Conscientious Objection in Israel between Civil Society and State: An Overview

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Abstract

This chapter provides an overview of the history of conscientious objection to military service in Israel from just before the foundation of the State (1948) to the present. One of its aims is to reintroduce this subject in a historical narrative where it has been marginalized. Conscientious objection is seen here not only as an individual process, but also as a collective experience; it is considered as a phenomenon marked by historical continuity, rather than as a series of responses to one or the other contingency. In this chapter, conscientious objection is considered in the framework of the relations between state and civil society, where the latter should be understood as a network of national and international agencies and associations negotiating with the state on this subject with different intensity and frequency in different historical moments. The primary sources for this study come from the International Institute of Social History (Amsterdam, NL) and from oral history interviews.

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I don't preach evasion or violation of the law. That would lead to anarchy. A man who violates unjust laws must do so openly, out of love and a willingness to accept the penalty. The individual who breaks the law that his conscience tells him is an unjust law and who willingly accepts the penalty of imprisonment so as to awaken the communal conscience to the injustice truly expresses the highest measure of respect for the law. (Martin Luther King, *Letter from a Birmingham Jail*, 1964)

1 Introduction

This chapter provides a historical overview of conscientious objection to military service in Israel from the foundation of the state to the present. The existing literature usually sees the Lebanon War of 1982 as the starting point of this phenomenon (Linn 1996; Dloomy 2005; Zemlinskaya 2010), presenting it as a strong and prolonged reaction of hundreds of reservists and officers to a dramatic contingency, that is, the first war that the State of Israel started and fought for offensive rather than defensive reasons. Fewer researchers have taken a longer historical perspective and included in this history the two initial decades of the state, or explored its roots in the Jewish religious and political tradition (Epstein 1998; Hermann 2010; Simoni 2013; Vitone 2013; Zertal 2018). Most of these studies have looked at this phenomenon only from an internal Israeli perspective, not addessing the international connections that draft resisters/conscientious objectors cultivated personally and through the associations in which they organized themselves. Indeed, Israeli conscientious objectors (COs) were not alone but kept in constant contact with non-state international organizations like the War Resisters' International (WRI), which carried the ideas of human and socialist broter- and sisterhood of nineteenth century workers' internationals, the European Bureau of Conscientious Objection, and others. These organizations followed the developments taking place in Israel with great participation; they commented on the various changes that were introduced in conscription laws and noticed how the state and its institutions (the army, High Court of Justice, etc.) changed their policies of dealing with COs over time, and advised accordingly. They also tried to follow individual cases, in the same way as they were following cases in other countries. Israeli COs often turned to these organizations for their voices to be heard, and for the political pressure that they could put on the state institutions. In any case, a longer and more international view considers conscientious objection as an individual and collective choice that can be studied comparatively (Livny 2018). In the case of the State of Israel, it also allows the inclusion of the one single event that established the doctrine in Israeli military law that soldiers must disobey a "manifestly unlawful order," that is, the 1957–1958 trial related to the massacre in

Kafr Qasim in which about fifty Israeli Palestinian citizens were killed in October 1956 (Orbach 2013).

This chapter adopts a long-term perspective to underline those elements of historical continuity that make conscientious objection to the military service in Israel not as a sum of fragmented episodes but successive steps in a longer history. It also discusses this history in the framework of the relations between civil society and state, where civil society should be understood as a horizontal network of national and international agencies and associations that negotiated with the state the boundaries of conscientious objection to military service, with different intensity and frequency in different moments. Ultimately, an overview of conscientious objection in Israel presents a mirror to the more investigated history of militarism in Israel (Kimmerling 1993; Ben-Eliezer 1998 and 2019; Lomsky-Feder and Ben-Ari 1999) and shows the cultural, social, and political changes that Palestine/Israel as a societies and (later) state underwent since 1946.

Three aspects of this history have not been included in this chapter for reasons of space: first, a discussion of conscientious objection to military service in the Israel Defense Forces (IDF) from the perspective of right-wing radicals (Epstein 2002 and Gans 2002); second, an analysis of the phenomenon known as "grey refusal," that is, eluding service on grounds of pretended poor mental or physical health, fake religious conviction, wealth and celebrity status, etc., phenomena for which statistical data is scarce and that are fairly common wherever conscription is compulsory; and finally, a history of conscientious objection among the Druze population, that found an organized structure in "The Druze Initiative Committee" (1972), and that is today part of the "Refuser Solidarity Network."[1] A short note on linguistic notation is pertinent: the terminology to indicate a conscientious objector to compulsory military service in Hebrew ranges from the neutral *sarvan*/*it* (masculine and feminine forms) (objector) to the more derogatory *mishtamet*/*et* (dodger, shirker; Livio 2012, 2015) to the somewhat misleading *refusenik*/*it* (refuser), as this term was originally used to indicate Soviet Jews who had been refused permission to emigrate to Israel after 1967. This chapter generally uses the term conscientious objector (CO) or draft refuser (in the framework of civil disobedience), even though these terms carry different theoretical and legal implications (Gans 2002, Enoch 2002; Sagi and Shapira 2002). This complex approach is intended to help reinscribing this experience into a broader historical narrative for its many and manifold social, political and cultural implications.

