1970s, Israeli control over Palestine had been "routinized" with a subordinate "caste" of Palestinians living within Israel's "control system" (Kimmerling 1989). Although Israel never proclaimed so, officially, Palestine was, for all intents and purposes, an encapsulated zone within the Jewish state (Benvinisti 1984). Under such conditions, as Giddens (1987) might expect, Palestine had become a zone of policing, not war.

**Sources of Restraint in Practice**

As Mann's (1984, 1993) model would anticipate, Israel's infrastructural control prompted civil society to restrain the military's behavior in West Bank/Gaza. Palestinian groups such as Al-Haq, the Palestine Human Rights Information Center (PHRIC), and the Jerusalem Media and Communication Center (JMCC), were active and relatively well funded, developing connections to the international media and organizations. In addition, traditional Palestinian elites, such as village headmen (*mukhtars*) and "notables," maintained contact with Israeli military governors, protesting abuses by Israeli troops. As former Hebron commander, Col. Moshe Givati noted, "I always heard what my soldiers did, eventually, from the Arabs themselves. Their leaders came to me, to the civil administration, and they complained. It always comes out in the end, you can't hide anything." Although combat officers were relatively unconcerned by Palestinian complaints, the army's "civil administration," charged with maintaining reasonable relations with Palestinians, along with the legal division, lobbied for some restraint.

More importantly, Palestinian human rights groups maintained regular communications with their Israeli counterparts. B'Tselem, a top Israeli watchdog group, was established in 1988, developing ties to established Palestinian groups. Although Palestinian activists had their own international channels, they also funneled information to Israeli activists who lobbied journalists and global human rights groups, such as Human Rights Watch, Amnesty International, and the Lawyers Committee for Human Rights. This roundabout route was often necessary, given Israel's ability to discredit Palestinian claims. Although Palestinians frequently felt they were exploited by paternalistic Israeli and international activists, the links survived, serving as an important source of restraint.

Both Jewish and Palestinian civil society pressures were virtually non-existent when it came to Lebanon, however, reflecting the Israeli state's differing territorial ambitions. Although B'Tselem was a restraint in Palestine, it did nothing to create a system of accountability for Lebanon. The Palestinian groups, for their part, had no branches in Lebanon, and Lebanese human rights activists did not develop ties to Israeli or Palestinian counterparts. Israel's

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separation of its Lebanese and Palestinian occupation zones drove a wedge between activists in each area, to the detriment of Lebanon. As students of international affairs might have anticipated, moreover, global human rights groups followed local patterns of activity, highlighting Israeli policies in Palestine, not Lebanon.5

The Lebanon/Palestine divide was reflected in Israeli public opinion. Even though the public held broadly anti-Arab views, harsh war measures were more popular for Lebanon than for Palestine. In 1988, 88 percent of Jews backed the bombing of Palestinian bases in Lebanon, and 72 percent supported the “liquidation” of the PLO in that country (Smooha 1992, p. 67). Only 25 percent supported the use of “extensive” violence against Palestinians in the West Bank and Gaza, however (Barzilai and Inbar, 1996, p. 56). While this conflicts with the above-cited 52 percent in support of forced expulsions, it does suggests that Jewish opinions on Palestine were mixed when it came to warlike measures in the occupied lands. For many, the army’s efforts to “police,” rather than “destroy” the West Bank/Gaza, proved the vitality of Israeli democracy (Ezrahi 1997; Hofnung, 1996). The army, thus, felt more accountable to civil society in Palestine than elsewhere.

As Bourdieu (1998) would have anticipated, Israeli military personnel, at least partially, internalized the West Bank/Gaza policing rhetoric. According to former paratrooper NL, for example, “In Lebanon, we would just shoot at whomever we saw walking along ravines at night,” while in the West Bank, “it was really complicated; there were long and detailed ‘open fire rules,’ and all kinds of orders about what you could and could not do. You can’t just kill an Arab in the West Bank without at least being able to make up an excuse.”6 Military policeman AM observed that “what we did to Arabs here [in the occupied territories] is nothing compared to what we did in Lebanon. It’s an entirely different system there.”7 Reserve Colonel Giora Streichman noted the difference after being criticized for shooting four Palestinians dead in one West Bank incident. “Why does everyone talk about human rights in the [occupied] territories? If I had done the same thing in Lebanon, would anyone ask questions? If they’re [in Lebanon] it’s OK to shoot people in ambush, then why not here [in Palestine]?”8 By gunning down so many Palestinians in the West Bank, however, Streichman had challenged Israel’s Lebanon/Palestine distinction, provoking civil society protest and censure from his superiors.

Israeli territorial ambitions, in other words, had transformed Palestine into a quasi-internal province, encouraging civil society, international observers, and the military’s own disposition to serve as a source of restraint. Even though both Lebanon and Palestine were officially “external” to Israel, the two areas experienced different forms of violence. Balbus’ (1973) dialectic of legal repression applied to Palestine, but not to Lebanon.

The Social Organization of Savagery

Israeli concerns for the image of legalism and restraint in West Bank/Gaza was expressed chiefly through rules limiting lethal force. In response, senior officers, political leaders, and coercive personnel circumvented the rules, intensified existing procedures, and devised new methods of coercion. This “creative” response to rules would not surprise institutionalists, who recognize both the importance of rules, as well as their only partial real effect. Meyer and Rowan (1991) term the gap between rules and practices “organizational decoupling,” helping to “maintain standardized, legitimating, formal structures while [organizational] activities

7. AM, interview by author, southern Israel, 15 June 1993.
vary in response to practical considerations" (p. 58). Decoupled organizations promote auras of rule-conformity for public consumption, but practically engage in rule-deviation to get the work done. Ethnographies are particularly good at describing the realities of “decoupling” (Buurwoy, 1979). Bourdieu’s work, for example, demonstrates that “[E]ven in the universe par excellence of rules and regulations, playing with the rule is part and parcel of the rule of the game” (Bourdieu and Wacquant 1992, p. 18). In Bourdieu’s formulation, rules provide both starting points and boundary-lines for permissible action, but do not dictate action. Actors respond to rules by “inventing within limits,” rather than wholeheartedly conforming to prepared scripts (Bourdieu 1993, p. 96). Organizational ethnographies yield similar findings (Bryant 1974; Burawoy 1979; Ermann and Lundman 1996; Gouldner 1954; Roy 1955). Inventions, evasions, deviations, and distortions, however, are different than outright rule-rejection, since deviance clusters around existing rules, rather than bypassing them altogether. As Manning (1977) notes for police work, formal rules are the “nexus” around which police act, even when the rules themselves are broken (p. 297).

