Anastasie and Massouda
The Two Faces of Israeli Censorship

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How can journalists accept certain forms of censorship in a state which claims to be democratic? The following article looks at the different threats in Israel to freedom of speech, and shows the ways in which the press and the public believe censorship can be justified under certain circumstances.

The role of the Israeli media in the democratic life of the country is a crucial one, and while the notion of democracy in Israel has come under scrutiny, primarily as a result of the country’s treatment of Palestinians in the occupied territories and the Palestinian minority in Israel, it would be impossible to deny that the media are unrestrained in their criticism of the authorities, as much, if not more so, than in other supposed democracies. Corruption, conflicts of interests and dishonest politicians have all been exposed. Investigative journalism is alive and kicking and few political figures escape the bites of satirical columns and programs. On the surface at least, Israeli citizens, or at least Jewish citizens with a voice, feel they do have a large amount of freedom.

Despite this, the media ignores certain topics. Any European with an interest in Israel and Internet access is likely to be far better informed than the average Israeli citizen on issues concerning the role of the security forces (army, police, secret services and counter-espionage) and daily life in the occupied territories. The lively Israeli press refuse to comment in certain key areas of debate, and Israeli democracy is
being overshadowed by issues surrounding national security and an occupation which has lasted more than forty years but which many still refuse to refer to by name.

How then does a country such as Israel, which enjoys very real freedom of the press as protected by law, go about censoring certain information? Is it even really censorship? The answer is yes, although this is more as a result of an Israeli-Jewish society which is fully complicit in keeping silent on certain topics in the media, rather than a part of a formidable legal apparatus, considerably weakened over the last 25 years. Not everything can be explained by Israel’s latent state of war. One must also enter into the country’s collective psychology.

One way of describing the situation would be to use the figures of the French Anastasie and the Israeli Massouda, and to say that the success of the former depends in part on the latter. Anastasie was a famous French cartoon character of the early 20th century who carried large scissors with her and who embodied systematic and organized political and military censorship. Anastasie is still alive and well in Israel (she even has an embodiment in flesh as we will see). However, with an audience which is more than willing not to hear about certain stories, Anastasie is no longer required to be quite so strict. Massouda from Shderot, another imaginary character, this time from Israel, has come to her rescue. Massouda comes from the Israeli professional media discourse: as in many other countries, male educated professionals have resorted to a fictitious female, working-class and marginalized person from a small outlying town in order to depict their target. As always, it is an unjust depiction since the type of public conservatism (in politics as well as in taste) which Massouda is supposed to represent cuts across social classes and gender.

**Noisy Censorship: the Uri Blau/Anat Kamm Case**

The case involving Uri Blau and Anat Kamm, which made headlines both in Israel and abroad, is a useful example to illustrate these two forms of censorship. On 6 April 2010, the daily paper Yediot Aharonot published a translation of an article
written by the American journalist Judith Miller.¹ Large parts of the text are blackened in order to show what it means to abide by the legal injunction taken out against publishing details of the case. A headline which later appeared in Maariv showed both defiance but also a feeling of powerlessness against the injunction: “The journalist Judith Miller publishes a critical article on the case which is being discussed everywhere but Israel.” However, what became increasingly apparent is that this was not so much protest against censorship in itself, but rather protest against a type of censorship which is often difficult to apply in the age of Internet, when commentators are free to discuss any topic they choose. The injunction was lifted two days later.

The whole affair had begun much earlier, on 28 November 2008, when the journalist Uri Blau published an article in the daily paper Haaretz with a copy² of a military document showing the authorisation of extrajudicial killings (or targeted assassinations) of militants, including those who had given themselves up for arrest. This was in direct contravention of a 2006 ruling by the Supreme Court which stated that the killing of militants should be used as a last resort only. The Chief of the Defence Staff, Gaby (Gabriel) Ashkenazi was infuriated by the article, and an enquiry was opened. Uri Blau’s lawyer agreed to return certain documents to the army, but in December 2009, faced with serious threats, Uri Blau, who was at that time travelling, decided against returning to Israel and instead sought refuge in London with the help of his newspaper. Meanwhile, the source of the leaked document, Anat Kamm, was detained and put under house arrest. Anat Kamm had by then already started her career as a journalist; it was as a soldier during her military service in 2007 that she had made copies of thousands of official documents. That same month, at the request of the army, the civil justice courts imposed a strict injunction against publishing details of the case.

