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**The Sacrifice of Saying No:
Dynamics of Conscientious Objection, Liberalism, and Sacrifice in
Israel**

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Israel**

by

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Dedication

To all the men and women who, despite immense social and political pressure to do otherwise, willingly sacrifice their wellbeing to retain their morality and preserve our humanity. I only wish I had been as strong as you.

But sometimes I would shake myself again, astonished at how easy it had been to be seduced, to be knowingly led astray and join the great general mass of liars – that mass compounded of crass ignorance, utilitarian indifference, and shameless self-interest – and exchange a single great truth for the cynical shrug of a hardened sinner. I saw that I could no longer hold back, and although I hadn't even made up my mind where it would end, it seemed to me that, in any case, instead of staying silent, I should, rather, start telling the story. – S. Yizhar, Khirbet Khizeh

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Abstract

The Sacrifice of Saying No: Dynamics of Conscientious Objection, Liberalism, and Sacrifice in Israel

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This thesis engages notions of liberalism and sacrifice to argue for the exceptional goodness of Israel's secular, Jewish conscientious objectors who operate against an illiberal and politicized military system. It examines theoretical and empirical models of democratic and republican paradigms to analyze the dynamics of Israel's citizen/state relationship. It draws from oral histories and ethnographic works, to document the lived experiences of conscientious objectors, thus providing a case study of Israel's democratic liberalism in action. In constructing a comparative analysis of the functionality of Israel's military apparatus, specifically its Conscience Committee, an argument for the waning liberalism of Israel's already hybrid political system is presented. Given the problematic functionality of Israel's military structure and its necessarily political nature, the motives and behavior of Israel's secular, Jewish conscientious objectors evidence their "goodness" as Israeli citizens. This thesis offers a qualitative analysis of that goodness by engaging disparate political and social theories.

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Introduction

SCOPE, ARGUMENT, AND RESEARCH QUESTION

In Israel, all citizens are expected to participate in mandatory military service unless they receive a state-sanctioned exemption. The conscription dynamic reflects the republican model of sacrifice, a common paradigm in liberal democracies. The exemption lies at the root of the conscientious objector movement in Israel due to the manner in which exemptions are granted, and what an exemption means in Israeli society. Exemptions allow citizens to retain legitimacy in the eyes of the state. Those who qualify for exemptions are able to demonstrate how their avoidance of military service still corresponds to their society's values. In the view of the Conscience Committee, citizens to whom exemptions are granted operate within the state's accepted boundaries of heterodoxy.¹ Moral refusers who are not exempted from service face incarceration in a military jail, historically between 10 days and 155 days though sentencing is determined on a case-by-case basis. This arrest not only physically restricts the objector's movement, it suspends their autonomy as an individual and citizen. It also fundamentally delegitimizes the objector's moral position thus negating their free exercise of conscience as put forward in Israel's Declaration of Independence and its Basic Laws. This presents a problem for those who assert the liberal

¹ The notion of acceptable boundaries of heterodoxy derives from the research of late Israeli sociologist Baruch Kimmerling. He posited that Israeli society consists of seven specifically defined cultures and countercultures: hegemonic secular Ashkenazi upper middle class, the national religious, traditionalist Mizrahim, Orthodox religious, Arabs, Russian immigrants, and Ethiopians. These categories represent the state's accepted types of heterodoxy within society. See Baruch Kimmerling, *The Invention and Decline of Israeliness: State, Society, and the Military* (Berkeley: University of California Press, 2001).

functionality of Israel's government and who argue for the apolitical nature of the Israel Defense Forces (IDF).

In 1995, the Israeli government created a deciding board, the Advisory Committee to the Minister of Defense on Exemption from Service, otherwise known as the Conscience Committee, to hear the testimony of each moral refuser and grant exemptions on a case-by-case basis. Only those whom the Committee determines are authentically pacifist receive an exemption. Thus, the Committee, comprised of military men, ultimately decides which conscientious objectors to authenticate and which to imprison for disobeying a military order. Those whose objections meet the specific criteria outlined in legislation, bolstered by specifically interpreted Jewish tradition, and who condemn the military strategy they are expected (as soldiers) to implement, face imprisonment. Typically, such conscientious objectors indicate political motives for refusing to serve in the IDF, or their lifestyle indicates a non-universalist pacifism as understood by the military tribunal.

Though the act of conscientious objection arises organically, I have elected to study the unique manner in which the phenomenon manifests in Israel, focusing specifically on secular, Jewish Israelis who oppose the IDF's presence in the Palestinian territories. This interest stems from the recent influx of imprisoned Israelis who identify as secular and whom the state of Israel identifies as Jewish.² Presently, the only three imprisoned conscientious objectors in Israel are secular, Jewish women, all of whom are popularly

² The state's role in classifying its Jewish citizens is a byproduct of the Israeli government's millet system. It also provides a context for understanding how religious strictures effect Israel's rule of law.

supported by the international objector advocacy network War Resisters' International.³ Citing Israel's treatment of Palestinians and the Israeli military's continued presence in the Palestinian territories, these women elected to conscientiously object to participating in the IDF in order to precipitate a systemic change. This research engages conscientious objectors like the women currently imprisoned by asking who these moral refusers are, how does Israeli society respond to their refusal, and how are these refusers viewed by the state of Israel? These questions arose from a larger research question: how democratic is the only democracy in the Middle East, especially considering its reliance on gender-neutral conscription?⁴

In this thesis, I will argue that in liberal societies, all forms of conscientious objection to military service are a legitimate form of protest regardless of the motive, the intensity, or the result of the objection. I also argue that the methods of the Conscience Committee, the military body tasked with granting military-service exemptions, coupled with the government's treatment of moral refusers, indicate a disconnect from the liberalism professed in Israel's Declaration of Independence and its Basic Laws. Absent a constitution, these edicts represent society's collectively agreed upon moral code.