Policing scholars are highly attuned to decoupling, referring to police “discretion” and to “situational variations” in the application of force (Manning 1977, 1980; Marx 1972, 1980; Punch 1985). Although the state orchestrates the overall application of violence, it is administered in specific contexts by individual agents of social control with substantial latitude (Bittner 1970). This may be especially true at the lowest ranks, since as Cohen (1985) suggests, the “actual exercise of power at the lower levels of the system is anarchic and unpredictable” (p. 165). Senior officers and political leaders may also promote deviation by turning a blind eye or promoting tacit understandings.

In the policing literature, scholars suggest that situational variations stem from resource insufficiencies, lack of fit between practical needs and formal guidelines, or the difficulties involved in policing “efficiently” while sticking to the rules (Punch 1985). Police decoupling is also facilitated by the spatial dispersal of police, who operate in small, disconnected groups not easily overseen by central administrators. At the same time, however, police are embedded in dense webs of rules and expectations, since their monopoly over legitimate violence cuts to the heart of state-society relations (Bittner 1970).

Police decoupling produces clandestine “operating codes” that both draw on and deviate from the rules (Della Porta and Reiter 1998, p. 22). Law enforcement personnel develop “imaginative ways of surmounting [legal] obstacles” (Marx 1980), the details of which they often keep within cliques that are “horizontal,” encompassing similarly-ranked individuals, or “vertical,” stretching from senior to junior ranks (Manning 1977, pp. 188–189). While some see operating codes as “corruption,” others view them as efforts to promote broader organizational goals through informal means. In this case, operating codes are one of the “countless ways in which people try to get their jobs done, frequently with the intention of promoting organizational ends, but which deviate from the normal rules and regulations” (Punch 1985, p. 11). In this, police departments resemble other organizations where rules complicate efforts to efficiently accomplish work tasks. As Burawoy (1979) notes, workers often “organize their relations and activities in opposition to management” in order to accomplish the tasks management itself assigns (p. 72).

We can now sketch an analytical framework for investigating Israeli coercive practices. Security forces were faced with conflicting pressures promoting both greater repression and greater restraint in Palestine. The definition of the West Bank/Gaza as an arena of law enforcement meant that security forces were restrained by civil society, international human rights observers, and the army’s own dispositions. Police and organizational scholars would expect senior officers, political leaders, and rank-and-file soldiers to negotiate these contradictions by decoupling their situational activities from general rules, creating clandestine operating codes, and forming horizontal or vertical cliques. With the encouragement of vertical cliques, low-ranking troops would break some rules, but would elaborate upon and distort others. If coercive personnel at all ranks were committed to the army’s broader goals, these
acts of deviation would promote the army's overall agenda of repression, rather than securing personal gain for individual troopers. Evidence gathered from interviews with Israeli veterans suggests these expectations were largely met.

The Palestine Rules of Engagement

Police-like rules of engagement in the West Bank/Gaza effectively transformed Israeli security forces from war-fighters into policemen. In Lebanon, soldiers were permitted to open fire freely, but the regulations changed dramatically once they rotated to Palestine. There, they could open fire only as a method of last resort for self defense or to apprehend "dangerous suspects." In the first case, lethal force was appropriate only if Palestinians opened fire first on Israeli troops or attacked them with knives, axes, or chains, while in the second case, soldiers were obliged to first warn suspects before shooting (Middle East Watch 1993, pp. 42-60). These restraints were one of the key ways in which Israel expressed its commitment to legalism and policing in Palestine. Furthermore, soldiers were permitted to use non-lethal force such as truncheons, gun-butts, or their fists only when overcoming resistance to arrest (Middle East Watch 1994, p. 38). Physical abuse past the point of arrest, in theory, was illegal. In addition, soldiers were to respect Palestinian dignity and to avoid cruel or humiliating activities. These reasonable, police-like rules were ostensibly enforced by the army's Internal Affairs unit, a subordinate of the Judge Advocate General's office.

For both practical and political reasons, however, Internal Affairs investigators resolved to focus their efforts only on instances of lethal force. Practically, one investigator explained, "there were so many incidents every day [in 1988], we had no way of checking everything. We just didn't have the manpower. We needed to devise a way of reducing the caseload, so we decided to investigate only when there was a death. We just couldn't investigate the other stuff." Politically, government officials concluded that too many deaths would provoke civil society and international protest. Non-lethal injuries, however, if done with apparent respect for legality, might be more readily excused. Indeed, Internal Affairs investigated 170 cases of lethal force between December 1987 and September 1988, slightly less than the 204 Palestinians slain during that time (Al Haq 1989, p. 53). Crucially, however, thousands of non-lethal incidents went unquestioned, signaling to soldiers they were free to decouple their practical activities from the formal rules.

Savage Restraint in Practice

I focus on four clandestine operating codes, including distorted incarceration procedures, extra-judicial beatings, torture, and the "shortened procedure" for apprehending suspects. Throughout, I suggest these did not occur in spite of military regulations, but were instead developed because of them. Restraints on lethality functioned as double-edged swords, imposing limits beyond which violence could not go, while generating incentives for non-lethal methods of repression. The military's rules, in other words, were both constraining and enabling. Importantly, while soldiers' activities were undoubtedly decoupled from formal rules, the gap was not so profound as to render meaningless the Lebanon/Palestine distinction. The latter remained a zone of policing, despite wide-scale deviation.

9. Regular combat troops spent four to six months training each year, dividing the remainder between patrol duty in Lebanon and Palestine. Reservists typically spent more time in Palestine, but most had seen extensive service in Lebanon at one point in their careers.