¹ The article is available in Hebrew at the following address: http://www.scribd.com/doc/29471585/Yediot-Apr06-10-Judith-Miller-Anat-Kamm
² The article is available in Hebrew at the following address: http://www.haaretz.co.il/hasite/pages/ShArt.jhtml?itemNo=1041551
The media blackout did not last long, with foreign media starting to run the story by mid-March. Richard Silverstein, who defines himself as a ‘liberal Jew’, was the first to publish details in his respected blog. However, countless other Israeli bloggers later agreed to remove their articles at the request of Kamm’s family, who were worried that she would face reprisals from right-wing sections of the public. Meanwhile, Kamm’s lawyers were working on discreet negotiations and suggested she should plead at least partially guilty, fearing that a drawn-out court case would lead to further bad press for their client. Lisa Goldman, well-known left-wing blogger, noted in the American press that she was “disturbed by the silence surrounding Kamm’s house arrest, and by the frequent warnings concerning the press injunction, that I had never seen before.”

The Legal Injunction and Its Limitations

The case revealed the extent to which certain individuals in the Israeli legal system, which is otherwise praiseworthy in its independence, are willing to collude with the army. Their tool of choice, legal injunction, is more efficient than military censorship, as it can be applied on an ad hoc basis, with far greater scope. According to an Israeli legal expert on the matter, “when the legal system is asked to deal with sensitive cases concerning national security, the security forces (army, secret services, counter-espionage and police) are able to request and obtain injunctions easily, sometimes after the very first arrest of a suspect, often even before the arrest has taken place, and there has even been a case where an injunction was kept in place over ten years after proceedings had ended.”

In a recent post on his blog, the American journalist Jay Bushinsky, who lives in Israel, described two such interventions from the legal system. In February 2010, Dira

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4 [Jewish Forward, 7 April 2010](http://www.forward.com/articles/127130/)
5 Moshe Negbi, *The freedom of journalists and of the press in Israel. The right to communication and the ethics of journalism* [in Hebrew], Raanana, Open University Press, 2011, p. 194
6 Jay Bushinsky, “Israel and gag orders”, 15 April 2011:
Abu-Sisi, a Palestinian engineer, was abducted from a Ukrainian train on his way to Kiev, and is today in an Israeli prison, accused of assisting Hamas with producing missiles. No mention of the story appeared anywhere in the Israeli press. At the time of the abduction, Israeli media just reported claims made by the foreign media that some of the kidnappers were Israeli nationals. Similarly, after the bombing of a nuclear reactor in Syria in December 2007, which was universally acknowledged to have been carried out by Israel, the Israeli press refused to comment directly, choosing instead to write only that Israel was responsible ‘according to Syria’ or ‘according to such and such source’.

The authorities have also used injunctions alongside military censorship. On 28 March 2001, a retired brigadier general was arrested at Ben Gurion airport. Yitzhak Yaakov (known in Israel as Yatza) had close links to the country’s nuclear programme, particularly during the Six Day War. He was detained in secret, and it was a foreign newspaper, the Sunday Times, which first revealed his arrest on 22 April, and which then connected his arrest to his involvement in the nuclear programme. Moshe Negbi notes that “the most serious consequence [of the injunction] is that an individual can be arrested, judged, sentenced and can even die in prison, without the public knowing anything of it […] For some people, the legal possibility for individuals to ‘disappear’ behind bars for a long time compromises both democracy and the legal system.”

