



Minerva Access is the Institutional Repository of The University of Melbourne

Author/s:  
Rogers, JB

Title:  
The Work of Humiliation: A Psychoanalytic Understanding of Checkpoints, Borders and the Animation of the Legal World

Date:  
2017-07-01

Citation:  
Rogers, J. B. (2017). The Work of Humiliation: A Psychoanalytic Understanding of Checkpoints, Borders and the Animation of the Legal World. *Law and Critique*, 28 (2), pp.215-233. <https://doi.org/10.1007/s10978-016-9195-y>.

Persistent Link:  
<https://hdl.handle.net/11343/282593>

THE WORK OF HUMILIATION – A PSYCHOANALYTIC  
UNDERSTANDING OF CHECKPOINTS, BORDERS AND THE  
ANIMATION OF THE LEGAL WORLD.

JULIET BROUGH ROGERS

School of Social and Political Sciences

University of Melbourne

Australia

Tel: +61 3 90157945

Email: [julietr@unimelb.edu.au](mailto:julietr@unimelb.edu.au)

ABSTRACT. The policing of checkpoints demands a commitment from the soldier. These commitments are realized, as Robert Cover says of legal judgments, in the flesh of those subject to the policing and of those who police. Such commitments are sometimes difficult to maintain in the face of arbitrary policies and even arbitrary relocations of checkpoints and borders. Obedience is required, but obedience is not simply an act of acceptance. This article employs a psychoanalytic lens and the work of animation theory to consider how obedience is legitimated in the minds of those who police borders and how practices of humiliation toward civilians at the borders function both to display the uncertainties about the regime's legitimacy, and to aggressively depict this legitimacy in the flesh of those subject to the borders. This depiction, I argue, employs understandings of time, identity and the question, and these are then employed as techniques of humiliation. These techniques evoke a rhetorical landscape located somewhere between Freud's discussion of the work of

jokes and Scarry's discussion of torture; between these two points is the promise of a legal world where there are only angels and devils and where these figures are animated in the flesh of both civilian and soldier.

**KEYWORDS.** Borders; checkpoints; humiliation; Israel; Northern Ireland; psychoanalysis; sovereignty.

'Law' is never just a mental or spiritual act. A legal world is built only to the extent that there are commitments that place bodies on the line....the interpretive commitments of officials are realized, indeed, in the flesh. (Cover 1986, p. 1604)

Robert Cover had judges, legal bureaucrats, prison guards and court security in mind when he wrote of the building of the legal world through the commitments of officials. But legal worlds have not only their prisons and their courts, but their borders and their checkpoints, and these too are realized in the flesh. Borders are realized through the contortion of the bodies who police and who are policed; who maintain, endure and adhere to regimes which declare where one legal world ends and another begins. These border are policed at checkpoints; at the gates and walls of the nation. At these gates what is required are the commitments and judgments of those that maintain them, and a commitment to the judgments of the legal world.

The commitment, in Cover's idiom, is what is required in order to execute regulations; those who police these checkpoints must *believe* in either the rightness or legitimacy of the regime's limits, or the force of the regime to punish them for disbelief and disobedience. Most practices of obedience by soldiers are made of a combination of these forms of commitment. In spaces such as checkpoints, however,

the belief in the legitimacy of the regime is where questions are likely to insist. Checkpoints are the sites of madness of a regime.<sup>1</sup> This madness is or, perhaps, should be present because checkpoints denote the transitory spaces of jurisdiction – often from one sovereign space to another – and in so doing they also evoke the flexibility and arbitrariness of the limits of the legal world. To maintain a belief in these checkpoints, I suggest, *something must go on* in the minds of soldiers to legitimize the regime’s authority; something which is more than just an adherence to rules, a fear of punishment by the regime or an enjoyment of power over others; something which is both fuelled by common practices of humiliation at borders, and – in being displayed as humiliation – betrays a question as to the legitimacy of the regime. And this question, I suggest, is something which must be overcome in order to commit, in the flesh, to the judgments of the regime at the checkpoint. The work of humiliation I argue in this paper is, in part, to overcome these questions. Specifically, the purpose of humiliation at these borders is twofold: it assists in the acceptance of the border for the soldier; and, at the same time, its creative manifestations as the ludic qualities of humiliation (the toying-with those who are being policed) are symptoms of the confusion about why and where the border is. They are, as one speaker in the *Breaking the Silence*<sup>2</sup> archive notes, ‘creative punishments’<sup>3</sup> that speak

---

<sup>1</sup> In the context of Australia there is perhaps a more aggressive insistence of jurisdictional madness because of the slip between land and jurisdiction that was simply slid over in the years after the invasion of the British. See Dorsett and McVeigh (2012).

<sup>2</sup> *Breaking the Silence* consists of video testimonies of soldiers who are or were part of the Israeli Defense Force. Along with the testimonies, it is also a broader project which has the stated aim to ‘collect and publish testimonies from soldiers who, like us, have served in the West Bank, Gaza and East Jerusalem since September 2000, and hold lectures, house meetings, and other public events

to the insisting questions about the legitimacy of borders and, consequentially, the legitimacy of a particular legal world.

The checkpoints in Palestine/Israel are perhaps the most obviously known and the most commonly reiterated in a contemporary politics that circulates as knowledges of oppression. But we have also seen such scenes before in British-ruled Northern Ireland; in Apartheid South Africa; in Nazi Germany before, during and even after the implementation of the Final Solution; and in contemporary Australia as one form of the exercise of Indigenous-settler relations (for a consideration of these issues see Cuneen 2006, p. 329). These scenes, I suggest, have their role and their crucial significance in the implementation and exercise of a regime's authority. It is obvious, of course, that these borders insist where jurisdiction is in question. They are, we can say, simply borders that need to be maintained. But, I suggest, that the practices of humiliation at these particular borders have, as their address, the many confusions of law instantiated through violence. That is, these particular borders and checkpoints carry the questions of moral legitimacy – they evoke scenes of recent originary violence. In this sense places such as Australia are readily included in this discussion of checkpoints. In spaces that are not only borders but locations where law's legitimacy comes under moral and legal question, then bodies are the sites of jurisdiction.<sup>4</sup> It is in obedience and memory that the work of jurisdiction is *lived*, in Cover's terms above, '*in the flesh*'. Thus Australia, as one example, is a checkpoint

---

which bring to light the reality in the Territories through the voice of former combatants'.

<http://www.breakingthesilence.org.il/about/organization>.

<sup>3</sup> <http://www.breakingthesilence.org.il/testimonies/videos/78162?sg=0>.