10. In Hebrew, the unit is called Mish'tara Tsva't Chokeret, or Investigative Military Police, and it is responsible to the Praklitut Tsvan, or Judge Advocate General's office. See Middle East Watch (1993) and Straschnov (1994).


**Operating Code #1: Distorted Incarceration Practices**

Incarceration had been a key Israeli control mechanism ever since the beginning of the occupation. Suspects were detained by Israeli soldiers, held in pre-trial detention centers, interrogated by military police or the Shabak, Israel's domestic intelligence service, and then sent on to military court (Hajjar forthcoming; Middle East Watch 1994). After conviction by trial or plea-bargain, most served time in military prison. Although the system was never a paragon of justice, the military made a special effort to distort the process during the first years of the uprising through false arrests and abusive detention conditions.

Israel resorted to mass detentions because they were a non-lethal method of neutralizing Intifada activists. In addition, incarceration helped project “police-like” images of law enforcement and due process to significant audiences. Instead of sending tanks and combat troops to crush demonstrations with naked military force, Israel's soldiers-turned-policemen were using the tools of criminal justice to “restore law and order.” Yet had Israeli soldiers followed the letter of the law, detention would not have been a cost-effective way of satisfying Israel’s repressive needs. Soldiers, therefore, distorted the system without jettisoning it entirely, reflecting the tensions generated by the dialectic of legal repression.

*Trumped-up charges.* Soldiers found it exhausting to try and identify those Palestinians actually involved in protest activities. Although soldiers did arrest real suspects, they typically did so during targeted night-time raids led by Palestinian informants working for the Shabak. During routine street patrols, rank-and-file soldiers responded to protests by grabbing young male Palestinians at random, hauling them off to base, and charging them with spurious offenses. "You could arrest anyone you wanted whenever you wanted," recalled Robert Trows, then a sergeant in the armored corps. "All you had to do was manufacture an excuse: ‘Refused to obey an order’ was something we used often." As a result of this “savage” operating code, the Palestinian prison population mushroomed dramatically, transforming detention into a central communal experience. Thus, while incarceration was conceived as a “police-like” alternative to lethal force, serving in theory as a constraint, troops clandestinely distorted the procedure to enhance Palestinians' punitive experience.

The numbers were impressive. The average Palestinian prisoner population hovered at 5,000 before the uprising, but topped 14,000 by 1989. Over 1,000 of every 100,000 Palestinians were in prison, transforming the West Bank/Gaza into one of the most heavily imprisoned societies worldwide. In 1990 the rate was 110 in Israel proper, 426 in the U.S., 120 in northern Ireland, 240 in South Africa, and less than 100 in Western Europe as a whole (Middle East Watch 1991, p. 1). The Soviet Union's incarceration rate in the 1950s was 1,423 (Christie 1994, p. 33). Palestinian incarceration rates, in other words, were closer to the Gulag than to northern Ireland.

The rank-and-file used false charges to ease their own burden, but in the process, they generated negative externalities for other parts of the military apparatus. Although some bonafide Palestinian protestors were certainly locked up, the mass detentions on false charges created a legitimation problem for officers and Israeli politicians concerned with projecting a “law and order” image to external audiences. As we shall see below, officers elsewhere in the army felt that mass incarceration threatened to undermine the army’s reputation as a “lawful occupier.”

*Poor conditions of detention.* A second penal system distortion was the quasi-intentional creation of poor detention conditions by rank-and-file soldiers, as well as mid-ranking detention officers. During their first weeks after imprisonment, prisoners were held in overcrowded and filthy holding facilities within West Bank/Gaza military bases. As veteran FR recalled, “I’ll

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14. This figure excludes the Palestinian population living in Jerusalem. The West Bank and Gaza had approximately 1.5 million Palestinian residents in 1989.
never forget the one time I opened the door of the holding facility. This incredible smell hit me, almost like a wall. The smell of unwashed bodies, defecation, and urine. It was terrible. I don’t know how anyone could exist in that stench."15 Sigalit Mesika, an administrative officer responsible for tracking the holding facility population, acknowledged that conditions were “often very bad,” since “we didn’t always have a suitable place to keep [detainees] before bringing them to central prisons.”16

If there had been no distortion of the penal process, detention officers might have responded to mass overcrowding by insisting on adequate facilities or ordering the release of excess prisoners, especially those accused of minor offenses. Instead, they decoupled their activities from the rules, housing detainees in metal shipping containers unfit for human habitation. These became oven-like in summer and freezer-like in winter, causing substantial suffering. The decoupling was not so profound, however, as to prompt officers to simply kill excess prisoners, or to allow prisoners to suffer irreparable injury. The military sought to project a plausible aura of legality, limiting decoupling to painful detention conditions rather than murder.

Physical violence in prison. A third distortion was the use of physical violence against prisoners by lower-ranking troops. Once forwarded to central prisons from temporary holding facilities, prisoners were regularly abused by guards who respected the ban on lethal violence, but used non-lethal beatings as a form of clandestine punishment. Albert Rosalio, a reservist serving in the Gaza Beach Camp facility, recalled that

their way of behavior, the soldiers there [in the prison], it was barbaric. You could see it in the way everyone who would go through the place would give people blows, a blow here, a blow there. The group who was supposed to take the guys to the court in Gaza wase issued with truncheons. On the way to the court, they would try their truncheons out on someone and it was . . . it was something really terrible . . . .

Every night, they would bring in new people . . . . Like trash in trash carts. They would pile them up inside the trucks, throw them . . . . on the road, lift them up in a line—they are tied, of course—and then start to make them march . . . . On the way, what they go through on the way . . . . They get beaten up there, really badly beaten up. I don’t even know how to describe those beatings (B’Tselem 1991, pp. 128–129).17

In my interviews, veterans related similar stories.18 As was true for detention conditions, the decoupling, in this case, was not as extreme as it might have been. Soldiers did not kill or irreparably injure most prisoners, but they did use substantial violence to induce suffering.