³ "About War Resisters' International," *War Resisters' International* last accessed April 5, 2017, http://www.wri-irg.org/en/network/about_wri. The three jailed women are Atalia Ben-Abba, Tamar Alon, and Tamar Ze'evi. War Resisters' International (WRI) was founded in 1921 and is "a global pacifist and antimilitarist network with over 80 affiliated groups in 40 countries." It is "primarily a network of organisations, groups and individuals."

⁴ Jon Sharman, "Benjamin Netanyahu 'Warned UN Settlement Vote a Declaration of War,'" *Independent*, last modified December 28, 2016, <http://www.independent.co.uk/news/world/middle-east/benjamin-netanyahu-israel-settlements-declaration-of-war-new-zealand-murray-mccully-un-security-a7498331.html>.

While, on the surface, the laws which govern the Committee appear systematic and objective, the manner in which the law is applied reveals a selective bias toward those who would publicly challenge the authority of the state. As a legitimate state operating with a rule of law, Israel retains the power to relegate a specific type of citizen to the periphery. It elects to implement this power by normalizing Israel's socio-military culture and its continued presence in the West Bank and Gaza, to include settlement expansion. The motives of the Conscience Committee are not apolitical, and the non-transparency and military composition of the Committee calls into question the trajectory of Israel's liberalism.

Objectors who choose to vocalize their dissent make clear their reasons for refusing to serve in the IDF. A number of them express an inability to harmonize their personal convictions with the expectations of the state military apparatus. To them, the dictates of their own moral compass, and their understanding of Israel's own moral codes, supersede any authority presupposed by the Conscience Committee. Despite their break from the traditional, republican citizen/state paradigm, these men and women view themselves as participating wholly in democracy and contributing to Israel's pluralistic polity by objecting to mandatory military service while Israel's army maintains an occupying presence over the Green Line. Their willingness to sacrifice their personal liberty and socio-economic stability presents as an alternative mode of sacrifice that I argue corresponds to the republican model regardless of whether the state accepts or rejects the sacrifice. For their refusal to be a cog in Israel's military machine and for willingly incurring the burden associated with saying no, I argue that these men and women are

“exceptionally good” citizens and provide valuable a contribution to Israel’s socio-political system.

DEFINING CONSCIENCE

What is conscience? Much of the recent scholarship on conscientious objection takes for granted our understanding of the term and its common place in the vernacular. Erica Weiss, a scholar on the behavioral phenomenon of conscientious objection in Israel, avoids this etymological presumption in her work by tracing the intellectual genealogy of the term “conscience.” She notes that the beginnings of the evolution into the modern understanding of conscience may be traced to 17th century, pre-Enlightenment Western intellectuals. The terminology flux began when those engaged in public, intellectual discourse asserted the validity of their own personal opinion on various matters. Thus, “opinion” became synonymous with “conscience.” This linguistic development became a point of contention specifically for the well-known intellectual Thomas Hobbes and he pointedly criticized those who adopted the linguistic shift, accusing them of being “...men, vehemently in love with their own opinions” and “obstinately bent to maintain them.”⁵ Such a response should come as no surprise, however, given the limited value Hobbes placed on the individual.

Four centuries after Hobbes and a concrete definition of the term “conscientious objector” eludes us. For the sake of expediency, clarity, and accuracy, I present this working definition: a conscientious objector is any individual who recognizes and applies

⁵ Thomas Hobbes, *Leviathan* in Erica Weiss, *Conscientious Objectors in Israel: Citizenship, Trials of Sacrifice, and Fealty* (Philadelphia: University of Pennsylvania Press, 2014). 8.

his individual sovereignty by electing to refuse state-sanctioned, compulsory military service based on the fact that such service could result in committing an act he deems antithetical to his convictions. Thus, conscientious objectors understand that they possess a conscience to which they feel accountable. Given this definition, a conscientious objectors' political persuasion need not factor into his decision to refuse, but it could.⁶

To substantiate my own definition, I also present the Human Rights Committee's definition which "identified conscientious objection as being based on the right to freedom of thought, conscience and religion when it conflicts with the obligation to use 'lethal force'"⁷ Therefore, an individual meets the criteria of a conscientious objector if that individual invoked his inherent right as a free, self-governing entity to refuse a command by any authority requiring him to engage in government service which could result in his having to perform an action to which he objects on conscience.

Conscientious objection signifies behavior stemming from an individual's recognition that an idea or act is morally right or wrong. This deduction derives from thoughtfully applying one's own moral awareness to a given situation to gauge whether or

⁶ I contend that seemingly-separate, yet ideologically analogous, pacifists and refuseniks can be fused together under the umbrella term "conscientious objector." Further, the terms pacifist and refusenik are insubstantial nomenclatures upon which Israeli government officials, charged with granting conscription exemptions on a case-by-case basis, rely in order to in-authenticate politically-motivated conscientious objection. My assertions derive from surveying the history in Israel of pacifists and refuseniks (also known as selective refusers), and locating their ideological basis of dissent. Thus, I use the general term "conscientious objector" interchangeably with pacifist, refusenik, and selective refuser. Applying this term to all types of moral refuser not only helps to unify a socio-political movement on the periphery, it simplifies discourse, and emphasizes the concept of hybridity in moral refusal.

⁷ United Nations Human Rights, "Conscientious Objection to Military Service" HR/PUB/12/1 (United Nations Publication, 2012), 21-22 last accessed March 25, 2017.
http://www.ohchr.org/Documents/Publications/ConscientiousObjection_en.pdf.

not participating in a thing would jeopardize one's own morality.⁸ Today, the term conscience reflects the progression, and positive reception by many states, Israel among them, of liberal Enlightenment philosophy which privileges the individual and validates his inherent right to conscience. While these notions of conscience and conscientious objection thrive in our post-Enlightenment world, individuals recognized and applied their own morality in the absence of liberal social and political theory, as both history and my first chapter indicates.⁹ Conscience, awareness, thoughtfulness, applied morality, however one chooses to refer to an individual's decision to act or abstain from a given thing, sociohistorical records reveal a phenomenological pattern indicative of the concept being inherent and relative to each individual.