2 Continuity

Since 1946, one can count between seven and nine major associations (and later nongovernmental organizations, NGOs) of COs, as well as several public campaigns in support of total or selective draft refusal. They all represented a bottom-up organized response to a specific historical situation where some men (and fewer women) subscribed to the idea that objecting to compulsory military service should

be considered at least an individual possibility, if not a collective right. This battle was waged by individuals belonging to different age groups and personal and professional backgrounds. However, from the point of view of social composition, and except for the Druze objectors, COs in Israel present a remarkably continuous and homogeneous profile: belonging to middle and upper classes, with a higher education degree, of Ashkenazi heritage and white (as opposed to Jews of Mizrahi, Arab, or Beta Israel descent).

a) War Resisters' International – Israel Section (WRII): The first of these associations, War Resisters' International–Israel Section (WRII), was established in January 1946 with the provisional name of *Palestinian group of the WRI*. It was affiliated to the major international(ist) association of COs of its times – War Resisters' International – originally established at Bilthoven (NL) in 1921, with the Esperantist name of "Paco" (Peace). This was the first anti-militarist and internationalist organization that went beyond religious, ethnic, or national constituencies and that included several other smaller organizations under its umbrella (Prasad 2005). Though seen as marginal at the time (Hermann 2010), it is worth describing it in some detail (Simoni 2013). The number of COs was never high, but for 25 years, WRII remained the only association to which COs could turn to, at least until a new kind of conscientious objection started to emerge in Israel in the 1970s, and more so in the 1980s. WRII started as a small group of "about 40 comrades from all parts of the country," mainly men, who were at the time led by the older Nathan Chofshi (1889–1980), and the younger Abraham Lisavoder, David Engel, and Joseph Abileah (1915–1994).[2] The members of WRII were pacifists and COs; with few exceptions, who indeed left the group, they embraced Zionism as a political project and, at the same time, they maintained an internationalist perspective on political affairs and in their activism. On a political level, WRII failed to have the right to conscientious objection recognized in the 1949 National Service Law, which established compulsory military service for citizens, with some provision for the exemption of women (Sasson-Levy et al. 2011; Harel-Shalev and Daphna-Tekoah 2015; Harel-Shalev 2019). Lacking legal provision, in the first decade of its existence, the state and its institutions dealt with male COs on an individual basis, with an attitude that the headquarters of WRI often defined as "generous."[3] In general, COs were tried speedily, very few were imprisoned, and the majority was granted release from active military duty but required to serve in a civilian capacity (often in a military context, a compromise that some members of the WRII refused). A well-known exception to these individual arrangements was Amnon Zichrony (1935–2017), whose case was resolved only after a dramatic trial in 1954 (Keren 2002; Simoni 2013).

Unlike Zichrony, most of the early COs had immigrated from European countries, some spoke Esperanto, several were vegetarians. Their objection to military service was based on the adoption of nonviolence as a guiding principle and refused to serve in army, do alternative civil service in a military context (even medical one), wear military uniform or clothes, receive pay from the military, eat food prepared in

military kitchens, and pay taxes that could finance the purchase of military equipment or support war in one's own country or abroad. Many of them maintained a correspondence with WRI that helped them feel less lonely in Israel in the 1950s, when militarism was in full swing, and in a society where their choice was often questioned on moral grounds with severe personal consequences. Some saw their studies hindered, others had their passports withdrawn and a few had their jobs (as teachers, for example) denied to them. When allowed to exit the country, contact with WRI also gave them the opportunity to participate in internationalist activities (conferences, work camps, international volunteer programs) where they could also meet COs from other countries. In 1954, *Ha'aretz* counted about 100 of them in Israel and described them as "strange idealists but of exceptionally high moral standard. . .ready to suffer great hardships for their stand [whose] refusal is based on a deep conviction, and they cannot be taken as people who want to evade service for ease or comfort."[4]

As it is often the case (Mayton 2001), draft refusal was just one aspect of a broader political vision that sharply contrasted with the contemporary discourse on current affairs. In 1947, for example, during the period of the UN partition proposal and throughout the War of 1948, many of them supported binationalism; in 1949, they denounced the expulsions of Palestinians as a way to incorporate new estates to house thousands of Jewish immigrants arriving in Israel from European or Arab countries; in 1953, they followed suit, mobilizing against the Land Requisition Law of that year; two years earlier they had challenged Israel's Nationality Law, criticizing the exclusion of non-Jews from citizenship, i.e., Palestinians who had been in the country when the law was passed (art. 3); in 1954, they set up a campaign against the *gadna* programs, which enhanced the militarization of youth by exposing them to military courses before the age of conscription, raising a strong parallel with "recent [Fascist] regimes that have poisoned the youth of their countries with the venom of militarization"[5] (Simoni 2013: 77). These are just a few examples among many; however, they provide an initial framework to underline that draft resistance came with a broader political vision that questioned the notion and practice of citizenship as inescapably tied to (generally male) military conscription (Helman 1999).

In the 1960s, Ješa'ajahu Toma Ŝik (Tamas Schuck, 1939–2004) from *kibbutz* Mavki'im became the new Secretary of WRII (a position he held until the mid-1980s); an icon in Israeli pacifism, Toma Ŝik is also described as an anarchist, socialist, humanist, atheist, and vegan (Karpel 2004).[6] Under his leadership, the association became more radical and was not able to mediate between older and younger COs or between the association and the state. At the same time, he continued to advise COs in Israel during a decade when no other organization existed to make their voices heard and to protect their rights. Ŝik maintained contact with WRI throughout the 1990s, with Amnesty International and with the European Bureau of Conscientious Objection (established in 1979) and also wrote pieces on the "The Right to Refuse to Kill," the journal of WRI, where Israeli and Druze-Israeli COs were often reported and commented extensively in a comparative context with other national cases. Inevitably, in the 1960s and early 1970s – which saw the

unfolding of the Six-Day War (1967), the War of Attrition (1967–1970), and the Yom Kippur War (1973) – the uncompromising approach that the association embodied by Ŝik led to a decrease in membership and, in the early 1980s, he was the only member of WRII left. However, in the early 1970s, other voices calling for draft resistance and objection started to emerge in Israel.[7]