Overall, the Intifada-era incarceration system illustrates the way in which different military ranks balanced “restraint” with “repression.” On the restraint side of the equation, commanders promoted arrests as proof of their commitment to policing, emphasizing their choice of “detention” over gunfire. On the “savage” side, however, troops at all levels distorted the detention process to deepen Palestinian suffering, including spurious charges, painful detention conditions, and beatings. The criminal justice mechanism of imprisonment, in other words, was refashioned into a weapon of restrained anti-Palestinian savagery. Organizational decoupling was substantial enough to generate pain, but limited enough to remain within non-lethal boundaries.

Operating Code #2: Extrajudicial Beatings

Extrajudicial punishment sessions in which soldiers used truncheons to beat Palestinians were common during the first year of the upsurge (Al Haq 1989; Amnesty International 1988;

17. I also interviewed Albert Rosalio in Kibbutz Israel on 12 July 1994.
18. See also Shavit 1991.
Friedman 1990; Schiff and Ya‘ari 1989). Although these sessions were formally illegal, they had been devised by senior Israeli officers as a distortion of existing regulations permitting soldiers to use force when detaining suspects resisting arrest. Top commanders authorized lower-ranking officers to stretch the regulations, tacitly permitting the use of truncheons well beyond the point of arrest. The beating policy originated within the senior ranks of the Israeli defense ministry, but gradually spiraled out of control as rank-and-file soldiers took charge, interpreting the policy as they saw fit. This clandestine operating code, in other words, was initiated by the “vertical cliques” discussed by Manning (1977), but was then elaborated upon by multiple lower-ranking “horizontal cliques.” As was true for detentions, however, decoupling was not so profound as to permit lethality. Thus, while thousands were savagely clubbed, only three died as a result of beating-related injuries during the Intifada’s first 10 months (Al Haq 1989, p. 12).

Senior officers initiated the clubbing for both practical and political reasons. Practically speaking, senior officers saw beating as an effective tactic for combating Palestinian rebelliousness. Prisons could not, on their own, satisfy the army’s repressive needs, as detention camps could not be built quickly enough to satisfy demand. “There just wasn’t enough room in the jails for all the people we arrested,” recalled former Col. Yehuda Meir. “It was a real problem. It just wasn’t feasible to keep them all detained.” 19 At the lower ranks, beatings were an efficient alternative to the more time-consuming arrest effort, which was resented because it was exhausting. As former private Ram Eiland explained, “it was a pain in the ass to arrest them, drag them out of the refugee camp, fill out the proper forms, and go through the whole bureaucratic process.” 20 For the rank-and-file, the on-the-spot-clubbings were a quick and easy way of expressing their anger and punishing Palestinians.

Politically, senior officers liked beatings because they were a non-lethal method of enhancing Palestinian pain. Col. Givati recalled that “[A]ll the initial debates centered on ‘How can we keep the number of deaths down while still making them suffer?’” 21 At the very top of the vertical clique, defense minister Yitzhak Rabin hinted at his role in generating the beating policy in September 1988. “Our purpose,” he explained, “is to increase the number of [wounded] among those who take part in violent activities, but not to kill them” (Al Haq 1989, p. 19). Beatings were useful because they complied with the non-lethality principle, while magnifying Palestinian pain. 22 The reliance on police-style truncheons, as Manning (1977) might have anticipated, were also helpful because they projected an appearance of “policing,” rather than war. “People [in the army] said the truncheons made us look like riot police in South Korea or something, not like soldiers,” Col. Givati recalled, “it was good public relations.” The beatings quickly spiraled out of control, however, transforming the truncheons into a public relations liability. But initially, it seemed as if baton-wielding paratroopers might project images of restrained, police-like legality, rather than savage, combat-like violence.

The beating policy remained clandestine in that top officers in the “vertical clique” never put their orders down on paper. Instead, they issued vague instructions speaking of the need to “come into contact with the enemy” and to “use force” against “rioters.” These exhortations provided lower-ranking officers and soldiers with the incentive to interpret policy as they saw fit. One Central Command order issued in January 1988, for example, ordered soldiers simply to “to beat rioters.” 23 As Col. Givati said, “What, exactly, did that mean? No one really knew.” As Givati explained, “the question of questions was when to stop the beating. Once the prisoner was detained and handcuffed? Or long after, back at the base?” Different troopers

22. Other attempts at finding less-than-lethal options include resort to tear gas, plastic- and rubber-coated bullets, and gravel-spewing cannons.
23. The order was included in the Central Command directive, Noam Halichot, dated January 1988. A copy was shown to me by Col. Givati during our interview.
devised varying interpretations. Col. Reuven Acker said the orders were "to grab whomever you can, hit them for a bit," and then stop. Former soldier, Ram Eilam, concurred. "It was a regular thing," Eilam explained. "You nabbed someone, hit him a few times just to teach him a lesson, and then sent him off." In other cases, however, soldiers engaged in prolonged orgies of intense violence in which Palestinian males were taken to secluded spaces and violently beaten. As two Israeli correspondents observed,

[T]here were countless instances in which young Arabs were dragged behind walls or deserted buildings and systematically beaten all but senseless. . . . No sooner had the order gone out than word of excesses, unjustified beatings, even sheer sadism echoed back from the field. . . . before long, reports flowed in of soldiers thrashing people in their own homes just for the hell of it. Proof that whole families fell victim to the truncheons was readily observed in the hospitals, where women, children, and the elderly were brought in for treatment (Schiff and Ya’ari 1989, pp. 150–151).

One particularly brutal interpretation was conceived of by Col. Yehuda Meir, the Nablus-area commander. He obtained from the Shabak a list of suspected protest leaders in two villages, Hawara and Beita, and sent paratrooper platoons to raid them on January 19 and 20, 1998. After seizing a dozen suspects from each, the soldiers took their victims to nearby fields and methodically broke their arms and legs. "The officers told us to make sure we hit the Arabs on the knee-cap, since that was the best way to break their legs," recalled Gilad Anat, one of the troopers involved. Paratroop officer, Ilan Shani, recalled that Col. Meir had given them strict orders not to cause lethal harm. "I began the beatings each time," Shani said, "so that the guys would know to avoid hitting the stomach or face." The Hawara and Beita beatings illustrate both the twin imperatives of restraint and savagery, as well as the limits to permissible decoupling. Soldiers deliberately broke the limbs of two-dozen Palestinians, but did so carefully so as to avoid killing their victims. Col. Meir, for his part, maintained that the operation was in strict accordance with general Israeli policy. "I only did what they wanted me to do, but were afraid to write down," Meir insisted.