METHODOLOGY

This thesis approaches the phenomenon of conscientious objection from a number of social sciences. A historical overview starts the study so as to contextualize the movement and recognize those scholars and objectors who have contributed the most to this topic. Briefly, I examine the movement's progression, its participants, its philosophy, and its politics since 1948. The historical overview provides context as well as analysis, relating the origins of the movement, its ideological foundations, and notable cases of

⁸ The terms "thoughtfully" and "moral awareness" come out of Hannah Arendt and Emile Durkheim's respective social theory. Arendt considers thoughtfulness in political action a remedy for modern society's "heedless, recklessness or hopeless confusion or complacent repetition of 'truths'" while Durkheim asserts his own theory of "conscience collective" which deems morality to be conditioned by an individual's society. He or she must be aware of his own society's understanding of morality and its norms in order to function within the conscience collective. These notions are specifically addressed in Chapter 3.

⁹ See also the United Nations, "Conscientious Objection to Military Service" which documents the earliest known conscientious objector, a Roman pacifist who was executed by the state for refusing to go to war citing his religious convictions.

refusal. The written history of the movement is then put in conversation with the refuseniks of today whose stories have been shared over the Internet, preserved in film, and captured in the news media. I incorporate, as well, the oral histories of a number of conscientious objectors with whom I have spoken, and who are participating and engaged fully in Israel's conscientious objector movement.

Chapter one engages legal and social theory and looks at the socio-historical and mythological roots of conscientious objection in the Jewish tradition. It argues that conscientious objection is a latent component both of Israel's Jewish and liberal, democratic systems. It also substantiates why the definition of conscientious objector encompasses pacifists. Throughout the chapter, I argue that politics cannot be separated from morality despite the Committee's delegitimization of refuseniks who cite political ideology as a reason for refusal. This is done to highlight how moral refusers who vocalize their political dissent and their ideological disagreements with the Israeli government's treatment of Palestinians are systematically discriminated against by the state's exemption-granting institution. Ultimately, the first chapter contextualizes Israel's government system to demonstrate the disconnect between its treatment of conscientious objectors and the state's asserted valuation of liberalism and Jewish traditions. In order for Israel to delegitimize its own conscientious objectors, it must also delegitimize itself.

Chapter two presents oral histories of present-day conscientious objectors as well as various discourse within the social sciences to argue that the IDF is not an apolitical "people's army" but an institution that privileges the politics of the status quo. The military marginalizes certain citizens who refuse to normalize the military's presence in the

Palestinian territories or its reliance on “universal conscription,” a misnomer in the context of Israel’s current system. This marginalization is done legally and informs society’s perception of conscientious objectors. While democratic countries, including Israel, do rely on the republican model of sacrifice to allow the state to effectively function, Israel is unique because it relies on military conscription while simultaneously operating as an occupying force in the Palestinian territories.

Chapter three cites oral histories and anthropological studies to present case studies of the sacrifices made by conscientious objectors. This is done to argue for the exceptional goodness of these conscientious objectors. Given that the construct “goodness” holds only normative value, I cite the motives as well as the physical and emotional sacrifices of my interlocutors, as well as those previously engaged by other scholars, to substantiate the empirical goodness of their actions. This is done by drawing from Stanley Milgram’s studies on obedience to authority as well as the political theory of Hannah Arendt. Additionally, I treat notions of alternative modes of sacrifice to demonstrate the empirical value a conscientious objector’s sacrifice holds. I aim to illustrate how the actions of the objectors within this study reveal their commitment to their compatriots and to the overall health of the state of Israel. Such behavior is a direct result of their active participation in democracy, their sacrifice for the state, and provides a qualifiable and quantifiable means to assert their goodness and even exceptionality as citizens.

LITERATURE REVIEW, URGENCY, AND CONTRIBUTION

Just as there is not one type of Israeli or one type of Jew, there is no singular, overarching typology of a conscientious objector in Israel. For this reason, my method of

not relying on one discipline, or even a singular historical narrative, correlates to my argument against compartmentalizing conscientious objectors. Apart from history, a fair amount of social and political theory is applied throughout this thesis. I rely, too, on literature and film to relate the opinions and perspectives of historical conscientious objectors whose experiences deserve further engagement. My predecessors have implemented an array of theory to engage the phenomenon of conscientious objection while contributing something of value to their own field. Not only is a certain depth added by drawing from disparate disciplines, I intentionally implement this method to reiterate and demonstrate the heterogenous nature of the conscientious objector movement.

To problematize existing notions of conscientious objection in Israel, consider the explanation of the term “selective refusal” as put forth by religious scholar Randy Friedman:

Selective refusal is the refusal to participate in a specific military action. Selective objection can apply to or be used by both soldiers and civilians: someone who is to be drafted can claim that, while he does not object to military service, he objects to serving in the particular conflict at hand...Selective objection is usually based on 'violations of standards of national or international law and bolstered by the inherent definition of a conscientious objection.¹⁰

What lies at the root of the objection to service? The individual’s conscience. For this reason, I treat the nomenclature “selective refusal” as a substantively vacant term. Instead, I employ the suitable classifier “conscientious objector” to all whose refusal derives from conscience. As Friedman’s definition demonstrates, apart from having to contend with the

¹⁰ Randy Friedman, “The Challenge of Selective Conscientious Objection in Israel,” *Theoria: A Journal of Social and Political Theory* no. 109 (April 2006), 82. <http://www.jstor.org/stable/41802313>.