The Six-Day War introduced a dramatic geopolitical and social transformation in the region as Israel conquered and occupied the West Bank, the Gaza Strip (WBGS), the Sinai Peninsula, and the Golan Heights (annexed in 1981), and East Jerusalem (annexed in 1980). The war caused the displacement of about 1,300,000 Palestinians, most of whom resettled in Jordan, and brought the remaining 700,000 under Israeli military control and occupation. This new situation, the ensuing War of Attrition and the political choices of the successive Israeli governments vis-à-vis the settlement question in the occupied and annexed areas further interlocked the histories and destinies of Israelis and Palestinians. Most of all, they led to the establishment of an administrative regime which has been variously conceptualized as colonialism (Pappé 2008), as the inevitable outcome of Zionism as a settler-colonial project (Busbridge 2018), or, on the other side of the political spectrum, as the ungoverned result of an "inadvertent war" (Popp 2006) born out of a preemptive defensive strike (Kurtulus 2007). This is not the place to enter this multilayered historiographical and political debate, which revolves around the nature of Zionism as a political ideology and its outcomes. At the same time, this question remains central because – already in the early 1970s, and continuously ever since – its implications informed and oriented the individual choices all those who decided to object (in various ways and degrees, from the left and the right) to serve in the IDF. In this respect, after 1967, draft refusal can no longer be seen only as a choice of nonviolence but needs to be understood in terms of the moral costs and the security benefits of acting on behalf of an occupying army (Gordon 2008). Not by chance, in this same period, COs became one component in a broader peace movement that was also struggling with these questions (Bar-On 1996), and that Tamara Hermann described – in its cyclical appearing and disappearing from the public sphere – as the tail of a whale, emerging from the water's surface, and disappearing again, to reappear somewhere else (Hermann 2009: 76).

b) *Writing public letters – laying the foundations of a public discourse (1970–1981)*: Between 1970 and 1979, the foundations of a limited public discourse on selective conscientious objection in Israel were laid by a few high school seniors about to be conscripted, who wrote four collective letters addressed to the military and political establishment (Shapira 2010; Katriel 2021). Selective conscientious objection has been described by Kidron (2004: 55–59) as the input of Israeli activists to the theory and practice of conscientious objection. Selective COs serve (also in combat roles) in the IDF for reasons of territorial and national defense, but object to serving in other situations.

Shministim (twelfth graders) were the first to use this protest mode in 1970, though this group remains the least documented among all COs. Understandably

so, as none of the fifty seven petitioners who had signed a public letter to Prime Minister Golda Meir on 28 April 1970 – stating they were "unsure they could carry on military duties" in the WBGS "under the army's slogan 'there is no choice'" – ultimately refused draft (Hetsroni 2008). However, their letter provoked an initial political debate and sparked a generally negative reaction in society. In response, about 750 other high school seniors signed ten counter letters, stating their readiness to enlist (Hetsroni 2008: 238). Still, some seeds of this first generation of *Shministim* bore fruit a few years later, and the 1970 letter is considered an important step in developing refusal movements in Israel (Shapira 2010). In August 1971, four members of the small Communist party *Matzpen* (The Compass) – Giorah Neuman, Dov Gal, Irit Ya'acobi, and Reuben Lassman – wrote a public letter to the Minister of Defense stating their unwillingness to serve in an army of occupation. Only Neuman went all the way, describing the IDF "as an occupying and persecuting army" and refused to swear allegiance to the IDF and thus received an eight-month imprisonment for disobedience (JPS 1972: 148).[8] In 1972–1973, other four selective COs – Yitzhak Laor, Joseph Koten, Joseph Chen, and Gadi Gideon – were arrested for their refusal to serve in the IDF after witnessing its heavy-handed behavior in the Sinai Peninsula during their military service. The tangible legacy of this group extended to 1982, as a few of them later joined the much larger movement of selective objection *Yesh Gvul* (There is a Border/Limit), which grew out of the First Lebanon War (Zemlinskaya 2010: 25).

In 1978 came probably the most famous of these public letters, the so-called "Officers' Letter," delivered to Prime Minister Menachem Begin during a stall in the talks between Israel and Egypt at Camp David. Signed by 348 soldiers and reserve officers, the letter was not really about refusing the draft; still, in its encouragement to Begin not to miss the historic opportunity to reach a peace agreement with Egypt, it signaled a deep unease of this group "to identify with the State of Israel" (and thus eventually sacrifice for it) should the government (continue to) prefer a

> "State of Israel within the borders of Greater Israel to its existence in peace with good neighborly relations (. . .), the existence of settlements beyond the Green Line to the resolution of our historic conflict and creation of normal relationships in our region (. . .), continuing to rule over a million Arabs [and thus] harm the Jewish-democratic character of the state."[9]

The foundation of the peace movement *Peace Now* shortly afterward was connected to this document and to the group that signed it. The 1970s closed with a third letter, addressed to Defense Minister Moshe Dayan on 25 July 1979, where another group of 11th and 12th graders ("The 27th Group") expressed their refusal to serve in the WBGS, thus inaugurating an explicit action of selective refusal. This caused a shift in the army's policy of dealing with COs, which were now placed (and kept) in jail for several terms. The best-known CO of this generation was Gadi Algazi; sentenced seven times to short prison terms, he appealed to the High Court. In December 1980,

Algazi received a prison sentence of one year of which he only completed one month, before being permanently discharged.[10]

The phenomenon of high school senior students objecting to draft and service in the IDF, whether in a selective or total form, was far from over in 1979, and other generations of *Shministim* appeared in the following years (1987, 2001, 2005, 2018, and 2021). The numbers of letters and of signatories grew (from a few individuals to hundreds) and their type also changed (high school seniors, conscripts, reserve soldiers, and officers) but the structure of these documents often repeated itself (Katriel 2021: 91–92): one letter would recall the previous one, reproduce its text, imitate its style, or make explicit reference to a previous group of COs, thus establishing a continuity that strengthened these groups' sense of legitimacy, collective identity, and trans-generational cohesion. This type of action situated the protest across generations, between individual and collective civil disobedience, and between the individual's moral choice and the group's collective action. In varying degrees, all these groups saw conscription in the IDF as service in an army of occupation engaged in the oppression of the Palestinian population; therefore, they saw draft refusal as contributing to the democratic nature and functioning of the state. In the 1980s, the Lebanon War and Palestinian Intifada (1987) transformed conscientious objection in Israel, making this phenomenon widespread and politically motivated, inclusive of older conscripts and officers, and leading to the foundation of the well-known movement *Yesh Gvul* (YG).