Overall, the 1988 beating policy was devised by what Manning (1977) would term a clandestine "vertical clique" in the state coercive apparatus. Initiated and encouraged by senior officials in the Israeli ministry of defense, it stretched down to the lowest level of the Israeli control system. Seeking a low-cost, non-lethal, and "police-like" method of repression, they issued the rank-and-file with vague instructions to "beat rioters" which were, then, further distorted by small, dispersed patrols, akin to Manning’s "horizontal" policing cliques. The policy was a "decoupled" package of deviations within deviations. In its origins, it emerged from efforts at rule-distortion by senior officials evading rules governing the use of force against suspects resisting arrest. That distortion was, then, elaborated upon and further distorted by horizontal cliques in the field. This "decoupling within decoupling" did not produce lethality, however, and troops were careful to keep their beatings within bounds.

**Operating Code #3: Torture and the Legitimation of Military Justice**

A third clandestine operating code was the use of torture during interrogations, affecting as many as 5,000 persons per annum between 1988 and 1992 (B’Tselem 1992a, p. 10; Middle East Watch 1994). Although the practice was not new, it was used to a far greater extent after the Intifada began. Just prior to the uprising, interestingly, a government commission concluded that Shabak interrogators had violated Israeli law by systematically torturing Palestinian detainees and then lying about it to military judges (Landau 1987). The commission drew up guidelines for "moderate physical pressure" to be used in clearly specified instances against certain classes of suspects (Middle East Watch 1994; Ron 1997). As in the beating case, those

classified orders were distortions of permissible interrogation methods, and were likely to have been illegal in and of themselves. As had been true for the clubbing, however, the original deviant code was distorted by lower-ranking interrogators leading to the multiple decouplings observed above. Although the torture was aimed in part at punishing Palestinians and extracting information, its primary function in the case of small-time Palestinian offenders was to legitimate mass detentions by extracting forced confessions.27

Evidence of torture based on Palestinian testimony is widespread (e.g., Middle East Watch 1994). I gained access to a former Israeli military policeman, however, who told me of torture sessions he participated in during 1988 in the al-Fara’a military prison. Former sergeant AM recalled that most of his victims were young males suspected of minor offenses.28 The interrogators’ goal was to extract information and to obtain a signed confession to secure a conviction in military court. When prisoners wouldn’t respond to questions, AM began to hit suspects with “a club, foot, anything . . . beatings like I can’t describe. Just beating and beating. . . . We hit them everywhere—head, face, mouth, arms, balls.” As evidence of limits to decoupling, however, AM received clear instructions to “try and not kill them.” Although many had “broken arms, legs, and teeth,” none of AM’s victims died. When “you couldn’t hit them any more without killing them,” and the detainees still did not supply the desired answers, the interrogators poured a fiery liquid, “like acid,” on the open wounds. The prisoners “just screamed and screamed. Screams like I’ve never heard before.” Although AM’s story was the most vivid perpetrator testimony I encountered, veterans such as Albert Rosalio, who guarded an interrogation wing in Gaza City, supplied supporting accounts. When interrogators came to the prison, Rosalio said, there were “screams which, until today, when I sleep at night, I hear them inside my ears all the time . . . horrible screams” (B’Tselem 1991, p. 127).

This “operating code” (Manning 1977) was produced by military efforts to cloak the mass incarceration project in an aura of legitimacy, much as Balbus (1973) observed in the case of the U.S. criminal justice system in the 1960s. With thousands of prisoners pouring into the prisons, legal affairs officers needed to “properly process” them through speedy batch-trials. Military regulations, after all, required that suspects be tried or released (Hajjar 1999, forthcoming), and the mass incarceration effort would have seemed blatantly illegitimate if prisoners were never taken to trial.29 Evidence of the legal division’s insistence on maintaining appearances can be seen in remarkable rates of “conviction” produced by Israel’s military courts. Some 100,000 Palestinians were arrested between 1988 and July 1993,30 83,321 of whom were tried in military courts. Of these, only 2,731 were acquitted.31 Despite the trumped-up charges discussed above, in other words, over 80 percent were charged and of those, 97 percent were convicted. By “convicting” most “suspects” in hasty trials, the military’s legal division projected a legalized image to itself and others. Bourdieu (1998) might have expected efforts to persuade the state apparatus of the legitimacy of the state’s actions, while Balbus (1973), Mann (1984, 1993), and Giddens (1987) might have anticipated the efforts to persuade outsiders.

Why, however, was torture integral to this legitimation process? Convictions required evidence, but they were hard to obtain. Many had been falsely arrested, while for those who were guilty of anti-Israeli offenses, there was little external evidence to be gathered. Palestinian eye-witnesses rarely cooperated with Israeli interrogators of their own free will, and it was virtually impossible for Israeli investigators to drive into Palestinian neighborhoods without

27. The classified guidelines specified by the “Landau Commission” were, themselves, deemed illegal by the Israeli Supreme Court in 2000. The methods discussed here are more extreme than the Landau guidelines, however.
29. International law limited the use of detention without trial, and human rights activists protested its use (B’Tselem 1992b).
30. Israeli military spokesperson, Captain Avital Margalit, author telephone interview, 10 July 1993.
military escort. Given the difficulties in gathering evidence, military prosecutors relied on confessions extracted by force through torture. "I liked it when the interrogators gave me a clean case," a former military prosecutor said, "and that usually meant an air tight confession, with no loose ends."\(^{32}\) Military courts facilitated this system by accepting confessions as sole grounds for conviction (Lawyers Committee 1993).