<sup>4</sup> Peter Rush has made a similar, although parallel point in relation to the *Mabo (2)* judgment in Australia. See Rush (2005, pp. 753-766).

unto itself for Indigenous people. In the face of such insisting and contemporary questions in these jurisdictions, humiliation has an important role to play in constantly demanding ‘judgment’ of the guards, of each other, of the value of borders and checkpoints themselves. Again, this is particularly because of the ‘madness’ of classification and of location that insists in the maintenance of jurisdiction over land and bodies.

The madness is obviously apparent when the questions of who is allowed to enter and where they are allowed to enter change over time and with the influences of politics and policy. Borders, in this sense, function like many forms of policing and surveillance – their locations, their movements and their maintenance are practical and they are political. That is, borders exist with similar shades of the arbitrary as with most forms of policing. While those who are policed know the extent of this arbitrariness very well, this knowledge is also apparent to the soldiers; as one former IDF soldier says ‘nothing makes sense’ at the border (Na’amen 2015). And sense must be made in order to police these spaces; some form of sense, some form of judgment must be accepted, in order for the officials, in Cover’s terms, to place their ‘bodies on the line’.

My concern here is not with ‘why borders change’ but *how* those who police borders come to accept the need to police these ever shifting boundaries, and further, what is the role of humiliation in this acceptance? In this article I explore the questions as to what are the particular manifestations of humiliation that insist in these spaces? And why are they accepted? In the idiom that I will use for this work, I explore what is being animated and how these images are mobilized to allow and even encourage humiliating behaviour by the soldier to the civilian at the checkpoint. My contestation is that some forms of humiliation work to enable the imagination of a

kind of unthinking agreement between the soldier and the regime in the same way that jokes work as an evocation of mutual understanding. Jokes, we can say, are the ordering of madness and humiliation, which function through the presentation of a shared significance, an agreement upon the acceptable order of the world in that moment.

The joke calls to a mode of interpretation that is common to teller and listener; it plays on a disjointed form of unity in meaning, where previously perhaps there was none. Jokes perform, what Freud calls, a ‘playful judgment’ (Freud 2001, p. 11); a judgment that brings commonsense understandings to bear on slightly disjointed observations in a way that tickles us (or tickles someone). The comic value is in the knowledge that the teller and the listener *commonly understand* one thing, to the extent that the teller can play with an alternate understanding. In one of the testimonials offered in the Palestine/Israel peace project, *Breaking the Silence*, a former Israeli soldier speaks of watching other Israeli Defense Force (IDF) soldiers stop a young boy at a checkpoint and play with the boy’s understanding, whilst at the same time he recruits the audience of his comrades and their understanding.

You know what’s cool? When a Palestinian goes by and you tell him ‘I think I saw you throwing stones’...A kid came by on a bike. He was 13-15 years old, I remember that they stopped him...they asked him ‘Say., did you throw stones? I remember you throwing stones’. The kid just stood there, he didn’t say anything. I’m not sure he understood them, what they were saying. I remember, the other soldier... he came toward him and did this [holds up palm sideways] didn’t you...I mean he came up to him and held his face smacking him lightly. Can’t you see? He’s talking to you. Why aren’t you answering him? Its like he was threatening him. He’s asking you a question, answer him. The kid continued not to answer...I remember coming closer standing next to them so they’d see me. To make sure nothing was, was going beyond the acceptable.<sup>5</sup>

The mutuality of understanding is what is ‘cool’ about humiliation. The soldier above knows what it means to ask a boy if he has been throwing stones in contemporary Palestine. He knows the significance of being accused of such an act, and he knows the Palestinian boy knows it too. The effect is of a mutual understanding of the risk of pursuing such an accusation to the point of punishment (guilt, innocence or reality is not the point), and the visceral experience of fear for the boy and the enjoyment of the soldier merge to produce a common understanding of the dynamics at play. They both know the soldier can stop, accuse, slap and enforce a judgment with impunity. What tickles the soldier is the potential punch-line which he, and not the boy, can author.

At other checkpoints, at other times, other commonsense understandings may be employed. In the scenes I discuss here time, identity and the question are employed to produce a sense that is shared between the soldier and the regime, but function to alienate the subject of the play, the subject of humiliation. In this way humiliation that is employed at borders and checkpoints goes beyond the function of the joke and draws on the frameworks we have come to attribute to practices of torture, articulated by Elaine Scarry (1985). That is, torture functions to reinforce the regime’s power *in the flesh*, as much as it may be for the purposes of information gathering. Humiliation, when employed in the policing of borders, codifies cultural practices, like jokes, and inserts these practices into the flesh of the civilian subject traversing the border in a similar manner to torture.

To consider these premises we can summon Michel Foucault’s continuums of discipline – from punishment to authorizing force and back again (1977) – but the coordinates that I will hold here are those which signify operations of violence as the production of the civilian subject as object. The work of humiliation *qua* violence at

the border is not, I suggest, a work in which the subject is produced only as object, as thinkers on operations of interpersonal violence sometimes insist.<sup>6</sup> The work of humiliation is to produce the civilian subject as animated as a playful object; an object with its own life, a life which promotes the need for management and which is enjoyable in its responses.<sup>7</sup> As an animated object it is ripened for the inscription of the regime's power. That is, in the language of Scarry on torture, the subject of lawful humiliation is animated *in the image of the regime*, in its signifiers and pseudonyms, in its spectacles and symbols. But this work of animation is not inscribed into the flesh of the subject, as is often the case in torture or corporal punishment; it is a dynamic process which toys with the knowing resistance of the subject employing commonsense elements of time, identity and the question to create an imagination, in the soldier, of legitimate law. And, as I discuss in the final section, it sometimes works to create an enduring imagination of the legal world in the civilian subject.

## PART 1 – TIME AND THE QUESTION

In Peter Goodrich's terms the law must create the qualities which enable a communion, a kind of *swallowing of reality*. Goodrich considers that

---

<sup>6</sup> This thinking was prevalent in feminist discussions prior to and even after the publication of works such as Butler (1997) or Grosz (1994). For examples see Kappeler (1995, pp. 38-51); but these logics still permeate the commonsense ideas in the field of peace studies and transitional justice, as exemplified in the underlying presumptions in Minow (1998).

