

BANANAS

NOT EVERY day, and not even every decade, does the Supreme Court rebuke the Military Advocate General. The last time this happened was 20 years ago, when the Advocate General refused to issue a proper indictment against an officer who ordered his men to break the arms and legs of a bound Palestinian. The officer argued that he considered this to be his duty, after the Minister of Defense, Yitzhak Rabin, had called for "breaking their bones".

Well, this week it happened again. The Supreme Court made a decision that was tantamount to a slap in the face of the army's current chief legal officer, Brigadier Avichai Mendelblit.

The incident in question took place in Ni'alim, a village which has been robbed of a great part of its land by the Separation Fence. Like their neighbors in Bilin, the villagers demonstrate every week against the Fence. Generally, the army's reactions in Ni'alim are even more violent than in Bilin. Four protesters have already been killed there.

In this particular incident, Lieutenant Colonel Omri Borberg took a Palestinian demonstrator, who was sitting on the ground, handcuffed and blindfolded, and suggested to one of his soldiers "let's go aside and give him a rubber". He ordered the soldier to shoot a rubber bullet, point blank.

For those who do not know: "rubber bullets" are steel bullets coated with rubber. From a distance, they cause painful injuries. At short range, they can be fatal. Officially, soldiers are allowed to use them at a minimum range of 40 meters.

Without hesitating, the soldier shot the prisoner in the foot, although this was a "manifestly illegal order", which a soldier is obliged by army law to disobey. According to the classic definition of Judge Binyamin Halevy in the 1957 Kafr Kasseem massacre case, the "black flag of illegality" is waving over such orders. The prisoner, Ashraf Abu-Rakhma, was hit and fell on the ground.

Veterans of the Ni'alim and Bilin demonstrations know that such and similar incidents happen all the time. But the Abu-Rakhma case was special for one reason: it was documented by a young local woman from a balcony near the crime scene with one of the cameras provided to villagers by B'tselem, an Israeli human rights organization.

Thus the Lt. Col. committed an unforgivable sin: he was photographed in the act. Generally, when peace activists disclose such misdeeds, the army spokesman reaches into his bag of lies and comes up with some mendacious statement or other ("Attacked the soldier", "Tried to grab his weapon", "Resisted arrest"). But even a talented spokesman has difficulties denying something that is clearly seen on film.

When the Military Advocate General decided to prosecute the officer and the soldier for "conduct unbecoming", Abu-Rakhma and some Israeli human

rights organizations applied to the Supreme Court. The judges advised the Advocate to change the indictment. He refused, and so the matter reached the court again.

This week, in a decision unusual for its severe language, the three justices (including a female judge and a religious one) found the "conduct unbecoming" charge itself unbecoming. They ordered the indictment of both officer and soldier on a far more serious criminal charge, in order to make it clear to all military personnel that mistreating a prisoner "is contrary to the spirit of the state and the army".

After such a slap in the face, any decent person would have resigned in shame. But not Mendelblit. The bearded and kippa-wearing brigadier is a personal friend of the Chief of Staff, Gabi Ashkenazi, and is expecting promotion to Major General at any moment.

Recently, the Advocate General refused to indict a senior officer who asserted in court, while testifying on behalf of a subordinate, that it is right to abuse Palestinians physically.

Ashkenazi owes a lot to his Advocate General, and for other reasons. Mendelblit has made a huge effort to cover up war crimes committed during the recent Gaza War, from Ashkenazi's war plan itself to the crimes of individual soldiers. Nobody has been put on trial, nobody even seriously investigated.

ON THE day the Supreme Court decision concerning Mendelblit was published, another brigadier also made the headlines. Curiously enough, his first name is also Avichai (not a very common name), he is also bearded and wears a kippa.

In a speech before religious female soldiers, the Chief Rabbi of the army, Brigadier Avichai Rontzky, expressed the opinion that the army service of women is forbidden by the Jewish religion.

Since every Jewish young woman in Israel is bound by law to serve for two years, and women perform many essential jobs in the army, this was a seditious statement. But nobody was really surprised by this Rabbi.

Rontzky was chosen for this post by the former Chief of Staff, Dan Halutz. He knew what he was doing.

The Rabbi was not born into a religious family. Indeed, he was quite "secular", a member of an elite army unit, when he saw the light and was "reborn". Like many of this kind, he did not stop halfway but went to the furthest extreme, becoming a settler and setting up a Yeshiva (religious seminary) in one of the most fanatical settlements.

Rontzky is a man in the spirit of the person who appointed him. It will be remembered that, when asked what he felt when dropping a one-ton bomb on a residential area, Air Force General Halutz answered: "a slight bump on the wing". In a discussion about whether to treat a wounded Palestinian on the Shabbat, Rontzky wrote that "the life of a goy is certainly valuable...but the Shabbat is more important." Meaning: a dying goy should not be treated on Shabbat. Later he retracted. (In modern colloquial Hebrew, a goy is a non-Jew. The term has distinctly derogatory connotations.)