c) Yesh Gvul (There is a Border/Limit) – The history of YG as a movement of selective COs stands as a chapter in itself (Linn 1996; Kidron 2004; Weiss 2014) even though it intertwines with that of other groups and campaigns that defended selective or total refusal. YG emerged during the First Lebanon War as a spontaneous movement and turned into a more structured association in the following decade and has now become a large and articulated NGO. The history of this movement can be divided into three distinct phases: a first one during the war itself, marked by a rapid growth in the numbers of COs, and by a strong reaction of the state and of its institutions. A second one from the mid-1980s, gaining momentum during the First Intifada (1987–1991) and later during the Second Intifada (2000–2004). In 1987, two groups of *Shministim* joined in the protest writing to Prime Minister Yitzhak Shamir in which they declared their objection to serving in the WBGS (Vitone 2013: 130). During the Second Intifada, as the tactics and style of the Lebanon War spilled over to the military operations that the IDF conducted in the WBGS, so did the refusal. YG began its third phase in the new century, when the organization became, together with other new NGOs, a major site of activism, actively promoting selective conscientious objection through press, periodical publications, books and collection of soldiers' testimonies, press campaigns, legal petitions, and since 2009, also through the award of the Leibowitz Prize "for public activity in the struggle against the occupation and the constant pursuit of peace in the spirit of Prof. Leibowitz's teaching." In this context, YG connected with organizations that operated within a similar and compatible system of values in Israel and internationally, to negotiate with the state a transformation of the political reality, all traits that fit a definition of civil society (Gellner 1995).[11]

In its first and defining petition of 1982, YG denounced the war as an attempt to establish "a new order on the ruins of Lebanon, to spill our blood and the blood of others for the sake of the Phalange [the Lebanese Christian militia led by Bashir Gemayel]," underlining that these were not the reasons why the signatories "had enlisted in the IDF."[12] Three thousand reservists, 160 of whom were then jailed, signed the petition, transforming YG within a short time into one of the main organizations of the Israeli peace camp of the time. YG attracted reserve soldiers and officers who spontaneously joined the organization during or upon returning from their tour of duty in Lebanon. During this period, its members inaugurated political protests that have become common practice in Israel, for example stationing with a tent near the Prime Minister's office to protest.

In 1983, for the first time, YG members appealed to the Supreme Court to stop the "abuse of conscription orders against conscientious objectors." And even if the Supreme Court "backed the army's use of re-enlistment as punishment for those who refused the Lebanon war,"[13] this action signaled the beginning of a new phase of negotiations between the state, its institutions and organizations from civil society. Since then, YG has appealed to the Supreme Court at least another 14 times.[14] At the same time, given the expansion in its numbers, in 1987, YG started to develop some practical steps to help jailed members and their families, setting up a voluntary fund in their support, while simultaneously organizing press campaigns that kept the stories of the jailed soldiers alive in public attention.[15] In 1988, YG published a booklet *Pinchas Sherut* (*Service Card*), designed to fit into the pocket of a military shirt and intended to be passed from hand-to-hand, "to give advice to those who have already made a decision."[16] YG's booklets also appeared in later years and in 2002, YG published a more detailed 16-page *Survival Kit for Refuseniks*, which guided the prospective CO through the administrative complexities of the process, and tried to mitigate the inevitable fears that refusal engendered, from immediate imprisonment to family and social ostracization (Peretz 2004: 106–107).[17]

In every campaign, one participant emerged – often through media coverage – as a romantic hero for some (and as a chief villain for others). In the Lebanon War, the spotlight fell on Col. Eli Geva, the youngest colonel in the IDF at the age of thirty-one. After leading his armored brigade to the conquest of Tyre, Geva asked to be relieved of his command in Lebanon because he opposed an attack on West Beirut (*The New York Times*, 1982: 8; Morris 1984).[18] Many other testimonies let us hear other voices and actions of refusal that were equally powerful and that continued to echo through the decades, both in Israel and in Lebanon, as the history of Hagai Tamir shows (see below). Given the centrality of such voices in this history, we have some space to them.

One of the central themes of the memoirs by COs during the Lebanon War was the immorality of war, especially one conducted among civilians, whether seen from the ground inside a tank, or from above, in a fighter jet. This is one of the points of Ouri [Uri] Schwartzman, a sergeant in the reserves and a psychiatrist:

> Nothing prepares you to enter a city shelled and full of civilians. The planes and the navy had shelled the city before us. When the ground forces arrived, the city was on fire. . . . Here and

> there, small groups of civilians strolled aimlessly, in shock, in the midst of this incomprehensible desolation… In Tyre, for the first time in my life, I understood how we could use the army for the worst… people who in civilian life would not harm anyone, or even offend anyone, suddenly, they took part in a military operation that consisted in destroying an entire city, and they accepted it …. I remember the silence that reigned in the midst of this madness. (Gal and Hammerman 2003: 41)

Schwartzman could start thinking about refusal only during the waiting period before entering Beirut, after passing through pillaged Tyre and Sidon, "when everything that had been suppressed during the fighting resurfaced" (Gal and Hammerman 2003: 46). Amir Tal "had a terrible crisis there." Having "joined the military with very patriotic feelings…within a week, my outlook completely changed"; once in Beirut, he was "on the verge of going to jail for rebellion" and "kept wondering what I was doing there" (83–84). Ilan Hauser started "to have doubts on the fifth or sixth day" (127), as he remembered "standing in front of the door for a moment, telling myself that if I didn't leave the army now, immediately, I didn't deserve to come back alive from this war!" (135). The thoughts of Giora Ben-Dov – architect, reserve lieutenant-colonel, and pilot – complete this brief overview from yet another perspective:

> We could not be satisfied with saying 'we obeyed orders'.… I went to find Dani Sahaf, our commander. I said to him, 'Listen, Dani, just ask me to attack anti-aircraft batteries, targets in the vicinity, but I don't want to bomb Beirut…I am an architect, I have a master's degree in urban planning, I build cities, I don't destroy them…(186)

This testimony recalls directly the history of architect and pilot Hagai Tamir who refused to bomb the Saida Secondary School for Boys in the summer of 1982 and whose story was transformed into a video and film installation called *Letter to a Refusing Pilot* by the Lebanese artist Akram Zaatari at the Pavilion of Lebanon at "55th Art Biennale" of Venice in 2013 (Zaatari 2013; Simblist 2016).