<sup>7</sup> There is an obvious link here to the Lacanian notion of *jouissance*. Such enjoyment, particularly in its trajectory that seeks the solidity of judgment, as a sanction of 'knowledge', lends itself to reading of the *objet a* status of knowledge that Lacan discusses in Seminar XVII where he refers to 'the Other's jouissance as knowledge'. Lacan (2007, p. 14). To link 'the regime' here specifically to the Other is beyond the scope of this article, but I have discussed this relationship in depth in 2013

the legal speech or text had to identify its audience or constituency, and provide that audience or those hearers with such symbols, images, icons or figures as would allow communication in its classical or at least etymological sense of communion. (Goodrich 1994, p. 110)

But if legal speech must identify, provide and proffer the possibilities for communion, then this suggests an educated hesitation or tentativeness on the part of the audience; the possibilities of a healthy scepticism which requires seduction. Scarry might respond that in the torture scene there is no space for ambivalence as to the significance of the ‘symbols, icons, gestures, figures’; that a communion, facilitated through rhetoric, is a gentler description of an incision of meaning into the flesh via the infliction of pain that dissolves the ‘world, self and voice’ (Scarry 1985, p. 35) of the tortured. The work of torture may be, indeed, to reduce the possibility of a space of signifiatory ambivalence in which one does not know, or in the examples below, in which one cannot *judge* beyond the authority of the regime (Rogers 2010). This work, for Scarry, is done through the production of the body in pain. As she says:

The prisoner experiences an annihilating negation so hugely felt throughout his own body that it overflows into the spaces before his eyes and in his ears and mouth... These physical realities...are therefore translated into verbal realities [in the form of icons and symbols, in Goodrich’s terms] in order to make the invisible distance visible, in order to make what is taking place in terms of pain take place in terms of power, in order to shift what is occurring exclusively in the mode of sentience into the mode of self-extension and world. (Scarry 1985, p. 36)

Thus, as she explains, the prisoner’s ground shrinks as the regime’s territory swells. The regime’s world becomes unseeable and acceptable, a form of commonsense insists. The question disappears – for the tortured and for the torturer – along with the self. There is no difference, no self, no world or, in psychoanalytic terms, no question that the prisoner can sustain between the speaking and the hearing,

between the signifying and the understanding. There is no deliberation or judgment that the self can sustain.

The scenes at the checkpoint are where the efforts for signification are not quite that of torture. They employ some of the characteristics of a demand for an acceptance of the unanswerable question, and they enact punishments for non-acceptance. But the scenes at the checkpoint work as a form of play in which the icons, gestures and symbols are presented as definitive by the soldier, but with a question as to whether they need be accepted by the civilian passing through the checkpoint. It is in the uncertainty of their acceptance – in the ludic quality of their presentation – that we can see the uncertainty of the soldier's participation in the communion, and certainly the subjugation of the civilian to the game.

In one example of the game of humiliation one soldier in the *Breaking the Silence* Project in Israel shows the parameters of the play, and also the demand that the civilian participate in the acceptance of his icons, gestures and symbols; particularly that of time. As he narrates:

The Palestinians have to go through the slow lane because their paperwork has to be scrutinized....A checkpoint for a soldier is one of the worst experiences, ever. You stand for 6-8hours, you stand in the sun, in the rain, in any weather. You stand on your feet with a ceramic bullet proof vest that weighs 10kg, with a vest and a gun. Its exhausting and hard and the work is annoying and monotonous. Its boring...One of the commanders, to pass time and also because why not, invented a hobby of playing games with the Palestinians, to liven up the atmosphere at the checkpoint, to make it interesting. So he would play all kinds of games with them. A Palestinian car arrives at the checkpoint for example. He looks at the driver and says 'give me your ID in 5 seconds'...He meant the ID card. 5 seconds. The Palestinian didn't even know what was happening. He said 'what do you mean 5 seconds?' If the ID is in his back pocket or in shirt pocket, or if its not on him, he'll never be able to get it out in 5 seconds. Most of them failed to do it in the 5 or 10 seconds that he gave them. So he would pretend to get real

angry, as if the Palestinian was wrong. He'd say 'really, don't you understand this is a checkpoint? Don't you see that you are delaying people behind you? Stop the car on the side.'

And then the Palestinian had to park the car on the side. He'd say 'give me the keys to the car?' and put them on the roof. And said 'come back in 2 hours'. The Palestinian had to wait two hours. Two hours later he had to start the car, go all the way to the end of the line, slowly progress to the roadblock and once he got there the commander would say 'give me your ID in 5 seconds', but he was ready, he gave him his ID and the commander would say: 'You see, now you're ok' and he'd let him go'. (Lavi 2015)

In this scene, the conflict between what is commanded, and how the subject may respond, are collapsed in the '5 second' scenario. Both meaning and time – or meaning as time – are dissolved in the symbols presented to the Palestinian subjected to only the possibility of acceptance of the singular symbolic order as a management of time as meaning, where any confusion over what '5 seconds' signifies results in a repercussion that introduces another dictation of time by the regime; two hours, plus the time in the 'slow lane', twice (possibly six hours). And then the five seconds are reinstated as the correct time, coupled with the unanswerable question 'you see?' from the commander who has seemingly successfully *shown* the Palestinian subject the significance of time.

The humiliation employed in the above scene holds time in the frame of authority, what we can call *real time*, in which reality is produced through a particular adherence to a commonsense order; an order invested in the perpetuation of an accuracy which can be sanctioned 'from above' if you like. 'You see?' the commander says, as if the answer is self-evident: 'this is what time means', 'this is what time is'. The question indicates an uncertainty to be resolved in the *mutual seeing* of the Palestinian and the Israeli commander. But this mutual seeing is not a simple agreement between them, about time or about the limits of time and their

consequences, it is a *seeing* which collates that-which-is-determined-to-be-seen (as reality) by the regime. In Scarry's version of this kind of scenario in the torture scene: the question and answer also objectify the fact that while the prisoner has almost no voice – his confession is a halfway point in the disintegration of language, an audible objectification of the proximity of silence – the torturer and the regime have doubled their voice since the prisoner is now speaking their words. (Scarry 1985, p. 36)

In this scene the 'doubling of voice', which can be understood as an acceptance of the icon, symbols and gestures of Israeli military law, is achieved through the commander employing the Palestinian to sanctify the seeing. But it is this third, the regime, which has doubled its voice through the presentation of a shared *reality of time*. The demand 'you see?' – with the presumptive addition – 'as I do', suggests that time is the terrain of real law, and real law operates in and as time. Time is not a question but a definitive quantity for the soldier. And the Palestinian has supposedly affirmed this – through his own compliance – and thus reinforced the legitimation of the soldier's sense of *the time* as the time of the regime.