Torture, in other words, was a hidden and "decoupled" (Meyer and Rowan 1991) operating code devised by interrogators to satisfy military prosecutors, who themselves were eager to legitimize mass incarcerations through conviction in military court. As Human Rights Watch alleged, "the extraction of confessions under duress, and the acceptance into evidence of such confessions by the military courts, form the backbone of Israel’s military justice system. . . . Because a defendant’s signed statement is almost sufficient to convict, . . . interrogators have strong incentives to obtain such a statement" (Middle East Watch 1994, p. 2). Efforts to project legitimate images into the public sphere generated illegitimate methods within the interrogation division.

More broadly speaking, torture assumed a central role because of cumulative and increasingly desperate efforts to manage Balbus’ (1973) dialectics of legal repression. Police-like regulations prevented soldiers from shooting large numbers of protesting Palestinians, prompting officers to search for non-lethal alternatives, including mass incarcerations. The rising prison population, however, threatened the army’s lawful image, since it seemed to verge on the indiscriminate. Military prosecutors sought to manage this by convicting the bulk of prisoners in military tribunals, thereby proving both the prisoners’ guilt and the army’s adherence to legal principles. Since Palestinians refused to cooperate with Israeli interrogators, however, convictions were most easily obtained through torture.

Torture, in other words, was a product of multiple contradictions within the dialectic of legal repression and multiple efforts to negotiate those contradictions. Although the actors involved did not always understand their actions as such, they were trapped in a cycle of action, re-action, and contradiction. Although the dialectic could not be fully resolved, Israeli military actors did not stop trying.

**Operating Code #4: The Rank-and-File’s “Shortened Procedure”**

Police work, as noted above, is often conducted in dispersed locales with little centralized control, creating incentives for horizontal clique-formation (Bittner 1970, Punch 1985). As we saw in the case of beatings, the dispersal of Israeli patrols had similar consequences. Small groups moved about Palestinian neighborhoods, devising their own methods of harassment. As private Liran Peretz recalled, “there was a group of guys in the unit that always went out on patrol together. I don’t know exactly what they did, but they would laugh about it afterwards. I always worried about what they were getting up to, but never did find out for sure.”\(^{33}\) Ram Eilam, the Gaza trooper, said his own personal clique defined itself in opposition to the senior army brass. “There was the ‘army,’ composed of Internal Affairs and the senior commanders,” he recalled, “and they gave us instructions on what to do. Then there was us, and we did whatever we wanted.” Senior officers seemed aware of the problem, but were unable—or, perhaps, uninterested—in exerting too much oversight. “I can’t be everywhere and see everything,” explained Col. Givati, “so I don’t know what every soldier is doing in the field. I imagine they sometimes do things I don’t want them to do.” Other officers recalled trying to monitor particular soldiers whom they felt were liable to wreak havoc if left alone. Col. Acker recalled that a few of his soldiers were a “real problem,” and that he was always worried lest they “slip away into a back alley and get up to something illegal.”

\(^{32}\) Former prosecutor, author interview, Tel Aviv, 14 August 1994.

\(^{33}\) Liran Peretz, author interview, Jerusalem, 27 June 1994.
One particularly instructive example of horizontal clique formation and situational decoupling is the “shortened procedure” used by troops to “apprehend” Palestinian suspects. During attempted arrests, Palestinians often managed to escape and, while troopers occasionally gave chase, it was easier to try and gun the fleeing suspect down. The soldiers were hot, tired, and burdened with heavy equipment, and the notion of running after fleet-footed Palestinians through unfriendly neighborhoods was unattractive. Legally speaking, however, the use of lethal force in such instances was a complex affair. The responsible officer had to first determine if the fleeing suspect was, indeed, suspected of “hostile terrorist activity,” and was only then allowed to initiate three successive actions: a shouted warning, “Stop, or I’ll shoot”; a warning shot to the air; and then a series of single-spaced shots carefully aimed towards the suspect’s legs.

When faithfully enacted, this was a time-consuming process. Suspects often managed to escape and many troops hoped to find alternatives. They were unwilling to simply gun down suspects without warning, however, as such blatant decoupling could be legally risky. Instead, many used the “shortened procedure” in which all three stages were performed simultaneously, preserving the regulation’s outward form. Former infantry lieutenant, Negev Ahimiriam, explained it thus:34 “Before going out on patrol, I would give one soldier the task of yelling ‘Stop or I’ll shoot!’ I’d then tell another to simultaneously fire a warning shot in the air. Then I’d pick the best shot and I’d tell him to shoot the suspect while the warning shots were being fired. Although it was all done together, no one could ever claim no warning shot was fired.” The subterfuge was necessary, Ahimiriam believed, because “what you need to do is to kill in a way that can be legally justified.” Human rights organizations believe that hundreds of Palestinians were wounded or killed as a result (Middle East Watch 1993).

This procedure demonstrates the response of horizontal cliques (Manning 1977) to the dialectic of legal repression. Small groups felt the existing rules were too difficult and time-consuming, preventing them from getting the job of arrest done. Like Burawoy’s (1979) workers who violated management’s rules to promote capital’s overall agenda, rank-and-file soldiers took it upon themselves to break the army’s rules to further its broader repressive interests. Realizing overly blatant violations were risky, however, soldiers did not decouple their actions entirely from the rules. Instead, they collapsed the apprehension procedure’s three stages into one simultaneous effort, hoping this might protect them from subsequent inquiries. As Balbus (1973) and Meyer and Rowan (1991) might have expected, the soldiers’ hidden operating code (Manning 1977) was crafted so that it broke the rules while appearing to remain within the bounds of the “legal.”

**Conveying Limits to Deviation**

How were messages regarding the limits of permissible decoupling conveyed to rank-and-file soldiers? Actual practices of coercion were located at the center of a series of concentric circles, the innermost ring of which was inhabited by low-ranking soldiers, the equivalent of Lipsky’s “street level bureaucrats” (1983). The outermost circles were populated by legal norms and regulations, legal affairs officers, senior commanders, and public relations representatives. These were chiefly concerned with presenting sanitized images of legality to external observers. Between the two were intermediary rings staffed by mid-ranking officers, low-ranking Internal Affairs investigators, and military prosecutors. These mid-range circles functioned as transmission belts conveying the concerns, norms, and regulations of the broader regulatory environment to the street-level soldiers. It was this middle circle that effectively disciplined the soldiers’ behavior, imposing broad limits within which troopers had discretion. Some of those boundaries, such as the ban on mass killings, were so deeply entrenched so as to provoke little comment. Others, such as those regulating the precise modalities of physical beatings, were more hotly debated.