The Reduced Scope of Censorship

The injunction is less frequently applied and more far-reaching in its scope than simple military censorship. Despite the fact that the order in the Anat Kamm case did not originate from the Military Censor’s office, the case nevertheless drew attention to the latter, not only in Israel, but also abroad. The international media interviewed the head of the Military Censor office, colonel Sima Vaknin-Gil, who did nothing but tirelessly praise her department. Regardless or whether they were sympathetic or critical, colonel


7 Cohen, 2010, p. 135
8 Negbi, 2011, p. 194
Vaknin-Gil’s interviewers could not make much sense of her arguments.

Military censorship in Israel is an old institution, founded on emergency legislation left over from the British authorities and later incorporated into Israeli law. It is also the result of an agreement between the Editors Committee for Hebrew newspapers and the army, which was then applied to the rest of the media. However, the creation of an appeals system before a ‘committee of three’, made up of editors, the courts and the army, and as a last resort, before the Supreme Court, has gone some way towards reducing its scope. In 1953, the Court stated that censorship must operate within the framework of a democratic system. By 1989, the same Court was using increasingly restrictive criteria to justify censorship; only information posing, with ‘near certainty’, a ‘serious threat’ to national security, could be censored. The secret nature of information, which had previously been sufficient to justify censoring, was no longer enough. The fact that Blau’s article was authorised by the Military Censor before the army could object shows that the authorities do not always agree amongst themselves.

As well as these restrictions imposed by the Supreme Court, the censors have suffered from further cutbacks. “Over the years, our staff numbers have been reduced by half, from 70 down to 35, of which only 28 staff actually work as censors. When there were 70 of us, there were only three, perhaps four, papers which needed monitoring. Today, there is the Internet, television, the local press,” noted Colonel Vaknin-Gil, a living Israeli incarnation of the Anastasia figure, in 2006. She noted that while the Internet had made her job more difficult, it also helped to spread rumours, contributing to vague uncertainties, entirely in keeping with the preferred communication style of the Israeli authorities.

The military censors which are of so much interest to the international media can in theory censor and control anything, from the press to the Internet and literature.

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9 Cited by A. Cohen, The Worst-Kept Secret: Israel's Bargain with the Bomb, New York, Columbia
In practice, they focus their work mainly on the journalists who cover the army’s military activities, arms and nuclear programmes and these same journalists will often pre-empt any censorship by regularly submitting their articles for inspection. Much like Israeli society and the censors who monitor them, these journalists have also changed. Up until the 70’s, the media identified for the most part with the Zionist establishment, and ‘the sacredness of security’ (kdushat habitanon) was part of the language of the times. However, this form of civil religion gradually lost its grip over the media; training accidents, which had for a long time been off-limits for journalists, began to be investigated in the 90’s, and budget issues, scandals and failures in management of the army have also since come under scrutiny. In February 2011, a merciless campaign got underway against several candidates vying for the post of Chief of the Defence Staff. Defence Minister Ehud Barak, keen to get rid of Gaby Ashkenazi, proposed his own candidate Yoav Galant, who had already been accused of various unlawful dealings. The final straw was when his luxury villa, built on publicly owned land, appeared on the front pages of the papers. This was the most sensational episode of a very public candidacy race which was rather disastrous to the image of the army. For their part, the media were as much spectators as actors, manipulated by interested parties as and when needed, who were quite happy for the press to reveal this information.

The biggest change to be seen was in the increased coverage of military operations. Partly due to pressure from the international press, and also as a result of continual army blunders, previous military strategies began to be openly questioned. The army had particular problems with implementing the so-called ‘closed military zones’, initially introduced during the first Intifada of 1987-1988. These zones were often ineffective, as seen notably during the Spring 2002 Operation Defensive Shield, and they contributed to the diffusion of rumours that claimed that a massacre had taken place in the Jenin refugee camp (the Battle of Jenin is said to have cost the lives of 56 Palestinians and 23 Israelis). This new media transparency was to have consequences for Israel. During the 2006 Lebanon War, for example, soldiers interviewed on the

University Press, 2010, p. 117.
frontline talked openly and expressed opinions which sometimes conflicted with the official statements of their superiors. The Winograd Commission, which was charged with producing an official report on military engagement during the war, was extremely critical of the role played by the national media, and the media themselves later accepted the findings, with several journalists agreeing that they had gone too far and had undermined morale from within their own camp.10 During the Gaza War, the army was able to reinstate the policy of secrecy far more efficiently, with almost total collaboration from the Israeli media and without much need for official censorship, which caused anger among some sections of the international press. Despite this however, the notion of press coverage seems certainly to have changed in the long term, and the work of some of the leading journalists writing on the army, including Aluf Benn, Yossi Melman, Reuven Pedatzur and Ronen Bergman (who published a book on Iran’s nuclear programme) is testament to this. It seems the desire for transparency is stronger and the right to criticise more forcefully upheld when there is no war going on.