In Lacanian understandings, however, the very presentation of the question 'you see?' betrays the commander's anxiety about accuracy – let us call it *legitimacy or rightness* – of his own regime's reality. For Lacan all symbols, icons, gestures in their presentation to an other, or even in their representation to oneself, are a question; a question about the acceptability of one's identity before the one who is perceived to hold the keys to knowledge, to be able to say what is right, or what is reality (Lacan 2006, pp. 689-90). These questions come with an anxiety about the judgment of that acceptability. What are recruited to produce a performance of rightness, or acceptability, are signifiers which are presumed to offer, in Lacanian terms, a 'universal satisfaction' (Lacan 2006, p. 698). Facts, we can call them, real laws, or commonsense. These 'logics' enjoy the weight of reality, and correspondingly

sanction the rationales of the regime as those which speak to reality, or *those which declare the facts*. That is, we might dispute the commander's techniques, we might dispute *how much time* he allows the Palestinian, but we do not dispute his deference to the objective existence of time.

The commander who asserts that '5 seconds' is what is allowed to produce an identity card collects the authority of time – 5 seconds being *presumed* an objective quantity – and represents it as the *right time*, the time of reality. But once we introduce the Lacanian notion of the question then, even in this supposed universal quantifier known as time, the commander betrays a further anxiety as the anxiety of a judgment about rules, about decisions, and, I suggest, about the arbitrariness of the law.<sup>8</sup> We can see his anxiety readily inserted into the *experience of the time* allocated for the Palestinian. He inserts into the very experience of time the anxiety which is a product of the pending judgment about what is right or wrong, allowed or detained, and, presumably in these circumstances, even made dead or alive. This insertion of anxiety appears as a form of identification with the Palestinian; a dynamic which assesses and collates the Palestinian's experience and *projects* the effects of this experience into another. It is a mode of identification and dis-identification. Identification<sup>9</sup> is effectively the producing of another in one's own image and then measuring certain qualities as similar but, in this case, it is an image that the soldier calculates, assimilates and then disavows.

The dynamic of disavowal is exhibited in firstly the commander's reproduction of the Palestinian enduring his own conditions of *ordinary discomfort* –

---

<sup>8</sup> I have elaborated the concept of arbitrary sovereignty judgment and its unconscious implications in Rogers 2010

<sup>9</sup> I am drawing here in Lacan's work on the 'mirror stage', Lacan (2006, pp. 75-81).

being at the mercy of his flesh in the instance of time. The experience of the Palestinian waiting, after having been in a queue then stopped, questioned and told to wait for two hours before being returned to the end of the 'slow lane', becomes many hours at the checkpoint. The Palestinian, we can assume (or at least the commander can assume) becomes 'bored', 'hot', 'exhausted', and undoubtedly anxious about what he will encounter. The conditions of the checkpoint for the commander are thus re-produced in the flesh, in this waiting in the sun, as the conditions for both but for one very significant distinction – the car for the ceramic bullet proof vest. The vehicle of protection is stripped off the Palestinian. His keys are laid before him on the roof; he is effectively, laid bare. Knowing the significance of cars at checkpoints we can say the soldier strips him of both his protection and that which signifies the only thing, in fact, which might penetrate the bullet proof vest.

In psychoanalytic thinking this is not a simple dynamic of producing vulnerability, in the vein of the ordinary thinking of checkpoint humiliation, as a spectacle of power. It is a dynamic in which the symbolic coordinates for understanding the subject's experience – in this case the experience of the Palestinian – are imagined to align with that of the commander. Not all, but enough. In this alignment we can assess that the commander collects the icons, gestures and symbols of checkpoint life and signifies them in a narcissistic formula that designates, for the commander, what these signifiers mean at that moment. In this scene is thus a narcissistic resolution, we might say, that reproduces the Palestinian in the image of the commander, as a reflection. Time is wielded by the commander as if it is *his time*, *the regime's time* and both Palestinian and soldier are in communion with this icon called time. The demand for a '5 second' response renders the Palestinian as subjected to the meaning of the joke, alienated from any comic relation through the

‘punch line’ belonging to the regime alone. But, and here is the rub, they both must accept time. Time is the jurisdiction of the regime, and the result is the production of the Palestinian dressed in the tropes of the life of the border guard but for being vest-less and, for a time, car-less; vulnerable to the violences of the checkpoint – its senses and nonsenses – in a way that the guard can imagine, tentatively, that he is not. Removing the car is to remove the threat and replace it with his own. He can thus imagine himself author of the joke. He cannot author the reference points – time insists, the legal world insists – but its objects can be manipulated, humiliated, played with, through his arrangement of the icons, symbols and gestures of the legal world. Thus, while the Palestinian can only listen from a position of vulnerability and alienation the soldier disavows his own subjection to the arbitrary play of law.

## PART II – THE MATTER OF TIME

The arbitrary sense of the performance of the legal world at the checkpoint is sensitively articulated through another soldier’s description of his descent into what he poignantly describes as an ‘abyss’ of judgment. In this extraordinarily insightful testimony – which I will quote at length – the confusions and fragments appear, but are forcefully disavowed in the interests of the acceptance of the judgment of the regime, simply put, in the interests of obedience. As former IDF soldier Oded Na’amen recounts:

One of the things that hits you when you reach the checkpoint is the matter of exercising judgment...there are rules and regulations...but at the end of the day it’s the field commander’s judgment. No matter what happens, ultimately, nothing compares to the field commander’s judgment. Think about it, orders and regulations never cover every situation, it makes sense when they tell you that, and you feel proud because they have confidence in you to exercise your judgment and make decisions when you’re there. When you arrive, when I arrived...there was an order to close the

checkpoint until further notice. A boy was coming home from school and he couldn't pass because the checkpoint was closed. The boy started crying, he was about 10 years old. I said to myself, here's a perfect opportunity to exercise judgment. A young boy...I checked his bag and saw books. I said to myself 'he just wants to go home, it doesn't look like anything more significant is going on here'. I let him through and I feel good about myself. This is exactly what they told me, there are rules and regulations, you exercised judgment, you did the boy a favor. You protected Israeli's security, everything's great. An hour later 50 crying kids reach the checkpoint. They all heard about how to get through my checkpoint. By crying. You realize that 10-year-old kids can mess with you. You don't think that they're all terrorists, you don't think they're bastards, you know they all want to go home, but you know they're all messing with you. They're not really crying. And who knows what they're really trying to do. That's it. Crying kids don't move you anymore. The next time you see a kid crying you know that no matter how much he cries or how unpleasant it is he doesn't get through. But it gets more complicated, because when you see a kid crying you still feel bad, so you might smile at him, you won't let him through, but you smile at him to try and cheer him up. That's not good either because families send their kids ahead to soften you up before they'll reach the checkpoint. They'll cry, you smile and then Mom and Dad arrive. And you don't get it, one family after another knows how to get through my checkpoint. How can I be held responsible to stop terror, death, destruction, killing and kids [that?] are messing with me. So you realize that not only do you not let crying kids through you feel no empathy, it undermines your job to feel bad about a crying child. You're disloyal to your mission, to your country's security, you start imagining suicide bombers exploding again, you know that you're not doing your job. It's not easy to overcome these feelings, but over time.. it's your job so you waiver back and forth, sometimes you fail and some kids play you. Your friends start catching on and people tell you you're too soft. It's a matter of time. In the end you realize that crying kids don't move you. The same goes for old women,...people stop moving you, because if they move you they'll take advantage of you. So...so your judgment...you stop understanding what it means. You have no judgment. You used to know that some things are dangerous, some aren't, that there are all sorts of relevant considerations. There are no relevant considerations. The realization that there is no logic, that everything you thought was logical is bullshit. There is no logic at the checkpoint. That's the first moment of falling into the abyss, of losing yourself. (Na'amen 2015)