On occasion, the informal code was revealed by high-publicity court-martials provoked by particularly blatant rule violations. These cases highlighted organizational decoupling, triggering public outcry. Crank and Langworthy label such events "legitimacy crises" (1992, p. 345), suggesting they are managed by ritualistic acts of degradation and purification that falsely signal fundamental reform. These include firing senior commanders, creating elaborate "review boards," writing new training manuals, and elaborating new guidelines.

One such incident was the 1989 court-martial of four Gaza Strip soldiers accused of killing a middle-aged Palestinian, El-Shami Hani Ben Dib, on August 2, 1988. The soldiers chased a Palestinian stone thrower into Ben Dib's home, and then, following the tacit operational code on extra-judicial beatings, set upon Ben Dib with rifle butts, clubs, and boots. Then, they falsely arrested Ben Dib, who had not been involved in the street protests. They took Ben Dib to a nearby command post and left him there in a corridor. Blindfolded and bound, Ben Dib lay on the floor for hours while passing soldiers cursed, kicked him, and ignored his pleas for help. He slowly died from internal bleeding. Although the four arresting soldiers were originally charged with murder, a court-martial convicted them in June 1989 of "brutality." According to the judge, so many soldiers had hit Ben Dib that it was impossible to pin the murder on a specific individual. The court-martial, however, exposed the clandestine operating codes guiding military behavior in the field. Ben Dib had been beaten before and after his apprehension, and his arrest was on trumped-up charges. Jewish civil society reacted with some interest, and Israeli newspapers covered most aspects of the trial. In an effort to manage the subsequent legitimation crisis (Crank and Langworthy 1992), the court degraded the soldiers through a ritualistic public condemnation.

More importantly, perhaps, the trial functioned as a marker, reminding soldiers where the limits of decoupling (Meyer and Rowan 1991) lay. The vertical clique (Manning 1977) led by top defense ministry officials encouraged extra-judicial beatings, but frowned on beating deaths, since they threatened to disrupt the army's image. For the most part, the vertical clique had its way, keeping the horizontal cliques within non-lethal boundaries. Of the 204 Palestinians slain by Israeli forces between December 9, 1987 and November 24, 1988, only three died of beatings, even though tens of thousands were assaulted (Al Haq 1989, p. 12).

Decoupling to What Extent?

These figures suggest decoupling was not as radical as it might have seemed. For critics of the Israeli military, the sheer magnitude of soldierly discretion suggested that West Bank/Gaza repression was chaotic and unstructured. Soldiers routinely violated the rules, fashioned their own operating codes, and preyed upon Palestinians as they pleased. As one critical veteran recounted,

... every battalion works out its own set of norms. ... Every battalion commander is the sovereign of the area [under his command.] Every company commander is the mukhtar [traditional headman] of a village or two, and every soldier manning a roadblock is a little god. He decides what to do: who will be allowed through and who won't be. Try to understand that every person there has considerable leeway when it comes to making decisions.

The best description I can find for what's going on there is total chaos. ... There are simply no [rules] governing the implementation of orders, behavioral norms, and methods of punishment (cited in Al-Haq 1989, p. 20).

Army units rotated frequently, and each new horizontal cliques devise its own methods. A set of checkpoints surrounding a village might change hands four or five times a day, generating constant changes in villagers' lives. Viewed from up close, therefore, it seemed that military decoupling was profound.

35. Details come from an unofficial court transcript supplied by Yesh Gvul, the Israeli antiwar group.
This stress on profound decoupling is deceptive, however, in that it focuses chiefly on soldierly invention rather than on limits to invention. Viewed from a distance, in fact, the extent of military decoupling seems far less profound. Troopers devised unique punishments for Palestinians they encountered in the field, but dared not go too far lest they trigger an investigation. Indeed, the limits to deviation were so deeply ingrained that they regularly escaped attention. Like the taken-for-granted “scripts” discussed by new institutionalists, the limits assumed a pre-conscious quality (DiMaggio and Powell 1991, p. 22). As a result, most criticism of Israeli repression focused on the leeway soldiers had within given boundaries, rather than taking note of the boundaries themselves. While many discussed the discretion soldiers had in beating Palestinians, few noted that the assaults seldom ended in death. Critics focused on the autonomy soldiers enjoyed within taken-for-granted rules, not on the rules themselves.

Palestinian suffering, therefore, should not be measured in deaths. While Israeli troopers shot dead “only” 204 Palestinians during the first and most powerful 10 months of the uprising, they injured over 20,000 and imprisoned some 30,000 (Al Haq 1989, pp. 12–14). Palestinian pain during 1988, in other words, should be measured in arrests, beatings, and humiliations, not in killings. Although restrictions to lethal force kept soldiers from machine-gunning protestors at will, senior officers and rank-and-file troops devised alternative methods of punishment.

Concluding Remarks

During the Palestinian uprising, Israeli troops used substantial violence to suppress Palestinian resistance to military occupation. At the same time, however, soldiers sought to maintain an aura of legality, limiting much of their violence to non-lethal, police-like methods, distorted though they were. Political and military elites knew the mission was to suppress the rebellion as quickly as possible, while simultaneously limiting Palestinian fatalities. This contradictory agenda, termed by Balbus (1973) as the “dialectics of legal repression,” prompted Israeli leaders and their troops to develop innovative methods of non-lethal punishment which promoted Palestinian suffering, while avoiding overly blatant violations of formal procedure. Israeli army regulations governing the use of force were, thus, both constraining and enabling, limiting the intensity of violence, while permitting non-lethal distortion and elaboration. I termed the resulting repertoire of violence “savage restraint.”