These and other dissenting voices were collected in a powerful small volume edited by Irit Gal and Ilana Hammerman, which was published in 2003, when a new wave of selective Israeli COs started to organize and receive exposure in the national and international media. Starting from its title *From Beirut to Jenin*, Gal and Hammerman collected testimonies that establish a direct link between the war in Lebanon and the military operations that the IDF conducted in the WBGS in the new century, starting from the Second Intifada. In this context, the experience of 1982 was understood as an anticipation of the "new wars" (Ben Eliezer 2012) of the twenty-first century: offensive, mainly conducted in an urban context, among civilians, detached from the political rhetoric that justifies them, and also from the civilian lives that the rest of the population continues to lead at home, usually launched to curb real or presumed terrorist threats. Many of the military operations that the IDF conducted during the Second Intifada fit into this description and represented an example of what would come in later years. In the words of Shouki Yashouv (Shuki Yashuv) (also *Journal of Palestine Studies* 1982):

> We were soldiers, but we did not know and did not understand what to fight in the midst of civilians exactly meant. ... Today we do not even know what it is to be a soldier who would not fight among civilians. But at the time, it was the first time we were dealing with a war of this type. Today, twenty years after that stupid war, we have incorporated the experience of Lebanon (Gal and Hammerman 2003: 72).

Speaking in 2003, Giora Ben-Dov, mentioned earlier, returned to this question:

> The war in Lebanon was indeed a rupture because it was there that we began to wage wars . . . against civilian populations. . .The war in Lebanon led directly to what is happening today. . . The army is once again fighting against a civilian population, the same language is used: 'destroy the infrastructure of terrorism', 'clean up', 'carry out an operation'. It's all like shooting people inside a city. (188–189)

Finally, the same concept emerged in the testimony, as well as in the lyrics and music by Yuval Banai, lead singer of the rock band Machina:

> The survival of the homeland did not require that we go to Beirut, or be killed, injured, lose an arm, a leg, or an eye (106). The ultra-disciplined soldier that I was became ultra-undisciplined, I refused to obey orders, I was against the army, against war in the last degree. We started writing the most 'anti' songs possible, both on our first record and the second: "The cannon always rings twice." (102)
>
> Six years ago, Shlomi and I went to Hebron for a reserve period . . . I was horrified by the Territories, by Hebron, by the settlers there, by everything that is happening in this city. I came home in shock, and it was then that I wrote this song, which begins with 'In '82, in the hills of Beirut.' . . . I had written an additional verse that I ultimately did not include in the song. It was called 'In '96 in the Hebron Hills.' (104–105)

YG consolidated the notion and practice of selective refusal in Israel more permanently than any other group that preceded it and built on that experience during the 1980s – especially during the First Intifada (1987–1991)[19] – to carry the message over into the new century, when older generations of reserve officers and soldiers, and a new generation of potential conscripts, made conscientious objection more diversified and complex, and more visible in the Israeli public discourse.

The new century opened with a series of "new wars" (Ben Eliezer 2012): the Second Intifada (2000–2004), the 2006 War in Lebanon, and three major full-scale military operations in Gaza (2008–2009, 2011, and 2014). From a political point of view, since 2001, right-wing parties dominated national elections, while the last decade has seen the uninterrupted rule of Benjamin Netanyahu as Prime Minister, victorious in five successive Knesset electoral (2009, 2013, 2015, 2019, and 2020). During this period, the settler movement expanded geographically and numerically in the West Bank and East Jerusalem, and so did its influence and weight in national politics.[20] In 2003, Israel began constructing the so-called separation barrier with the West Bank, with several deviations from the Green Line. In this context, the national rhetoric emphasized the idea of being "under siege" (Del Sarto 2017), speaking of fear and security, control and technology, military threats and military reactions, strength and training, closure and separation. These factors gave a new centrality to the IDF, on

a practical, political, and rhetorical level, and, at the same time, they undermined the legitimacy of groups and NGOs that aimed to expose militarism in society and/or that supported draft refusal, whether in its total or selective form. It was not only a cultural offensive but also a legal one: between 2011 and 2018, various laws succeeded to marginalize, hinder, and criminalize dissenting narratives and activism like never before; among them, the so-called *Nakba Law* (2011, an amendment to the *Budgets Foundation Law* of that year); the amendment n. 27 (March 2017) to the *Entry Into Israel Law* (1952); the so-called *NGO Law* (June 2017), the so-called *Boycott Law,*[21] and the so-called *Breaking the Silence Law* (July 2017); and the process culminated in the Basic law *Israel as the Nation-State of the Jewish People* of 2018.[22] Against such a prolonged offensive by the state, a dissenting civil society that had been targeted through this law-making effort managed to mobilize impressive resources.

3 Continuity in the New Century

At the beginning of the new century, numerous NGOs that dealt with selective or total conscientious objection were established in Israel. One of them involved also Palestinians in the WB. For their different and complementary approaches, and for the far-reaching implications of their work, these groups have received scholarly and media attention, (Lacusta-Kaufmann 2010; Katriel and Shavit 2011; Simoni 2014; Weiss 2014; Fleischmann 2019; Esu 2021; Katriel 2021). Given this context, and to provide continuity to the historical analysis of conscientious objection from 1946 to the present, an overview of the period is also included. Here, draft refusal should be understood as one aspect of their broader anti-occupation activism.