Oded's description of himself and what happens is powerful, painful, and – as he recounts the scenes at the checkpoint – we can imagine precisely the kind of 'reality in the Territories'<sup>10</sup> that he experiences. He is both speaking of the reality of the checkpoints that he encounters externally – the children, the families, the rules – and he is describing the experience of himself in the face of these people and regulations. He is a man descending into an abyss, but on his way down he grasps at several rationales for what is happening to him; rationales which betray both his confusion over the existence of the checkpoint and the work of 'judgment'.

Oded begins with an explanation of who he thinks he was before the checkpoint, or rather before the pressures of the checkpoint pushed him into the abyss. Between the moment *before the checkpoint* and before the fall into the abyss, he articulates the point at which he turns from a person who '*feels good*' about himself, to the person for whom '*people stop moving you, because if they move you they'll take advantage of you*', and in this he describes several rationales employed to legitimate his obedience; methods which articulate strongly with the findings of Stanley Milgram in his now famous experiment on obedience, Milgram (1974). Firstly, we see Oded's perception of the gaze of others as important through his affiliation with the sanction of the IDF. It is his superiors in the IDF who make him feel '*proud*' because they have '*confidence*' in him. The security of his sense of self that is reflected in the gaze of the IDF then shifts to his comrades and he begins to worry about their perception of him; as he says, his friends '*start catching on and people tell you you're too soft*'. These presences – friends and the IDF – are important

---

<sup>10</sup> The stated aim of the project is: 'bring to light the reality in the Territories through the voice of former combatants'. <http://www.breakingthesilence.org.il/about/organization>. Accessed 21 October 2015.

vehicles for Oded's self assurance in the face of isolation at the checkpoint. And they articulate with one of the rationales that Milgram proposes as a justification for obedience in the face of a discomfort with one's violent actions toward others. As Milgram says 'The subject's do not like inflicting pain, but they often like the feeling they get from pleasing the experimenter. They are proud of doing a good job, obeying the experimenter under difficult circumstances' (Milgram 1974, p. 12). This sense of pleasing the IDF – of feeling proud of their confidence in him – denotes the location from which Oded gains the reference points for the types of 'judgment' he should make.

Oded's understanding of the location of judgment, however, becomes fragmented and contradictory. We can see these fragments appear in a foreclosure on the *processes* that mark 'time'. His deterioration is, as he says '*a matter of time*'. But, of course, it is not a matter of *only* time, it is a matter of what one does, thinks and imagines in that time that changes Oded from the position of 'being moved' to the point when he has 'no empathy'. The time between these two positions is a time mobilized by the imaginations of what the Palestinians do, or will do. The time between the statement '*you know they all want to go home*', and 12 words later: '*and who knows what they're really trying to do*'. This ex-soldier's time is thus not a time of benign waiting but a time filled with fears and feelings of being 'played', 'messed with', 'softened', in the interests of a Palestinian project of '*terror, death, destruction, killing*'. It is, in fact, these encroaching, sinister images of Palestinians which justify, for Oded, the presentation of himself as having 'no judgment' while, in fact, *a* judgment clearly appears – the checkpoint remains closed and people cannot go through.

The ‘matter of time’, depicted as a neutral space in its capacity to explain this move to dogmatic judgment, suggest that *time happens to him*. But here, in this confusion over the agent called ‘time’, we see both the breakdown of an explanation of Oded’s behaviour and a betrayal of his deference to a transcendental and unquestionable form of real law. Time, for Oded, is populated by an absence of agency – what he couches as an absence of judgment. But judgment is far from absent. Throughout the testimony the confusion over judgment appears as an uncertainty about what is constituted as *the* judgment and what is *his own* judgment. When he says he has ‘no judgment’ he is referring to the lack of *his own judgment* being able to be presented or enacted, and similarly, when he says there is ‘no logic’ at the checkpoint he means that the logic is not one which articulates with his own sense of ‘logic’. However, there is clearly both judgment *and* logic at the checkpoint – the logic of both fear of Palestinian aggression, and the judgment that this aggression justifies the closure of the checkpoint. And these are what the soldier applies, as a kind of communion, with the logics and judgments of the regime.

In this collapse of the matter in time to an unthinking obedience Oded adopts a terrible logic in contemporary Israel: that of ‘just following orders’. To say Oded is ‘just following orders’ is not to say that this soldier has adopted the horrific violences of the Nazi order. Such arguments, I believe, are unhelpful in this terrain.<sup>11</sup> What he is wrangling with is the pressing question of obedience which has haunted criminological terrains since the Nuremberg Trials and has become the subject of

---

<sup>11</sup> There are many such accusations levelled at the policies and practices of Israel toward the Palestinians. I will not cite these authors here. I believe they diminish the issues for all. Suffering occurs in this terrain, and there are many stories that are worthy of being told without the need for such analogies.

extensive historical, journalistic and psychological research including, of course, Milgram.<sup>12</sup> Oded's confusion over *his own* judgment and that of the regime, is the question as to what remains of the subject's judgment before the laws of war. This is a question of how much one is able to exercise *one's own judgment* in the face of competing demands of crying children, of community, of friends, of the regime. It is *the* question of obedience.

There are many entrance points for examining obedience; however, in this scenario, and perhaps in others at checkpoints or in examples where legally sanctioned violence is perpetuated, what becomes evident is the activity of animating the world around the checkpoint as evil, and the regime as the necessary good. This has been the tool used by regimes mobilizing soldiers to act aggressively for centuries. However, what I will explain here is how this quality of animation itself not only produces a dependence upon the judgment of the regime as more than legitimate, but as reality or what can be understood as a transcendental reality, or as *real law*.