In searching for theoretical tools to explain this trajectory, I drew inspiration from historical sociology, policing scholarship, organizational ethnography, and new institutionalism. This eclectic approach was necessary because of political sociology’s lack of systematic attention to issues of state violence. To date, there is no coherent body of sociological theory aimed at explaining the determinants of state violence in instances of internal rebellion or war, despite acknowledgment of the topic’s importance by scholars of revolutions and social movements (e.g., Tilly 1978, pp. 101–106). As Della Porta (1996) has observed, “the variable ‘repression’ is included in several explanatory models in insurgencies and revolutions, [but] protest policing has received very little attention” (pp. 62–63). This recalls complaints made two decades earlier by Wilson (1977), who noted that the “forces of social control have been seriously neglected despite widespread acceptance of the idea that social control shapes many aspects of political protest” (p. 469). Although a handful of social movement scholars have done research on repression—including Opp (1994), Rasler (1996), and White (1989)—they have focused chiefly on repression’s impact on mobilization and protest, rather than on the determinants of violence itself. Few sociologists, in other words, have followed in Balbus’ (1973) path by seeking to explain patterns of state violence.

36. I am grateful to John Meyer for highlighting this point.
The article explored both sides of the “savage restraint” equation. In searching for the roots of Israeli restraint, I turned first to Michael Mann (1984, 1993), who argued that state moderation has emerged historically from increasing links between states and the societies they govern. As states sink deeper roots into society, they amass an “infrastructural” type of power that affords them greater control over more aspects of daily social life, but forces them to reduce their reliance on “despotic” methods. As Giddens (1987) argued, all-powerful state domination typically promotes policing, not war. I identified two further sources of restraint, including state functionaries themselves (Bourdieu 1998)—who partially internalize their own rhetoric of legitimacy—and international human rights activists (Keck and Sikkink 1998; Risse, et al. 1999; Ron 1997). I, then, deployed the concept of infrastructural power to explain variations in Israeli coercive styles in Lebanon and Palestine. Israeli infrastructural power was high in Palestine, leading to police-style methods. In Lebanon, on the other hand, the Israeli regime of domination was less all encompassing, promoting the use of despotism. This variation was particularly striking, given that both zones were occupied Arab lands situated outside Israel’s formal borders. In Palestine, however, the Israeli state had sunk deep infrastructural roots since the 1967 occupation, hoping to ensure long-term Jewish rule. In Lebanon, on the other hand, Israel had no such intentions, and, thus, maintained a more modest control apparatus that relied on sporadic acts of intense violence. Paradoxically, Israel’s infrastructural apparatus in Palestine came to serve as a source of restraint: once Israeli domination was fully consolidated. Palestinian and Israeli civil society began to act as partial impediments to despotism, much as Mann and Giddens might have anticipated.

Although my study focused on Israeli-Palestine, the approach has broader applications. For example, the notion of infrastructural power can help explain patterns of South African state violence during the 1970s and 1980s, when the battle between security forces and anti-apartheid rebels was particularly intense. Whereas apartheid forces exercised some basic restraints in South Africa itself, they waged destructive wars against the African National Congress (ANC) and its allies in Angola and Mozambique. Similarly, the violence of South African-sponsored paramilitaries in the Bantustans was more despotic than the violence wielded by state security forces in South Africa proper. This was particularly marked in KwaZulu Natal, where apartheid agents bolstered the Inkatha paramilitary in its assaults on ANC supporters. South Africa made no effort to wield infrastructural power in Angola, Mozambique, or KwaZulu, and was, thus, less exposed to the concomitant restraints identified by Mann and Giddens. In South Africa proper, on the other hand, security forces were obliged to work through and around domestic legal guidelines, pushing them to use some of techniques employed by Israeli forces in Palestine.37

The notion of infrastructural power can also help explain Serbia’s transition from police-style repression in Kosovo during 1989–1997, to full-scale ethnic cleansing in 1998–1999 (Judah 2000; Ron forthcoming). During the first period, Serbian control over the restive Albanian-majority province was militarily uncontested, as Kosovar Albanians largely chose to pursue non-violent methods of resistance (Woodward 1995). Serbian administrative centralization, coupled with Kosovar non-violent resistance, ensured high levels of Serbian infrastructural power in the province. Once Kosovar rebels launched an armed uprising against Serbian rule in early 1998, however, Serbian styles of violence shifted dramatically, moving to a more despotic regime of coercion. Serbia, as Giddens (1987) would have expected, had moved from brutal “policing” to “war.” Crucial in this respect was Serbia’s loss of control over significant portions of Kosovar territory, amounting at times to as much as 40% of the province. The less infrastructural power Serbia exercised in Kosovo, the more it came to rely on ethnic cleansing and mass killings. As had been true for Lebanon, Angola, Mozambique, and KwaZulu, a less powerful regime of state domination promoted the use of despotic methods.

37. For a recent comparison of Israel/Palestine and South Africa, see Younis (2000).
In an effort to explore the roots of Israeli "savagery," I drew inspiration from the work of ethnographers, who speak to the tension between rules and practice (Bourdieu 1993; Burawoy 1979); police scholars, who analyze "corruption" and police discretion (Bittner 1970; Manning 1977; Punch 1985); and new institutionalists, who examine the phenomenon of organizational decoupling (Meyer and Rowan 1991; Powell and DiMaggio 1991). Their insights helped demonstrate that coercive forces in zones of high infrastructural power do not passively accept constraints imposed by the surrounding organizational environment. Rather, they seek out new ways of causing pain, while remaining in loose compliance with formal procedure, devising clandestine methods composed of rule-distortion and circumvention. At the same time, however, security forces rhetorically commit themselves to the principles of legal rationality. Although some deviations are initiated at the bottom rungs of the coercive apparatus ("horizontal cliques"), many informal operating codes are also devised by "vertical cliques" at the very top of the political and military echelons.

In stressing that Israeli policies in Palestine included both savagery and restraint, I have sought to highlight the ambiguous nature of political repression in zones of high infrastructural power. While security forces certainly do deviate from lawful policing rules, they are also loath to bypass them altogether, affording oppressed groups an important measure of protection from state terror. Although human rights abuses still abound, these limits present protestors and political activists with crucial opportunities for survival, mobilization and resistance. More often than not, however, governmental critics and human rights activists, distorting their analysis of both resistance and repression, have overlooked this vital aspect of social control.

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