In the field of supporting COs and deconstructing militarism in Israeli society, the new century had already begun in 1998, with the establishment of *New Profile* (Profil Chadash). This NGO adopted a feminist perspective to show how deeply militarism had permeated collective thinking, education, family life, consumption patterns, and industry. In its workshops, exhibitions, educational activities among teenagers and on its website, this NGO worked to "make militarism visible" in society and to support young COs. Between 2001 and 2004, during the Second Intifada, when the IDF had gained a renewed centrality in society and politics, three other main NGOs engaged with the questions of violence, militarism, draft, and refusal, in different and complementary ways: *Courage to Refuse* (Ometz le-Sarev, 2002), *Breaking the Silence (BtS,* Shovrim Shtikah, 2004), and *Combatants for Peace* (CfP, *Lochamim le-Shalom-Muqatilun min ajl Assalam*, 2006).[23]

CfP began with a series of private meetings attended by a small group of Israeli and Palestinian former combatants that went through a complex process of mutual recognition, of their own and of the Other's history, individual and collective traumas. From here, they transformed their original rejection of violence into a broadly conceived educational mission, developing a political project around the notion of encounter(s). These could be in person, face-face or through local binational working groups, or could be with the sites of the conflict. Members of CfP have been leading educational tours in the West Bank for the past two decades, an activity that many other NGOs involved in anti-occupation activism also developed

in the same period, such as *Machsom* [Checkpoint] Watch (2001), *Zochrot* (We Remember, 2002), the earlier mentioned *Breaking the Silence* (2004), and others. These activities *per se* do not support refusal in the IDF; however, by being joint Israeli-Palestinian activities, by working on space, land, and memory, they represent a challenge to the notion that collective salvation can be found mainly through violent means. Such a critical approach also emerges in the yearly Israeli-Palestinian Memorial Ceremony – a critical alternative to the official celebrations of Israel's Independence Day and Palestinian Nakba Day – that CfP has organized since 2009 in cooperation with another mixed Israeli-Palestinian NGOs, *The Parents' Circle Families' Forum* (1995), and with other Israeli and Palestinian partners.[24]

During the same period (2001–2004), the debate on conscientious objection was kept alive by several public letters which made the headlines, written both by new groups of *Shministim* (one in 2001 and another in 2002) which called for total conscientious objection, and by reserve officers in various units of the IDF, who declared their selective objection to serve in the WBGS. Between September 2002 and December 2003, there appeared a Combatants' Letter (which reproduced with minimal changes the letter of the 348 reserve officers addressed to Prime Minister Begin in 1978, quoted above), a Letter of Pilots and Navigators (27 signatories), and a letter of dissent signed by 43 members of the field intelligence-gathering unit *Sayeret Matkal*.

The letters by the *Shministim* and those by officers are different; the age and background of the signatories are different, so are their perceived status in society and the rhetorical styles they employ (Katriel 2021). In the *Shministim* material, the army generally is seen as a tool of systemic oppression, and refusal is thus total; for the reserve officers who are already part of the IDF, refusal can only be selective. In different ways, all these letters declared that the signatories refused to be a cog in an army of occupation and a tool in the control and oppression of another people. Moreover, the Combatants' letter of 2002 was at the foundation of the movement *Courage to Refuse* (Ometz le-Sarev), which rapidly grew from fifty-one signatories to 631 members, but which equally rapidly faded from the scene. This movement had originated within a solid Zionist framework (Katriel 2021: 98) among the elites of the IDF and did not develop a political project in support of their selective refusal. Given their placement within the boundaries of the Zionist discourse, the High Court ruling of 2002 – that declared selective refusal to be illegal, but that considered total objection legitimate on the grounds of unqualified pacifism – might have been one of the factors that led to the rapid disappearance of this group.[25]

The disappearance of *Courage to Refuse* opened a space in civil society that was filled by *Breaking the Silence* (BtS), an NGO of army veterans, which is one of the most studied among those established in this period (Golan and Orr 2012; Katriel and Shavit 2011; Simoni 2014; Helman 2015; Esu 2021; Katriel 2021). BtS started in 2004 when sixty veterans of the IDF presented written testimonies and photographs from their military service in Hebron. From here developed a political project to expose (BTS 2009; Sasson-Levy et al. 2011) the reality of everyday life and occupation in the WBGS, through the testimonies of soldiers, veterans, and some veteran women too (BTS 2012; Helman 2015). The organization does not engage with the question of conscientious objection. However, its political project appears equally disruptive:

creating a testimonial archive (from 2001) of the protracted human rights violations taking place during the military occupation that will be available for the present and the future (historians and generations) for consultation, reference, reflection, memory, acknowledgment, and even for questions of transitional justice. In this framework those who access these sources become responsible for passing on the testimony and, not by chance, several films have made use of this material (Simoni 2014).

This line of reasoning had appeared before, nowhere more eloquently than in the last (so far) letter that originated inside the IDF. In 2014, forty-three veterans of the largest electronic signal gathering intelligence unit, *Unit 8200*, active both abroad and in the Palestinian Territories, sent a public letter stating they would no longer participate in activities that made the occupation possible. As the three signatories of the letter – sergeants A. and Nadav, and captain D. – explained, that meant stopping to serve in the prestigious *Unit 8200* and in the army altogether:

> D.: It isn't like a military issue where you need to know how many airplanes the enemy has. The targets of this intelligence are specific people, and the consequences that this intelligence have are very serious . . . because it is also [gathered] by the same regime that controls their lives.
>
> A.: You are bound to be drawn to do the all-encompassing surveillance that D has talked about. I'm the person who is doing it . . . [and I came to] see myself in the light of other oppressive regimes, and the role that intelligence plays in these regimes was the turning point. . . I decided to refuse long before the recent [Gaza] operation. It was when I realized that what I was doing was the same job that the intelligence services of every undemocratic regime are doing.
>
> D.: Another important realization for me was that our unit was the intelligence side of an oppressive military regime [in the occupied territories]. Realizing it in those terms also brought it much closer to me because my dad was Argentinian, and he was imprisoned by the military dictatorship in 1977 (Beaumont 2014).