Israeli government's delegitimization, conscientious objectors face challenges from scholars as well. This is not to say that academics intend to inauthenticate conscientious objectors, but to assign such restrictive definitions unnecessarily complicates an already contested subject.

Seemingly, the more attention a specific moral refusal garners by the media, or the more collective support the objector has from an advocacy group, the more authentic that occurrence of conscientious objection becomes to those scholars documenting the phenomenon. Consider Ariel Dloomy's 2005 article on refuseniks in which he, like the majority of scholars on the subject, opines that *Yesh Gvul* is "the first organized movement of selective refusal" to emerge in Israel.¹¹ *Yesh Gvul*, or, "There is a Limit/Border," began as a conscientious objector advocacy organization in 1982 when 168 Israeli servicemen refused to serve in the Lebanon campaign.¹² Dloomy classifies this incident in a number of ways, taking certain terminology for granted. Specifically, his sentence contains the descriptors "first," "organized," and "selective refusal" to describe the actions of the refuseniks. The term "selective refusal," I have shown, is only superficially distinct from other conscientious objectors. While Dloomy's phrasing seems innocuous on the surface, his decision to acknowledge those 168 Israelis who objected in 1982 necessarily dismisses, and delegitimizes, all the Israeli conscientious objectors who preceded them.

¹¹ Ariel Dloomy "The Israeli Refuseniks: 1982-2003" *Israeli Affairs* 11, no. 4 (October 2005): 695.

¹² The term suggests there is a limit to what Israel can ask of its soldiers and a limit to the extent Israelis may consider territorial expansion legitimate.

What of the conscientious objectors of War Resisters' International? Certainly, that organization's first documented Jewish, Israeli conscientious objectors, Nathan Chofshi and Joseph Abileah, precede those conscientious objectors opposing the war in Lebanon by several decades. The organization was then, and remains, a highly structured and public anti-war movement with increasing Israeli and international membership. Yet, Dloomy is not alone in neglecting them. He is merely repeating specific phrasing found often in the subject narrative and chronicled by scholars.

Convoluting the matter even more, scholars assert contradictory dates when classifying certain sets of refuseniks as the originating objectors. Like Dloomy, Erica Weiss, Guy Grossman, and Rami Kaplan consider *Yesh Gvul* either the first group to make a "public military refusal" or the "first Israeli movement to make public an act of military refusal."¹³ Yoram Peri, on the other hand, contradicts them by citing July 25, 1979 as "the first explicit, collective conscientious objection" to emerge in Israel.¹⁴ On Peri's view, the refusal letter of the *shministim*, in which twenty-seven twelfth-grade students announced to Defense Minister Ezer Weizman their prescient refusal to serve in the IDF "beyond the Green Line," predates public objection of *Yesh Gvul*'s members by 3 years.

Yoram Peri denotes the level of momentum behind a refusal incident with descriptors like "symbolic beginning," versus "mainstream phenomenon."¹⁵ This

¹³ Erica Weiss, "The Interrupted Sacrifice: Hegemony and Moral Crisis Among Israeli Conscientious Objectors," *American Ethnologist* 36, no. 3 (2011): 577 and Guy Grossman and Rami Kaplan, "Courage to Refuse" *Peace Review: A Journal of Social Justice* 16, no. 2 (September 22, 2006): 189.

¹⁴ Yoram Peri, *Generals in the Cabinet Room: How the Military Shapes Israeli Policy* (Washington, D.C: United States Institute of Peace Press, 2006), 185.

¹⁵ These particular terms are applied by Peri to describe the emergence of collective conscientious objection as a "significant social phenomenon" in Israel. See Peri, *Generals in the Cabinet Room*.

classification serves to distinguish between a refusal event that “merely happened” (a necessarily dismissive classifier) and one that resulted in spurring public discourse. The beginning of the conscientious objection movement in Israel aligns with the emergence of the Jewish Brigade in Palestine or *Haganah* in Israel. Joseph Abileah’s testimony, found both within Evelyn Wilcock’s and Anthony Bing’s monographs on Jewish pacifism, illustrates this. The “symbolic beginning” of conscientious objection, if one must be given, aligns precisely with the advent of *Haganah*, the clandestine, government-supported fighting unit which precluded the IDF and demanded participation from all able-bodied Jews to fight for Israel’s creation. The act of conscientious objection in Israel is a continuous and ever-present social phenomenon inherent to the state. Jewish pacifist tradition, contemporary legal discourse, and a critical historical analysis reveals that to be the case. To assert otherwise, or to assign superficial classifiers to ideologically dissimilar conscientious objectors, minimizes a practice as essential to Israel as Jewishness.

Much of the existing scholarships on conscientious objection in Israel examines how it occurs among its various subcultures: secular and religious communities, Druze, Bedouin, and Arab communities. *The Feminist Review*, for example, published an article treating the phenomenon from the feminist perspective. Writing on the particulars of this movement, Natanel notes “these individuals refuse military service as they pursue an end to Israel’s occupation of the Palestinian Territories and the transformation of gender relations in Israeli society.”¹⁶ Her article illuminates one narrative within the metanarrative

¹⁶ Katherine Natanel, “Resistance at the Limits: Feminist Activism and Conscientious Objection in Israel,” *Feminist Review* 101 (2012): 79. <http://www.jstor.org/stable/41495234>.

of Israeli, moral refusal and speaks to the motivation feminists have for engaging in conscientious objection. Another manifestation of refusal occurs across the subculture of ultra-orthodox, Jewish Israelis. This demographic traditionally refuses service in the IDF citing the priority of their religious obligations and their anti-nationalist sentiment.¹⁷