Idan Landau, one of the best known bloggers of the Israeli radical Left, and one of those who uncovered the Kamm-Blau story, believes that for those who are intent on knowing the truth, there is actually a great deal of transparency: “My posts, such as those on the Anat Kamm case, are an exception which confirms the rule – he who digs deep enough can find almost any necessary information.”11 In view of this opinion, the almost total silence which surrounded the case for several months is thus quite exceptional. The atmosphere of transparency which Landau describes might paradoxically go some way towards explaining the tragic fate of Anat Kamm, who certainly did not expect to find herself imprisoned for many years. In her interviews with investigators, which were leaked to the press, she expressed the feeling of having known that she was taking a risk, but thinking that “history forgives those who expose war crimes.” Israel did not forgive her.

For the core of censorship is intact and on certain types of military activities the censor still proves efficient. Legal tools more powerful than any military censorship endure, and journalists continue to support certain forms of censorship, even if their unease is sometimes obvious. Changes to the magistracy and pressure from society could equally lead to Supreme Court decisions being overturned, especially since there is some disagreement over the 1989 ruling and the ‘immediate danger’ criteria that has been used up until now. The Supreme Court in Israel is not a universally respected guardian of consensual judicial order, but a controversial institution, over which even certain members of recent governments have argued. Liberal and secular Jews in Israel consider the Court to be the bastion of their democracy, while others believe it makes impossible compromises in an attempt to render the occupation more ‘palatable’ and acceptable. Some judges do not even use the 1989 ruling, and readily accommodate the wishes of the security services.

Censorship’s Legal Tools

What were Anat Kamm and Uri Blau accused of? According to article 113 of the 1977 law, they were guilty of aggravated espionage, punishable by 14 years in prison (in cases of unauthorised possession of secret documents) or by life imprisonment (if ‘intent to harm national security’ is proved). The best-known case of such charges being brought against an individual is that of Mordechai Vanunu, a nuclear plant technician from Dimona in the Neguev desert. After the London Sunday Times published the construction plans for the plant in 1986, he was abducted by Mossad in Italy, and sentenced in 1988 by an Israeli court for treason and aggravated espionage to 18 years in prison, with 12 years in solitary confinement. From this point onwards, and no doubt against the initial intentions of law-makers, spying charges were used to threaten any journalist or informant who revealed information on national security, particularly with regards to nuclear weapons. In 1999, the Israeli researcher Avner Cohen was threatened with charges after a book he had written on the topic was translated into
Hebrew\textsuperscript{12}. Reuven Pedatzur, a journalist at Haaretz, recounted during a seminar at Tel Aviv University in October 2010 how he was threatened with espionage charges for having revealed to the Israeli press the ineffectiveness the Patriot missiles which were supposed to protect Israeli citizens from Iraqi Scud missiles during the First Gulf War. In 2001, Yitzhak Yaakov, who had by then already retired, was also threatened with Article 113 for discussing information dating pre-1967 with other Israeli citizens. The censors, it seems, are keen to silence history, as well as the present. While it is true that ‘Yatza’ was freed very quickly after his arrest, his disappearance and the secret which surrounded it are very similar to what happened in the case of Anat Kamm.

However, Israeli censorship depends on more than the law. A crucial component is that of consent. Avner Cohen explains the obsession and acceptance of military secrecy in Israel along psycho-sociological terms.\textsuperscript{13} For example, Israeli military doctrine concerning possession of nuclear weapons is not one based on transparency but on ‘amimut’, which is translated as opacity, even if ‘chiaroscuro’ would probably correspond better. The authorities play a game of half-hearted denials and refuse to provide any confirmation that they do possess these weapons, which seems paradoxical to many, since the role of these weapons as deterrents depends primarily on publicly acknowledging their existence. Among the countries who do possess nuclear weapons, Israel alone has never officially declared them, which means the country is able to avoid various responsibilities and international treaties. To many Israelis, this is a privilege they are owed, both so that they may protect themselves against present threats from the Arab world, and also because of past trauma; the Holocaust was a significant factor in the nuclear development of the 1950’s. The paradoxical amimut thus functions by absolving Israel of any accountability before an international community which it deems to be hostile.