Since 2004, the *Refuser Solidarity Network* started connecting the dots of an activist scene that, in the field of conscientious objection, saw the emergence of new letters and new generations, some of whom embraced a more radical approach than their predecessors. Between 2005 and 2021, various groups of new *Shministim* published five new letters (2005, 2008, 2009, 2018, and 2021), only one of which led to the establishment of a more structured movement which took the name *18 December* (2008) and which has been active at least until 2012.[26] In all of them, their authors and signatories called for total conscientious objection and for many of them this meant serving numerous prison terms. Published with 60 signatures, the letter of January 2021 took a longer and more radical perspective. This group dated the beginning of the occupation of Palestine to 1948 and subscribed to the concept of "ongoing Nakba," a critical expression that refers to the continuous renewal of the Palestinian displacement and which had been adopted by other NGOs engaged in anti-occupation activism (like Zochrot [2002] for example, whose monthly publication is titled *Sedek. The Journal of the Ongoing Nakba*). As in the previous examples, this one also identified the responsibility for the ongoing occupation with the whole army, and not just with the units serving in the occupied areas.

4 Conclusions

> *It will be seen that they go mad in herds, while they only recover their senses slowly, and one by one.* (Charles Mackay, *Extraordinary Popular Delusions and the Madness of Crowds* (1841)

One of the elements that has not been discussed in this outline is the numbers of COs in one or the other moment in this long history. In 1954, *Ha'aretz* reported of about 100 COs; in the 1970s, Toma Ŝik had remained the last member of WRII while, in the same decade, a few *Shministim* served prison sentences for consistently refusing to enlist. Even during the First Lebanon War and the First Intifada, which represent two of the most significant periods for conscientious objection in Israel, numbers did not reach the thousands. Given these numerical premises, some literature concludes that the subject is not worth an investigation. Even more so, given that the proverbial quota of 500 COs – that Yeshayahu Leibowitz had indicated as the threshold for the beginning of a civil revolution in Israel – has been surely met by now, while militarism and the IDF have retained their historical centrality and prestige. What is, therefore, the utility of a history of conscientious objection in this context? Several smaller and larger points can help answer this question.

In the first place, COs represent disturbing elements in the portrayal of a conflict in which the two contending parties are often represented as monolithic entities. In this respect, they introduce nuance and complexity in the history of Israel as a state and as a society; including them in a historical narrative also includes more nuance and complexity. Whether in the early 1950s, in 1982, or in 2004, being a CO came with a perspective on international and domestic affairs that challenged mainstream political discourse. It also came with greater international connections and readiness to pay high personal prices for one's own choice; these ranged from substitute civilian service to court-martial and repeated terms in prison. It could also be argued that without these disturbers, the situation would have been worse: the 348 officers who prompted Begin not to give up at Camp David helped push forward an agenda of peace-making; the selective COs of YG did not help peace-making, but their numbers ultimately helped the government decide on withdrawal from Lebanon in 1984. *Shministim* can be seen as repetitive in their letters; however, they keep raising relevant questions about their country, the conflict into which they are born, and the education they received, exactly as members of WRII had refused *gadna* training in 1950. Their reappearance at regular intervals signals a request for a more pluralistic society. BtS may have had a limited impact on policymakers; however, their project of collecting testimonies will echo for decades. There could be many other examples; on a smaller scale, the decision not to obey a military order considered immoral – whether in Lebanon, Gaza Strip, West Bank, or from a technological control room – certainly had an enormous impact on the life expectancy of the person in front of the gun (and on the life of the one behind the trigger).

In the second place, a history of conscientious objection indeed represents a mirror on the history of militarism in Israel, allowing us to evaluate the strength of the state at different moments. In this context, the definitions of a strong and weak state are inverted: a strong state is one that can absorb, handle, and channel dissent,

and a weak one is a state that deals with its dissenting population through punishment alone. Unlike many other countries that have not been in an existential conflict in the past seventy years and have gradually decriminalized conscientious objection throughout the twentieth century, the State of Israel has tightened its policies against COs. Between 1998 and 2021, selective and/or total refusal saw an increase, both in the numbers of COs and in the diversification of the political projects that supported draft refusal, directly or indirectly, through different associations. Such an increase can be understood as development in the pluralism of civil society; it could also be seen as a reaction to the parallel development and growing influence of grassroots right-wing associationism within and around the settler movement.

This juxtaposition was not new in Israeli society and politics; on the contrary, it prolonged in the new century that phenomenon that Michael Feige (2002) had identified in the Israeli public sphere already in the late 1970s, when *Gush Emunim* (1974) and *Peace Now* (1978) were competing for public recognition and space. In the new century, when values and ideas traditionally associated with a violent and religious right found a means of expression and an outlet in grassroots activism (and limited state intervention), the growth and diversification of an opposite type of associationism that promoted tolerance and nonviolence proved crucial for defending human rights and for leaving some space for peacebuilding. Indeed, as Jenny Pearce has taught us (2011), civil society (as opposed to uncivil) is not only a means of political organization but is made first and foremost by the values that its members adopt, remaining crucial to a future based on a "plurality of visions that are articulated in a plurality of ways, all of which ultimately contribute to the peaceful interactions of human beings."

5 Cross-References

▶ B'Tselem: Historical Performance in a Protracted Palestinian-Israeli Conflict
▶ Israel and Four Mothers Movement: Leaving Lebanon in Peace
▶ Israel's Regime Conflicting Classification
▶ Plurality and Containment in Israel
▶ Protest Movements and Democracy in Israel
▶ Security, Secrecy and Democracy vs. Public Diplomacy: Israel's Achilles Heel

6 End Notes

1. International Institute of Social History, Amsterdam (henceforth IISH), "The right to refuse to kill," 4, October/November 1978, p. 26.
2. IISH, War Resisters' International (henceforth WRI), 320, Letter from David Engel to WRI, 13 January 1946. A partial list of 32 names (inclusive of adherents and sympathizers) and the Circular n. 1 containing the statute of the new organization are in Ibid. On Abileah, see Bing 1990.
3. IISH, WRI, 555, *Laws concerning Conscientious Objectors*, p. 106.