Consider the previously mentioned study of Israeli sociologist Baruch Kimmerling in which he argued that only specifically defined cultures and countercultures have been accepted by the state. With regard to the military, females embody an acceptable form of heterodoxy that qualifies for military exemption. Israeli women are afforded numerous ways by which they may acceptably avoid military service. That is to say, Israeli women may be granted an exemption without having to politicize their refusal. Women need only cite their motherhood, their pregnancy, or their marital status. Until recently, religiously observant Jews could also appeal to the Committee and receive an exemption. The current socio-political climate in Israel indicates a major shift looming on the horizon. After June 30, 2017, new legislation goes into effect and will mandate the conscription of *Yeshiva* students, those orthodox Jews whose lives center on *Talmudic* study. By law, however, 1,800 “committed students” will be granted exemptions to service. The new Defense Service Amendment Law (DSAL) will regulate exemptions through the same Committee responsible for authenticating pacifists.¹⁸

¹⁷ For further treatment of religious, Jewish conscientious objectors see Elisheva Rosman-Stollman, *For God and Country: Religious Student-Soldiers in the Israel Defense Forces* (Austin: University of Texas CMES, 2014).

¹⁸ Ruth Levush, “Israel: Amendment Law Imposes Military Draft and National Service Obligations on Yeshiva Students,” *Library of Congress Law Library*, March 31, 2014, <http://www.loc.gov/law/foreign-news/article/israel-amendment-law-imposes-military-draft-and-national-service-obligations-on-yeshiva-students/>.

In the 1990s, the question of conscientious objection as a fundamental human right emerged as a topic within legal discourse. It has since evolved into such a contentious subject that the United Nations published a document dedicated to identifying common international standards of the treatment of conscientious objectors by various states. In it, they explain the origins of the behavior and the legal and theoretical basis for its persistence throughout history:

Conscientious objection to military service is based on the right to freedom of thought, conscience and religion, set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The right to conscientious objection to military service is not a right per se since international instruments of the United Nations do not make direct reference to such a right, but rather is normally characterized as a derivative right; a right that is derived from an interpretation of the right to freedom of thought, conscience and religion.¹⁹

Thus, conscientious objection obtains its legitimacy from ongoing practice, theoretical interpretation, and the manner in which it is applied in various sociopolitical contexts. While not a fundamental human right, the right to morally refuse military service is grounded in social and political theory, but must be argued on a case-by-case basis. This fact, therefore, reveals the urgency with which Jewish, Israeli refusers operate. Every case matters in the eyes of the legal framework. As more documented cases of moral refusal emerge, the easier it becomes to cite evidence supporting the normality of politically-influenced moral refusal. The state's delegitimization of politically charged refusal

¹⁹ "Conscientious Objection to Military Service" HR/PUB/12/1 (United Nations Publication, 2012), 21-22 last accessed March 25, 2017.

invalidates the individual's right to refuse, and reasserts the state's monopoly on defining morality.

Though individual conscientious objectors hold unique, personal opinions and experiences upon which they base their decision to refuse service, the premise undergirding their refusal is fixed as such: one's conscience allows each person to maintain his or her moral autonomy. Within her ethnographic study on conscientious objectors in Israel, Erica Weiss makes a significant point about the double entendre in the terminology used to refer to Israel's refuseniks who refuse out of conscience or *sarvanoot le'sibot matzpooniot*. Weiss explains the etymological relation of the word *matzpoon* to *matzpen*, the Hebrew word for "compass," to indicate that refuseniks ground their decision to refuse on their own moral compass. Recall the United Nations' Universal Declaration of Human Rights which claims "[e]veryone has the right to freedom of thought, conscience and religion." In her own study, Ruth Linn remarks on the nuance of *sarvanim*, the Hebrew word for "refusers." She notes that the public's use of this term over one that draws attention to the individual's capacity to employ his own moral compass, removes the morality from the refusal; this, she states, is a subtly not void of political connotation.²⁰

Weiss summarizes the refusers' charge clearly: "The military can require all manner of physical sacrifice from soldiers, including missions with a high probability of death, but it does not have the right to require moral compromise."²¹ This statement is

²⁰ Ruth Linn, *Not Shooting and Not Crying: Psychological Inquiry into Moral Disobedience* (Westport, CT: Greenwood Press, 1989), 24.

²¹ Erica Weiss, *Conscientious Objectors in Israel*, 5.

substantiated by contemporary discourse in legal theory which opines that one's individual sovereignty supersedes the authority of the state when the individual citizen's membership in the international community grants their moral refusal on "the primacy of international law and morality."²² Phrased another way, "States have responsibilities to the individuals they govern not only as subjects, but also as human beings. As such, all individuals are guaranteed the rights recognized and enforced by the international community as human rights."²³

The expectation held by the state of Israel, that every qualified citizen participate in the tradition of military service for the benefit of the state, necessitates the subordination of the citizens' will to the will of the state. In the context of military service, this expectation removes the need for a citizens' individual culpability replacing the onus of deciding what is right and wrong on the bureaucratic institutions operating within the state. To the vexation of these institutions, Jewish Israeli conscientious objectors demand they be allowed to assert their individual culpability and apply their thoughtfulness, their conscience, in the face of an ideological paradigm which they oppose on moral grounds.

Apart from responding to the urgency of this study as it relates to shaping human rights precedents, it is my aim to argue that the illiberal nature of the Conscience Committee reflects on society. While previous scholarship looks at the relationship conscription plays in the lives of Israel's citizens, only Weiss' work scrutinizes the role of

²² Matthew Lippman, "The Recognition of Conscientious Objection to Military Service as an International Human Right," *California Western International Law Journal* 21, no. 1 (1990-91): 31.

²³ Emily N. Marcus, "Conscientious Objection as an Emerging Human Right," *Virginia Journal of International Law* 38, no. 507 (1998): 511.