What occurs in the scene described by Oded above is the reduction of judgment (which allows for the evaluation of rationales for the checkpoint in the first place) to the microcosmic moment of the weighing of a child's crying against '*terror, death, destruction*'; against '*your country's security, you start imagining suicide bombers exploding again*'. This is where scenes of grandiose terror – bodies exploding – are being pitched against tears; where tears are no match, but nevertheless comparative. This is where the rationale (described by the soldier as 'no logic') relies on a logic that co-opts the images that legitimize a regime. This is the logic informed by images of death and destruction; images that allow the logic of the

---

<sup>12</sup> For examples of a handful of some of the more insightful forms of this research see Browning (1992); Hatzfeld (2005); Gobodo-Madikizela (2004); Pick (2012); Sereny (1995).

regime to fit into place. The images themselves are arranged as Disney-like, however. That is, they are more than dangerous, they are impossible; they are cartoons. Crying children turn into exploding bodies in a method of animation that defies the corporeal at the same time as it brings it into full antagonism with real law, thus highlighting the logics assumed inherent or real in those laws, such as time, nature or the laws of gravity.

Ideas on the artistic medium of animation articulate well how a form of the natural as real law is posed against animation in order to produce the animation as animation and, conversely, the natural as the real. As Stanley Cavell explains of the animated world:

The difference between it and the world we inhabit is not that the world of animation is governed by physical laws or satisfies metaphysical limits which are just different from those which condition us; its laws are often quite similar. The difference is that we are uncertain when or to what extent our laws and limits do and do not apply. (Cavell 1969, p. 201)

The laws of animation are thus only mobilized to the extent that they defy the laws of the earth – gravity, metaphysical form (a mouse cannot turn into a telephone) – which then throws relief on the *real laws* of metaphysics. In the soldier's mind above we can see how this understanding is consistent but inverted and the fantasy of real law enables animation. That is, it is through 'reality' that we see animation *as animation*, and through animation that we see what we call reality (why else do we laugh?). Real law, or its fantasy, grounds our representation of the world, just as it grounds our justification of our animations of that world. It is real law in its almost metaphysical presence at the checkpoint that enables the animation of the child's tears. In Oded's rendition we can imagine the tears hitting the ground accompanied by the sound of an explosion.

The law's grounding in Israel is already founded on the production of the child as carrying bombs. This is the rationale for why the policy exists. But between the question of whether the child before him is carrying a bomb, and the policy that demands the checkpoint is closed, we can see that the soldier has no possibility of holding an ambivalent position. Once he is engaged in this animation '[he is] uncertain when or to what extent [his] laws and limits do and do not apply' (Cavell 1969, p. 201). The activity of animation thus produces the necessity of judgment; like the joke, one requires, as Freud suggests, a 'playful judgment' (Freud 2001) to be made about what is in play and the object to which reference is being made. And the moment of judgment arrives, even if only for a moment, precisely because judgments must be made, in this soldier's mind, about when and where reality begins and ends.

Once reality is at stake, however, affiliations are readily split. There is real law and there is nonsense. There is danger and there is safety, there are perpetrators and victims, there is life and death. There is little space for the question of legitimacy or an evaluation of judgment, there is only 'no judgment'. In this 'abyss' metaphysical law aligns with the legal world of authority, and authority is positioned as further and further away until it is held in the terrain of the transcendental; a faith, or rather, no judgment at all. From this position nuanced considerations are not possible and, as Milgram noted of subjects who were even confident of their moral positions: 'some were totally convinced of the wrongness of their actions but could not bring themselves to make an open break with authority' (Milgram 1974, p. 11). This is because the break with authority becomes a break with reality, an impossible break. The world becomes framed thus and the protagonists in the scene are animated accordingly, including Oded himself.

Animation not only produces tears as bombs but also enables Oded's identification with the regime's version of a perpetrator. He has split<sup>13</sup> the world into only those who kill or who are killed. The choices are simple and the soldier, himself, becomes a weapon, a perpetrator if he lets the child through. As he says, '*How can I be held responsible to stop terror, death, destruction, killing and kids are messing with me.*' In this sense there are only two options, life and death or, in Milgram's terms, angels and devils. When Milgram says of those who underwent his experiment that they 'often derived satisfaction from their thoughts and felt that – within themselves at least – they had been on the side of angels' (Milgram 1974, p. 11), he is articulating the reference points that Oded collates to legitimate his practice – a being on the side of angels. This is because the IDF have not only become the authority – the ones who make you feel proud because they have confidence in you – they have become the reference points to please, to secure one's identity and to sanction the act as a necessary performance, and thus a making of the legal world; one in which there are only practicing angels and would-be devils.

### PART III – THE LEGAL WORLD OF ANGELS AND DEVILS.

The production of the world of angels and devils at the checkpoint is a work of animation for the soldier; however, the making of a legal world involves more than a commitment on behalf of the legal official. Such a world is produced in the flesh of all those subject to it. This may not be a form of commitment, and even less likely

---

<sup>13</sup> The work of Melanie Klein on the practice of 'splitting' the world into only good and only bad in the condition of the paranoid-schizoid position is relevant here but beyond the scope of this project. For an excellent discussion of this work in the context of practices of violence in Northern Ireland see Cash (2009, pp. 87-107).

would it be an actual belief in the *legitimacy* or *rightness* of the regime's rationales for those subject to it. In torture, Scarry suggest, this commitment is what appears as a *making and unmaking of the world* for the tortured as well as for the torturer, perhaps only for a moment. For those subject to humiliation, however, the animation of the world in the image of the soldier, even for a short time, can produce a profound and certainly memorable effect and, in this sense, it realizes the legal world in the flesh.

Humiliation, unlike most forms of torture, works to make those subject to it complicit in their own subjugation,<sup>14</sup> it pretends to choices – 5 seconds to get your ID out – and choices are the terrain of identity. Thus, the experience of humiliation can be as lingering as the life of the subject, and it can produce a legal world that reflects the lingering experience of humiliation. As one (Catholic-born) man in Northern Ireland recounts of his experience, some 30 years before, of being stopped and searched by a British soldier in his rural home town outside Belfast, it still makes him angry, it still 'pisses [him] off even now'.

I grew up in farm outside Newry. I remember coming back...I was at a working class grammar school.

Coming back from football training.

This squaddy stops me....british army

I'm holding my books... its pissing from the heavens.