4. IISH, WRI, 319, [n.a.], *Difficulties to Conscientious Objectors*, Ha'aretz, 14 September 1954.
5. IISH, WRI, 319, Letter from Joseph Abileah to WRI, Haifa, 12 February 1954 [translation of Nathan Chofshi's letter to the Minister of Education and Culture of Israel dated 13.12.1953].
6. For a brief memoir by Ŝik himself, see Ješa'ajahu Toma Ŝik, *Puzzles of a lifetime* available on the website of WRI, https://wri-irg.org/en/news/2004/toma-en.htm; see also the audio portrait available at http://nkatz.org/work/audio/toma_sik.mp3, and the interview on the radio of the Italian Radical Party, http://www.radioradicale.it/scheda/3274/war-resisters-international?i=2811603, all accessed 7 January 2021.
7. IISH, European Bureau of Conscientious Objection (henceforth EBCO), 7-10, Correspondence 1975–1980, Hein Van Wijk, *Le droit à l'objection de conscience en Europe*, Service Civile International, Luxembourg [n.d.] [*The Right to conscientious objection in Europe*, French]. IISH, EBCO, 12, The Right to Refuse to Kill 1993, where comparative cases are discussed in March 1993 and July 1993. IISH, WRI 501, Correspondence 1981–1985.
8. IISH, EBCO, 228, Amnesty International, *Israel and the Occupied Territories. Conscientious Objection in Israel*, 18 October 1988, p. 3.
9. The letter in the original Hebrew is available at the website of the Israeli think tank Economic Cooperation Foundation, https://ecf.org.il/media_items/1456, accessed 10 January 2021.
10. IISH, EBCO, 228, Amnesty International, *Israel and the Occupied Territories*, p. 4. For the full text of the letter of the "Group of 27," see IISH, "The right to refuse to kill," 9, September/October 1979, [n.p.]; for a direct account of the Algazi trial see IISH, "The right to refuse to kill," 17, January–April 1981: 37–39.
11. The posters of the public campaigns of YG are available on the organization's website, http://www.yesh-gvul.org.il/newpage13, together with a list of petitions to the High Court of Justice (1983–2017) http://www.yesh-gvul.org.il/newpage4, and a full list of publications (books http://www.yesh-gvul.org.il/newpage10; pamphlets and journals http://www.yesh-gvul.org.il/newpage12). The website also contains the list of winners of the Leibowitz prize http://www.yesh-gvul.org.il/newpage5 and a some video clips of its award http://www.yesh-gvul.org.il/newpage3, all accessed 10 January 2021 [Hebrew]. On the history, teachings, and political thought of Yeshayahu Leibowitz, see Leibowitz (1995).
12. http://www.yesh-gvul.org.il/newpage13, accessed 20 April 2021.
13. See http://www.yesh-gvul.org.il/newpage4, accessed 10 January 2021 [Hebrew].
14. Ibid.
15. IISH, "The right to refuse to kill," August 1989, pp. 40–41.
16. IISH, EBCO, 228, Amnesty International, *Israel and the Occupied Territories*, pp. 7–8.

17. A shorter version is available on the organization's website, entitled *Information for the Refuser*, http://www.yesh-gvul.org.il/newpage1, accessed 10 January 2021 [Hebrew].
18. For Geva as a romantic hero, hear the song entitled *Eli Geva* composed in 1982 by Anthony Brugess and recently interpreted by Norwegian artist Moddi, https://www.youtube.com/watch?v=1ZS5hm9RIzE, accessed 11 January 2021.
19. IISH, EBCO, 228.
20. As these charts taken from the website of the peace organization Peace Now (Shalom Achshav) illustrate for the WB, https://peacenow.org.il/en/settlements-watch/settlements-data/population, and for East Jerusalem, https://peacenow.org.il/en/settlements-watch/settlements-data/jerusalem, both accessed 13 January 2021.
21. An English translation of this law, whose full title is "Law Preventing Harm to the State of Israel by Means of Boycott" is available at https://law.acri.org.il//en/wp-content/uploads/2011/07/Boycott-Law-Final-Version-ENG-120711.pdf, accessed 21 April 2021.
22. For the full text of the law, see the website of Israel's parliament, the Knesset: https://knesset.gov.il/laws/special/eng/BasicLawNationState.pdf, accessed 22 January 2021.
23. The websites of all NGOs mentioned in this section are : for New Profile, http://www.newprofile.org/english/; for Combatants for Peace, https://cfpeace.org/; for Zochrot, https://zochrot.org/; for Machsom Watch, https://machsomwatch.org/en/about; for Breaking the Silence, https://www.breakingthesilence.org.il/; for The Parents Circle – Families' Forum, https://www.theparentscircle.org/en/pcff-home-page-en/; for the Refuser Solidarity Network, https://www.refuser.org/; for B'tselem, https://www.btselem.org/; for the group of Shministim active between 2008 and 2012, http://december18th.org/, all accessed 14 January 2021.
24. For the 2021 joint ceremony, see, https://cfpeace.org/the-israeli-palestinian-memorial-ceremony/, accessed 21 April 2021.
25. See the website that collects judgments and decisions of the Supreme Court in Hebrew and English https://supremedecisions.court.gov.il/Home. For this case in particular, see https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts\02/220/076/a06&fileName=02076220.a06&type=4, accessed 6 May 2021.
26. http://www.refusingtokill.net/Israel/ShministimLetter2008.htm; for the letter of the most recent group of '*Shministim*' of 5.1.2021, see https://shministim.github.io/, both accessed 13 January 2021.

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