Conscience Committee. To discuss the problematic nature of the Committee, Weiss points to the innate problems and contradictions liberalism poses in a pluralistic and modern state. While I fully recognize that liberal states must necessarily draw a line between what the government will allow as far as acceptable deviation and criminality, I contend that the Committee's actions conflict with the state's liberal values due to structure and operation of the military apparatus itself. If the objector admits to the political aspect of his refusal, the Committee inauthenticates that behavior classifying it as civil disobedience and political activism. The refusenik not only does not obtain an exemption, he is subsequently jailed for his politically-infused moral position. I argue that the practice of the Committee seems more representative of an authoritarian policy than a liberal one. Furthermore, the actions of the Committee serve as evidence for the political nature of the IDF and the increasingly militaristic nature of Israeli society.

Another contribution offered here is evidence for the reasonable reclassification of selective refusers and pacifists under the more inclusive term "conscientious objector." I demonstrate the organic nature of this phenomenon to Israel and its increasing strength as a morality-based movement that derives from Jewish tradition and is substantiated by Israel's moral code. Scholars who study the phenomenon of conscientious objection attribute the origin of the objections to Israel's disputed boundaries.²⁴ The evolution of the objector phenomenon into a nationally-connected movement replete with structured organizations, websites, emails, blogs, and a strong social media presence, is indicative of

²⁴ I use the word boundaries in lieu of borders to denote both the physical, geo-political borders of the state of Israel and the abstract limits of Israel's authority as it may be subjectively perceived by each Israeli objector.

the strength and sincerity of the refuser community. This continuous social phenomenon is not new to Israel, only more connected, more vocal, and more vindicated by the international community's stance on the Occupied Territories and its abhorrence of Israel's treatment of Palestinians and Arab Israelis.

The oral histories component of my research aims to reveal the socio-economic marginalization that comes with conscientious objection. Those Israeli citizens who commit themselves to bucking Israeli society's lionization of the military have made the conscious decision to accept the challenges that come with that choice. While no longer faced with death for their refusal to serve, refusers must accept that they will be viewed as social pariahs, limited in their ability to assimilate fully into their own culture and society. Refusers accept a sort of social death where even their loyalty to the state may be questioned. Certain careers are out of bounds for refusers and they are figuratively flogged in the media and online. Conscientious objectors in Israel are prohibited from experiencing the camaraderie enjoyed by the vast majority of Israelis, those who decided that military service was obligatory and a vital part of what it means to be Israeli.²⁵ While there is no longer a need for refusers to fear capital punishment, these citizens must live with the isolation and marginalization of being a conscientious objector. This consequence, I contend is the sacrifice of saying no and, as such, corresponds to the republican model of sacrifice despite the state's rejection of this alternate mode.

²⁵ This statement takes into account that a significant percentage of Israelis receive exemptions to military service. Initiating an exemption request, however, does not indicate an individual's opposition to the IDF or its policies and strategy.

Chapter 1: Dynamics of Conscientious Objection

ISRAEL'S HYBRID POLITICAL SYSTEM

The State of Israel will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.²⁶

Understanding the nature of Israel's hybrid political system is essential for contextualizing the complicated dynamics of conscientious objection. Therefore, I begin this work by clarifying the nature of that system, the nuance of its hybridity, and the institutions involved in contributing to, and regulating, conscientious objection. Undergirding this chapter is my assertion that Israel is modeled in the liberal, democratic tradition, that privileges the status quo at the expense of Jews, and of course non-Jews, who lie on the socio-political periphery. With respect to my research, the persons on the periphery are secular, Jewish Israelis who oppose the occupation of the Palestinian territories and refuse to be drafted into the IDF on account of the military's role in perpetuation and facilitating a military occupation.

Within Israel's system, inauthentic conscientious objection is treated as a military infraction on par with criminal behavior, an unusual occurrence in a liberal democracy. Even more troubling is the fact that a military panel is responsible for determining authentic

²⁶ "The Declaration of the Establishment of the State of Israel," *Israel Ministry of Foreign Affairs*, last accessed April 1, 2017, <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/declaration%20of%20establishment%20of%20state%20of%20israel.aspx>.

moral refusal. Those who do not meet the panel's definition face detention in a military jail, often serving back-to-back sentences lasting approximately one month at a time. Israel's secular, Jewish conscientious objectors necessarily become social outliers based on political and military preference of the Committee. Summarily, this system indicates that while Israel is *modeled* in a liberal, democratic system, its very nature precludes its *functionality* because of the systematic discrimination exacted against its conscientious objectors. Such discrimination is evidence of Israel's waning liberalism.

The 1948 Declaration for the Establishment of Israel epitomizes the state's ambitious desire to succeed in two seemingly incongruous capacities. Despite its intentions, Israel cannot operate as a traditional, Western, secular, liberal democratic state. This is due, in part, to its national religious system. The singular legislative body of Israel, the *Knesset*, recognizes the strictures of Israel's rabbinical council, a Jewish tribunal who adhere to the Orthodox traditions of Judaism and who abide by Jewish law, *halakha*.

Israel's government is essentially modeled in the tradition of Western-influenced, liberal democracies with elements of illiberalism necessary for supporting the state's uniquely Jewish identity. This unique form of government, a *millet* system, mandates its citizens be "subjected to two legal and judicial systems," secular and religious law.²⁷ Although independent from Israel's secular government, the state's specifically Jewish identity, determined ultimately by rabbinical courts practicing in the Orthodox tradition, largely influences the state's legal system. Baruch Kimmerling cites Israel's "Work Hours

²⁷ Kimmerling, *The Invention and Decline of Israeliness*, 183. Jews, Muslims, and Christians maintain their own religious laws (Halakah and Shari'a) which the Knesset considers when formulating its own legislation.

and Days of Rest Law,” its “Freedom of Occupation Law,” the “Law of Return,” and the “Law of Citizenship” as evidence for this legislative blending.²⁸

While Israel’s Jewish laws apply to all Jews, not all Israeli Jews identify as religious. Though adherence to Jewish law is not required of Israel’s Jewish citizens, because of the state’s liberal nature, Kimmerling’s evidence makes clear how religious law absolutely effects its Jewish citizens regardless of the degree to which they observe Judaism. With regard to Jewish, Israeli conscientious objectors, these dynamics manifest in convoluted ways. Moral refusers who base their decision to refuse on universal principles of non-violence and justice face opposition from two governing bodies: Israel’s secular authorities and its Jewish ones. As we will see, the illiberalism of this system became especially apparent for conscientious objectors during Israel’s war with Lebanon.