I'm coming home. I am a swot, from grammar school. I'm 17. I have my PE gear and a lot of my notes

on my French and Spanish novels L'Etranger or Gabriel Garcia Marquez or whatever.

I also had a bag of chips.

A squaddy pulls me in, he asks me the usual stuff, ID? Where are you going, where are you from?

And its raining and my chips are getting wet.

---

<sup>14</sup> Torture, of course, can have this effect also, but in another form. Torture works, sometimes, to induce betrayal – of friends, of community, of cause – and, in some cases the tortured may experience this betrayal as having made a choice to betray rather than experience further pain. Again see Scarry (1985, pp. 27-59).

So I say, look its raining, can we hurry this up? Or something.

I said something non-compliant.

And then he went ‘fuck it you son’. And then it gets worse.

He takes my chips off me and puts them on the windowsill. And my chips are getting wet. Fucking prick, you know?

He’s about a year older than me. English working class. You know?

Then so, what school are you at?

... he starts looking in my bag, my school bag, right....

He starts looking in my notes, my swotty notes. And they’re all getting wet because he’s got the zip open, you know. I’m thinking ‘you little prick’

I say, can you hurry this up, its all getting wet... and its all getting antagonistic, you know?<sup>15</sup>

So he stands up and he opens the thing, wide. Its in a bag, a black Addidas bag. You know? He opens the bag wide. I’m thinking great.

And what he really wants me to do is take a swing at him, right? So he can arrest me. But fuck him he’s got a gun and I’m chicken shit basically you know? And I’m thinking, ‘you little prick’.

And then he does something which had never happened to me before. You get searched all the time, obviously, but there are some rules. This time not only does he frisk me as usual, but he wants me to take off my boots. I was wearing DMs - Doctor Martin boots – 14 or 16 lace holes and in those days with narrow trouser legs which had to been peeled over the boots. ‘Take your boots off’ he says. I said, ‘what ? Take your boots off I want to search them’. So I have to roll the trouser legs up and then undo these 14 hole or 16 hole DMs to get the off. Then I’m standing there in my socks, with my A level notes and my chips getting wet. And I remember thinking, this is what British imperialism looks like. This is what it looks like. A fucking little shit not much older than me doing that. It still pisses me off now, 30 years later. You felt just helpless and humiliated and of course all of that masculine shit is going on at the same time.

---

<sup>15</sup> Interview with the author for the Australian Research Council Project, ‘The Quality of Remorse’, Mr M, 17 October 2013, Belfast, Northern Ireland.

The school boy is the subject of play in which the meaning of who is to be policed – who is inferior – is laid bare by the work of humiliation. The significance of the questions (Where are you from? Where are you going? What school are you at?) is *known* by both parties. This is ‘the usual stuff’ of checkpoints; this is the scene-setting phrase – ‘three men walk into a bar’ – part of the joke, the formula. These questions denote a world where one can ask and one must answer. The questions, as information gathering, are not important. The questions merely establish the frame for the legal world. But then the school boy is asked, ‘*something which had never happened to [him] before*’: ‘*take off your boots?*’ then the unity of understanding is displaced in a mode which allows the soldier a sense of authorship over the discontinuity of the joke. It is where, in Freud’s terms, the ‘judgment’ insists in the joke (Freud 2001, p. 4) or, we can say it is the way in which the author determines the dis-alignment of the reference points that make the joke comical. At this point the soldier becomes the author who can decide what is to be the relation between subject and object. Thus humiliation, like the joke, functions to alienate the schoolboy from any practice of authorship. The schoolboy must accept the meanings made, in the flesh. He is to be ‘chicken shit’, and he will remember this moment for 30 years or more. But why does he remember this moment?

Humiliation here works on identity. Humiliation works to make the schoolboy repetitively make choices: to stop, to open his bag, to give up his chips, to take off his boots, to stand in his socks in the rain. It is the production of the boy as ‘chicken shit’. The demands of the schoolboy – linguistic, not physical, but backed up by a gun held in the left hand – means he must make choices. It is a production of choices as the collage of identity. In the making of choices he performs who he is, what he thinks, what he can do and what he cannot. It is obvious to most audiences to this scene that

there was little choice but to stop, strip off the boots and wait in the rain, but the question about what he could have done insists; this is how humiliation works, and specifically how it works on identity.

Humiliation produces a co-option of the boy in the choice. This is not dissimilar to the ‘choiceless choice’ (Langer 1980, p. 222) leveled at concentration camp detainees under the Nazi regime. It works to produce identity as an image of oneself as the one who did not resist. The non-resistance of the Jews of Europe has been the topic of much deliberation, and the attention – particularly in its form as criticism – betrays how painful it is to be faced with a choice, where there is none. ‘But couldn’t you have...[done otherwise, fought back, resisted]?’ is the chant which plagues all survivors of violence. It is not a question which only comes from outside, however. ‘Couldn’t I have done it differently?’ plagues all survivors of subjugation. Choice is the spectre of liberalism that inheres in those that believe that choices *can be made* (Salecl 2010).

This belief is one of the ingredients of identity in a post-enlightenment world, even in a post-enlightenment occupied Belfast. However, when it is grafted onto a body that is subject to the whims of soldiers with guns, it produces a sense of alienation from not only the regime, but also from the self. Humiliation plays on this form of co-opting identity and portends to throw into relief who the subject *really* is: ‘chicken shit’; and the performance of chicken-shit, the performance lived, felt, enacted in the body, ensures the memory (precisely because of its dis-continuity with the sense the boy has of himself before that moment) lives in the flesh of the one humiliated.

This, the schoolboy, now a man, says ‘is British imperialism right there’, and he means the ways in which it works to produce a schoolboy with wet notes in the

rain. But we can say something more about how the imperious function of checkpoints works through humiliation. Whereas torture leaves a scar, and certainly has some of the properties of humiliation, it is *viewable* in the flesh. Whereas legal judgment is experienced, in Cover's terms, 'in the field of pain and death' (Cover 1986, p. 1601); the jurisdiction of humiliation is identity. The person retains the memory of the choices they made, because they felt like *their choices*. In many ways this is similar to Oded's deferral of his own 'following orders' to the terrain of 'no judgment', because he has some difficulty bearing the reality of *choosing* the judgment of the regime. He therefore relives this moment in his mind and in his testimony. It is an effort to make sense of his choices, of himself.

## CONCLUSION

The making of sense, the wrapping of one's mind around the circumstances presented in the legal world, and the need to judge reality and nonsense, reference point and discontinuity are what produce the commitment to the legal world, and also what produce its lingering effects, in the flesh. The meanings at checkpoints are made in a way which ensures the effects of humiliation through the endless making sense of the object. Like jokes, the comic moment arrives with the sense. But it is not funny, 'cool', 'interesting' or 'a game' for all those subjected to its sensibilities.