The policy concerning nuclear weapons is one of almost total secrecy, and

\textsuperscript{12} \url{http://www.fas.org/news/israel/000808-israel-1.htm}
\textsuperscript{13} See article by Matteo Gerlini published in Books&Ideas: \url{http://www.booksandideas.net/Bomb-Opacity-Democracy.html}
‘traitors’ are punished with the full consent of the public. *Haaretz* was the only newspaper to denounce the persecution of Mordechai Vanunu, and continued to do so many years into his severe sentence.\(^{14}\) Information on nuclear weapons, secret operations abroad, abductions and target assassinations are protected with the same opacity. On 13 June 2010 when blogger Richard Silverstein revealed the identity of a secret prisoner being held in Israel (an Iranian engineer who had no doubt been abducted by the Mossad in the middle of Istanbul)\(^{15}\) his account drew little attention in Israel, despite protests from the Association for Human Rights in Israel against the prisoner’s treatment. When questioned over the silence of Israeli journalists over the assassination of a Hamas agent by Israeli agents carrying false passports in Dubai in February 2010, Colonel Sima Vaknin-Gil retorted “without commenting on this specific event, what you are describing is what I call Israeli consensus. I think that Israeli journalists are responsible for this. Some of them are even more concerned over security issues than we at the Censor’s office are.”\(^{16}\)

This mix of intimidation and consent explains the extent of the pressure put on Uri Blau. Support from his colleagues would undoubtedly have helped, but very few of them did support him. He had heavily criticized violations of international law and atrocities committed by the army in the occupied territories – as the prosecuting lawyer so bluntly confirmed – and from the very onset of the case, it was clear that the army would seek to make an example of him.\(^{17}\)

In this light, one should be cautious when trying to interpret any protests against injunctions that come from the Israeli press. Similarly, the press, notably the European press, have trouble interpreting the political Israeli mentality and tend to imagine that Israeli journalists are more combative and more left-wing than they actually are, and this extends to the occupation as much as it does to questions of national security (this


\(^{16}\) [http://www.spiegel.de/international/world/0,1518,690811-2,00.html](http://www.spiegel.de/international/world/0,1518,690811-2,00.html)

wishful thinking is also present amongst Israeli intellectuals).\textsuperscript{18} In the Uri Blau/Anat Kamm case, it was not the legal decision to impose an injunction which was criticised by the press. Anat Kamm was only defended on certain extreme-left websites, and even more surprisingly, Uri Blau received no support whatsoever. The Press Council, in charge of monitoring ethics in the media, struggled to even agree to a press release which stated that “it is unacceptable to bring charges against a journalist who comes into possession of secret documents within the capacity of his professional activities as a journalist.”\textsuperscript{19} However, the press were unwilling to defy the security services by publishing information which would put them at risk and which readers might not even find very interesting. The daily paper Maariv summed this up neatly with its March headline: “Due to a gag order, we are unable to say what we know. Due to laziness, apathy and blind faith in the defence services, we know nothing.”

\textbf{The Haaretz Exception}

Before praising the freedom of the press in Israel, it is important to emphasise just how isolated Haaretz has become. It is the only major paper which really attempts to cover national security news, and its journalists gain more praise outside Israel than within, as evidenced by the recent piece on them which appeared in the \textit{The New Yorker}.

\textsuperscript{20} However, Haaretz appeals to more than one readership; in order to retain its share of the market, it has learnt to cater to the right, as well as publishing various cultural, sports and economic supplements (\textit{The Marker}), drawing in a readership which is free to ignore the bits it does not want to read.