THE ROLE OF CONSCIENTIOUS OBJECTORS WITHIN THE SYSTEM

Oren Yiftachel dubbed the results of Israel’s hybrid system an “ethnocracy.” In his 2000 study, he argues that Israel’s “ethnographic regime, which facilitates the colonial Judaization of the country, has buttressed the dominance of the Ashkenazi Jewish ethno-class and enabled the ‘blunting’ and silencing of the resistance of both Palestinian Arabs and peripheral Mizrahim”²⁹ (Eastern Jewish) population. Following the path of Yiftachel, I recognize the government’s latent duality but I relate that its dual nature directly contributes to the existence and prevalence of conscientious objectors.

²⁸ Kimmerling, *The Invention and Decline of Israeliness*, 183.

²⁹ Oren Yiftachel “‘Ethnocracy’ and its Discontents: Minorities, Protests, and the Israeli Polity,” *Critical Inquiry* 26 no. 4 (Summer 2000), 728.

Conscientious objection in Israel is a continuous and ever-present social phenomenon inherent to the state. Further, Israel's reverence for prophetic and religious Jewish tradition, its theoretically egalitarian conscription, and its adoption of democratic values all foment a politically active polity able to draw from a multitude of exemplars. Out of political consciousness, conscientious objectors emerge to hold Israel accountable for heeding the state's own charges and sustaining its own decreed values. For conscientious objectors, those charges deal specifically with the state's declaration that it will "foster the development of the country for the benefit of all its inhabitants" that it will guarantee freedom of conscience and culture, and that it will be "faithful to the principles of the Charter of the United Nations."³⁰

While conscientious objectors provide a critical service for the state in that they indicate the functionality of Israeli democracy, the Israeli government sees conscientious objection in a less than glorious light. For those citizens delegated with administering exemptions for military service, conscientious objectors pose a serious problem. Not only do moral refusers challenge the authority of the state, they reject the traditional republican paradigm of sacrifice upon which liberal democracies are based. By rejecting the state's authority to enforce its sovereignty, through their politically-motivated moral refusal, conscientious objectors force the government to publicly expose its own political bias and willingness to invoke illiberal policies for the sake of maintaining the illusion of moral hegemony.

³⁰ "Declaration of the Establishment of the State of Israel."

Such behavior aligns with Yiftachel's argument that the state functions with only "a democratic façade...which facilitates the dispossession, control, and peripheralization of groups that do not belong to the dominant ethno-class."³¹ Although the refuseniks within this study often belong to the "dominant ethno-class," their political ideology is incongruous with that of the mainstream due to their rejection of the normality and legality of the military's presence in the Palestinian territories. In applying his argument to my research, Israel's "democratic façade" relegates yet another class to the periphery: conscientious objectors willing to challenge the military's place in Israeli society, whether Jewish or not.

MORAL REFUSAL IN JEWISH TRADITION AND ISRAELI LAW

Conscientious objection to military service derives from religiously-rooted pacifism, most recognizably through the tradition of Jesus of Nazareth. While this research does not rely on Christian sources, Jesus' teachings on non-violence do contribute to the historiography of Jewish pacifism and thus cannot be wholly isolated. In his historiography of Jewish pacifism, Alek Epstein explains the relationship between Jesus and Jewish pacifism clarifying how Joseph Abileah, one of Israel's earliest, public pacifists "responded to the ethics of the Jesus of Nazareth not to the divinity of the Jesus of the Catholic Church." Epstein goes on to say of Abileah that, "he was especially drawn to the nonviolent

³¹ Yiftachel, "Ethnocracy and its Discontents," 728.

personality of Jesus as it was manifested in the modern personalities of [Albert] Schweitzer and Gandhi.”³²

Christian pacifism considers “the taking of any human life under any circumstance” to be evil.³³ Though doctrinally similar, the Commandment found in the Book of Exodus, Jewish in origin, prohibits only a specific type of killing: murder.³⁴ While scholars note the absence of any justification for conscientious objection in the Jewish tradition, it is still possible to locate within it a history of resistance to war-time service as well as a tradition of resistance to authority when one’s morality is threatened.

Michael Walzer addresses these acts of resistance in “War and Peace in the Jewish Tradition.” There, he cites evidence of Jewish resistance to authority when a command is deemed immoral or illegal. According to Walzer, Jewish resistance to authority emerges when one believes that God did not command or permit a war.³⁵ “It is commonplace of rabbinic thought that illegal commands of the king should be resisted—or at least

³² Alek D. Epstein, “For the Peoples of the Promised Land: Intellectual and Social Origins of Jewish Pacifism in Israel,” *Journal of Israeli History* 19 No. 2 (1998): 12. Additionally, Joseph Abileah’s relationship with Schweitzer and his readings of Gandhi influenced his decision to join Nathan Chofshi in War Resisters’ International.

³³ Charles, C. Moskos and John Whiteclay Chambers II, eds. “The Secularization of Conscience” in *The New Conscientious Objection: From Sacred to Secular Resistance* (New York: Oxford University Press, 1993), 9. For further discourse on religious pacifism, see John Ferguson *War and Peace in the World’s Traditions* (New York: Oxford University Press, 1978).