What is at stake in the scenes above is the attachment of reality to law, as the capacity of the images of law's address – the terror, death, destruction and of course the suicide bomber – to be understood as right or as reality; that is, in the image of the regime but with the qualities of the law on the side of angels or, quite simply, real law – as if the limits of the regime are also metaphysical limits. What is at stake here is the capacity of law to communicate through the transcendental characteristics of what

we call reality, what the soldier must accept as reality at the checkpoint. Or, to put it bluntly, law has to be *accepted* as articulating the right judgment on the world around it and account for its imperatives and logics. This is apparent at checkpoints in Israel/Palestine as much as it is in occupied Belfast. It also appears in other jurisdictions, such as Australia in which colonization and its moral and legal insecurities over legitimacy demand the constant performance of reality attached to transcendental logics.

Humiliation may indeed be practiced in all these contexts as an effort to animate those who insist as a presence that undermines such tentative legitimacy. Time, identity and the question are mobilized to secure these worlds. Bodies and concepts are animated in the mode of ‘creative punishments’ as jokes are told over dinners. They work to solidify an understanding of the object into a more uniform, a more regimented, signification. Their application and allocation within the symbolic meanings of the regime secure *the* logic of the act that allows for the bodies before the checkpoint to signify only what the regime determines they will signify. Where this comes under question – where others seem too small to be a threat or too similar to the soldier, or where the regime seems to be non-sensical – then sense is made and re-made through the work of humiliation. It works to instill a form of sense in the minds of both soldier and civilian subject; a sense that is not easily forgotten. What occurs then is an experience of humiliation in the flesh, and a realization of a legal world that not only exists at the checkpoints but that lingers in the minds and bodies of those subject to its commitments and its confusions.

ACKNOWLEDGMENTS. This work was made possible with the assistance of Australia Research Council DECRA funding for the project ‘The Quality of Remorse’

DE120102304. My gratitude to the Council and to many colleagues at Kent Law School and Queens University Law School who participated in conversations on early versions of this work.

## BIBLIOGRAPHY

Australian Research Council Project. 2013. 'The Quality of Remorse', Interview with Mr M, 17 October. Belfast: Northern Ireland.

Breaking the Silence. <http://www.breakingthesilence.org.il/about/organization>  
Accessed 21 October 2015.

Browning, Christopher. 1992. *Ordinary men: Reserve Police Battalion 101 and the Final Solution*. USA: Harper Collins.

Butler, Judith. 1997. *The psychic life of power: Theories in subjection*. California: Stanford University Press.

Cash, John. 2009. Negotiating insecurity, *Australian Feminist Law Journal* 30: 87-107.

Cavell, Stanley. 1969. Music discomposed, in *Must we mean what we say?* New York: Scribner's, 180-212.

Cover, Robert 1986. Violence and the word. *Yale Law Journal* 95: 1601-1629.

Cuneen, Chris. 2006. Racism, discrimination and the over-representation of indigenous people in the criminal justice system: Some conceptual and explanatory issues, *Current Issues in Criminal Justice* 17(3): 329-346.

Dorsett, Shaunagh and Shaun McVeigh. 2012. *Jurisdiction*. London: Routledge.

Foucault, Michel. 1977. *Discipline and punish: the birth of the prison*, Trans. Alan Sheridan. New York: Pantheon.

- Freud, Sigmund. 2001 (1905). *Jokes and their relation to the unconscious Vol VIII*,  
 Trans. James Strachey. London: Vintage.
- Gobodo-Madikizela, Pumla. 2004. *A human being died that night: A South African woman confronts the legacy of Apartheid*. New York: Mariner Books.
- Goodrich, Peter. 1994. Jani anglorum: Signs, symptoms, slips and interpretation. In  
*Politics, postmodernity and critical legal studies: The Legality of the contingent*. Eds. Costas Douzinas, Peter Goodrich and Yifat Hachamovitch,  
 107-144. London and New York: Routledge.
- Grosz, Elizabeth. 1994. *Volatile bodies: Toward a corporeal feminism*. Bloomington:  
 Indiana Books.
- Hatzfeld, Jean. 2005. *Machete season: The killers in Rwanda speak*, New York:  
 Farrar, Straus and Giroux.
- Kappeler, Susanne. 1995. *The will to violence: The politics of personal behaviour*.  
 Melbourne: Spinifex.
- Lacan, Jacques. 2006. *Ecrits: The first complete edition in English*. Trans. Bruce  
 Fink. New York: W.W. Norton & Company.
- Lacan, Jacques. 2007. *The other side of psychoanalysis: The seminar of Jacques  
 Lacan, Book XVII*. Trans. Russell Grigg. London: W.W. Norton & Company.
- Langer, Lawrence. 1980. The dilemma of choice in the death camps, *Centerpoint*  
 4(Fall): 222-231.
- Lavi, Amit. 2015. 'Keeping things interesting'  
<http://www.breakingthesilence.org.il/testimonies/videos/44688> Accessed 21  
 October 2015
- Milgram, Stanley. 1974. The perils of authority. *Harpers Magazine*, Issue? Pages?

- Minow, Martha. 1998. *Between vengeance and forgiveness: Facing history after genocide and mass violence*. Massachusetts: Beacon Press.
- Na'amen, Oded. 2015. 'I never knew he was in distress' <http://www.breakingthesilence.org.il/testimonies/videos/78162?sg=0> accessed 21 October 2015
- Na'amen, Oded. 2015. 'You have no judgment' <http://www.breakingthesilence.org.il/testimonies/videos/23852> Accessed 21 October 2015
- Pick, Daniel. 2012. *The pursuit of the Nazi mind: Hitler, Hess and the analysts*. Oxford: Oxford University Press.
- Rogers, Juliet. 2010 'Torture: A Modicum of Recognition', *Law & Critique*, 32: 233-245.
- Rogers, Juliet. 2013. *Law's Cut on the Body of Human Rights: Female Circumcision, Torture and Sacred Flesh*. London: Routledge.
- Rush, Peter. 2005. Surviving common law: Silence and the violence internal to the legal sign, *Cardozo Law Review* 27(2): 753-766.
- Salecl, Renata. 2010. *Choice*. London: Profile Books.
- Scarry, Elaine. 1985. *Body in pain: The making and unmaking of the world*. New York: Oxford.
- Sereny, Gitta. 1995. *Albert Speer: His battle with truth*. London: Picador.