The paper’s two big writers on events in the occupied territories, Amira Hass and Gideon Levy, are often better known abroad than in Israel. “The territories” is a favourite topic of the foreign press.\textsuperscript{21} and they themselves are avid readers of the

\textsuperscript{18} See article in \textit{La Vie des idées} by Cyril Aslanoff: http://www.laviedesidees.fr/La-seduction-israelienne-de-la.html

\textsuperscript{19} Citation from the weekly \textit{Haain haShviit}, 15 April 2010

\textsuperscript{20} http://www.newyorker.com/reporting/2011/02/28/110228fa_fact_remnick

Haaretz pages which cover the occupation, including reports from the different NGOs working in the region, such as B’Tselem\(^{22}\) and more recently, Chovrim chitika (Breaking the Silence) who have been collecting soldiers’ testimonies.\(^{23}\) Relations between these foreign journalists and the Israeli authorities have significantly deteriorated since the first and particularly the second Intifada, and evidence of these worsening relations can be seen on the site of the Foreign Press Association in Jerusalem\(^{24}\).

**Between Anastasia and Massouda**

The main threat to freedom of the press in Israel is less Anastasia than it is Massouda, the figure representing Israeli public opinion. The censorship is in part a reflection of the public and of the press, who view the military and security activities as necessary and rarely that of choice (*milhemet ein brera*, ‘a war of no choice’ is a well-known expression). An Israeli researcher examining press coverage of the Operation Defensive Shield which took place in Palestine in 2002 suggested that the media themselves contributed to a ‘suppression of guilt’.\(^{25}\) He went on to found Keshev, an association whose website contains heavy criticism of the Israeli press.\(^{26}\)

The last year has seen strengthened unity between the state and public opinion. While one should disregard exaggerated rhetoric which describes Israel as the ‘new Iran’, ‘on the threshold of fascism’, it is true that the nationalistic right have succeeded in getting the Knesseth to pass a series of motions restricting freedom of speech, and what’s more, they achieved this without the slightest objection from Israeli society. On March 13, 2011, a law on the Nakba was voted in (*Nakba* means catastrophe in Arabic and is used by Palestinians to describe the creation of the Israeli state). The law bans all public financing of organisations who observe *Nakba*, who disrespect the flag or any symbol of the state and who reject the existence of the state of Israel as ‘Jewish and democratic’. On July 11, the boycott law, which is even more worrying, was voted.

\(^{22}\) [http://www.btselem.org/publications](http://www.btselem.org/publications)

\(^{23}\) [http://www.breakingthesilence.org.il/](http://www.breakingthesilence.org.il/)

\(^{24}\) [www.fpa.org.il](http://www.fpa.org.il)


\(^{26}\) [http://www.keshev.org.il/siteEn/default.asp](http://www.keshev.org.il/siteEn/default.asp)
Several Human Rights and left-wing organisations have claimed their intention to challenge its validity by petitioning the Supreme Court for it not to come into effect. The law states vaguely that it is illegal to publish ‘a call to boycott the state of Israel’, and that all persons and organisations who might consider themselves to be affected by such a boycott, such as parties with economic interests in the occupied territories, are liable to pursue legal action against those responsible for publishing such a call.

Numerous petitions, primarily academic ones, were signed immediately in defiance of the law, calling for an economic and cultural boycott of the territories. Amos Schocken, editor of Haaretz, believes the law will have an effect: “Of course, the paper will have to be careful…You will see a difference…But I am certain that it will be possible to say what has to be said.”

As for the Israeli public, ‘Democracy Index’ surveys which have been published since 2003 by the Israeli Institute for Democracy show an increasing disregard for democratic principles. In 2010, 55% of those polled supported the belief that the country would be better off if less emphasis was placed on upholding principles of democracy and more emphasis was given to upholding the law and public order. 60% of respondents felt an authoritarian regime and strong leadership to be positive. Distrust of Arabs and a belief that the state was ‘too democratic’ was particularly high amongst the most religious, with secular media and the Supreme Court particularly unpopular.

Thus, the state of Israel continues to show Janus-like qualities, and the censor’s work is made easier by the on-going occupation, the obsession with national security, nuclear arms, perceived hostile surroundings and the rising popularity of a nationalistic right. While freedom of speech is still alive, it is not being applied to the actions of the security forces, and it seems increasingly certain

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28 [http://www.idi.org.il/sites/english/events/ThePresidentsConference/Pages/ThePresidentsConference.aspx](http://www.idi.org.il/sites/english/events/ThePresidentsConference/Pages/ThePresidentsConference.aspx)
that the next subject to become off-limits will be the Israeli occupation.

Further reading:

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