The Israeli army has something that is called the "Ethical

Code". True, the spiritual father of the Code, Professor Asa Kasher, did defend the atrocities of the "Molten Lead" operation, but Rontzky went much further: he stated unequivocally that "When there is a clash between...the Ethical Code and the Halakha (religious law), certainly the Halakha must be followed."

In a publication distributed by him, it was said that "the Bible prohibits us from giving up even one millimeter of Eretz Israel". In other words, the Chief Rabbi of the army, a Brigadier of the IDF, asserts that the official policy of the Israeli government – from Ariel Sharon's "Separation" to the recent speech by Binyamin Netanyahu on a "demilitarized Palestinian State" – is a mortal sin.

But the peak was reached in a brochure that the army rabbinate distributed to soldiers during the Gaza War: "Exercising mercy towards a cruel enemy means being cruel towards innocent and honest soldiers. In war as in war."

That was a clear incitement to brutality. It can be seen as a call for acts that constitute war crimes – the very same acts that his colleague, the Military Advocate General, has done everything possible to cover up.

NEITHER OF the two bearded brigadiers would have remained in office for a single day had they not enjoyed the full support of the Chief of Staff. The army is a hierarchical institution, and full responsibility for everything that happens falls squarely and entirely on the Chief.

Unlike his predecessors, Gaby Ashkenazi does not show off and does not speak in public frequently. If he has political ambitions, he is hiding them well. But during his term in office, the army has assumed a certain character, which is perfectly represented by these two officers.

This did not start, of course, with Ashkenazi. He is continuing – and perhaps intensifying – a tendency that started long ago, and that has been changing the Israeli army beyond recognition.

The founder of Zionism, Theodor Herzl, famously wrote in his book "Der Judenstaat", the founding document of the movement: "We shall know how to keep our clerics in the temples, as we shall know how to keep our regular army in the barracks...they will not be allowed to interfere in the affairs of the state."

Now the very opposite is happening: the rabbis have penetrated the army, the army officers come from the synagogues.

The hard core of the fanatical settlers, which is almost entirely composed of religious people (many of whom are "reborn Jews") decided long ago to gain control of the army from within. In a systematic campaign, which is in full swing, they penetrate the officers' corps from below – from the junior ranks to the middle to the senior ones. One can see their success in statistics: from year to year the number of kippa-wearing officers is growing.

When the Israeli army came into being, the officers' corps was full of kibbutz members. Not only were kibbutzniks considered the elite of the new Hebrew

society, which was based on values of morality and culture, and not only were they the first to volunteer for every national task, but there were also inbuilt "technical" reasons.

The nucleus of the army came from the pre-state Palmach. The Palmach companies constituted a fully-mobilized regular army, part of the underground military organization, the Haganah. They could exist and operate freely only in the kibbutzim, where their identity could be camouflaged. As a result, almost all the outstanding commanders in the 1948 war were from the Palmach, kibbutz members or close to them.

These did everything to imbue the new Defense Forces with the spirit of a pioneering, moral and humanist citizens army, the very opposite of an occupation army. True, the reality was always different, but the ideal was important as an aim to strive for. As I showed in my 1950 book, "The Other Side of the Coin", our "purity of arms" has always been a myth. But the aspiration to be an army with humanist values was important. Atrocities were hidden or denied, because they were considered shameful and dishonoring our camp.

Nothing has remained of all this, except phrases. Since the beginning of the occupation in 1967, the character of the army has changed completely. The army that was founded in order to protect the state from external dangers has become an army of occupation, whose task is to oppress another people, crush their resistance, expropriate land, protect land robbers called settlers, man roadblocks, humiliate human beings every day. Of course, it is not the army alone that has changed, but also the state that gives the army its orders as well as its ongoing brainwashing.

In such an army, a process of natural selection takes place. People of discrimination, with a high moral standard, who detest such actions, leave sooner or later. Their place is taken by other types, people of different values or no values at all, "professional soldiers" who "just follow orders".

Of course, one must beware of generalizing. In today's army there are not a few people who believe that they are fulfilling a mission, for whom the Ethical Code is more than just a compilation of sanctimonious phrases. These people are disgusted by what they see. From time to time we hear their protests and see their disclosures. However, it is not they who set the tone, but types like Rontzky and Mendelblit.

THAT SHOULD worry us very much. We cannot treat the army as if it was a foreign realm that does not concern us. We cannot tell ourselves: "we don't want to have anything to do with the army of a Moshe Ya'alon, a Shaul Mofaz, a Dan Halutz or a Gabi Ashkenazi." We cannot turn our back on the problem. We must face it, because it is our problem.

The state needs an army. Even after achieving peace, we shall need a strong and effective army in order to protect the state until peace strikes deep roots and we can set up a regional body along the lines of the European Union, perhaps.

The army is us. Its character has an impact on all our lives, on the life of our state itself. It has already been said: "Israel is not a banana republic. It is a republic that slips on bananas." And what bananas!