³⁴ The Hebrew verb *ratsah*, which connotes criminal killing, is used rather than the more general verb for killing: *harag*.

³⁵ “Since commanded/permitted does not translate to just/unjust, there is nothing in the Jewish tradition that requires, or even provides a vocabulary for, a moral investigation of particular Jewish wars...There is no parallel in Jewish thought to the extensive Catholic discussions about whether individual soldiers should participate in wars they take to be unjust.” See Michael Walzer, “War and Peace in the Jewish Tradition” in *The Ethics of War and Peace: Religious and Secular Perspectives*, ed. Terry Nardin (Princeton: Princeton University Press, 1998), 104.

disobeyed,” Walzer claims.³⁶ He goes on to cite Maimonides’ *A Code for Kings* which proclaims:

Whoever disobeys a royal decree because he is engaged in the performance of a religious command [*mitzvah*]...is not liable, but (when there is a conflict) between the edict of the Master (God) and the edict of the servant (the king), the former takes precedence of the latter. It goes without saying that if the king issues an order annulling a religious precept [*mitzvah*], no heed is paid to it.³⁷

While the scripture fails to elucidate on either the extent to which one is expected to act or the probable consequences of one’s refusal to obey the king’s commandment, it is clear that adherence to one’s Jewish faith or tradition is not predicated on blind obedience to authority.

An even more provocative example, found in the Yoma tractate of the Babylonian Talmud, reveals not only a precedent for questioning the morality of God himself, but the absence of any sinfulness in the action. In 1 Samuel 15:3, Saul is commanded by God to “slay both man and woman, infant and suckling, ox and sheep, camel and ass” as he conquers the Amalekites. Saul, however, questions God’s decision and hesitates before carrying out only a portion of the slaughter. Although Saul eventually takes his sword to the people, he spares the Amalekite King Agag and those livestock Saul deems fitting to sacrifice to God. According to the Scripture, only Saul’s decision to spare King Agag, not his morally-based hesitation to slay the Amalekites, is labeled a sin.³⁸ It follows, therefore,

³⁶ Walzer, 102.

³⁷ *The Code of Maimonides, Book Fourteen: The Book of Judges*, trans, Abraham M. Hershman (New Haven: Yale University Press, 1949), 211-15, 217.

³⁸ While this particular example is meant to reveal the impurity of the livestock Saul offered to God as a sacrifice, one cannot help but notice the absence of any response by the Rabbis, or by God, with regard to Saul’s questioning God’s morality. See B. Yoma 22b “When the Holy One, blessed be He, said to Saul:

that morally-grounded resistance to authority, not only of kings but even the highest authority (God), is supported by Jewish traditions and Scripture.

Since Israel's landmark case, *Shein vs. the Minister of Defense*, where Jewish *halakha* was applied to deny an Israeli reservist an exemption from serving in Lebanon, modern Jewish conscientious objectors face challenges from two legal systems: one secular, one religious. Israel's Supreme Court based its decision primarily on the discursive treatment of the law by Maimonides and the binding law of Deuteronomy 20:8, "What man is there who is fearful and faint-hearted? Let him go and return to his house, lest his brethren's heart melt as his heart."

Citing these texts, the Israeli high court acknowledged that conscientious objection exists in Jewish tradition, but concluded that only the pacifist "is granted exemption from taking part in battle." Further, "the grounds for exemption...are general rather than selective" and "even objections of a general nature do not apply in the case of war commanded by the *Torah*."³⁹ Thus, the current legal precedent affirms that selective refusal (although still a refusal based on one's conscience) cannot be grounded in historical,

Now go and smite Amalek, he said: If on account of one person the Torah said: Perform the ceremony of the heifer whose neck is to be broken, how much more [ought consideration to be given] to all these persons! And if human beings sinned, what has the cattle committed; and if the adults have sinned, what have the little ones done? A divine voice came forth and said: Be not righteous overmuch. And when Saul said to Doeg: Turn thou and fall upon the priests, a heavenly voice came forth to say: Be not overmuch wicked. R. Huna said: How little does he whom the Lord supports need to grieve or trouble himself! Saul sinned once and it brought [calamity] upon him, David sinned twice and it did not bring evil upon him — What was the one sin of Saul? The affair with Agag."

³⁹ *Shein et. al. v. Minister of Defence et. al.*, H.C. 734/83, P.D. 38(3) 393 in D.B. Sinclair, "Conscientious Objection," *The Jewish Law Annual: Volume IX* (Boston: Harwood Academic Publishers, 1991), 265.

legal texts and therefore remains an illegitimate form of civil disobedience subject to penalty by Israel's military authorities.

JEWISH PACIFISTS: PREDECESSORS OF MODERN CONSCIENTIOUS OBJECTORS

Conscientious objectors in Israel who base their decision to refuse military service in the IDF do so on the predication that their refusal allows them to retain their morality. The following excerpts, taken from the public statements of some of Israel's most public moral refusers, demonstrate the truth of this claim. Not all Jewish, Israeli conscientious objectors are united in their ideological stance. While some practice universal nonviolence, others exercise "selective refusal" by objecting only to those acts which directly conflict with their conscience. Regardless, both forms of refusal epitomize conscientious objection:

Tamar Ze'evi. Conscript. Jailed, 2016 - 2017

I will refuse to join the IDF and choose to pay the price that the army demands that I would pay for my conscience. The choice not to enlist means to take responsibility for my actions and their meaning, drawing a moral line that I'm not willing to cross, and actively resisting a government and a policy that violates human rights and fueling violent and cruel reality.⁴⁰

Ro'i Kozlovsky. Reservist. Jailed, 1996

It is a basic human duty to refuse such reserve service. A duty that even takes precedent over the duty to obey the law of the land. Collaboration with the policy of the Israeli government makes me a criminal, for the responsibility for committing immoral acts is not merely with those who give the orders; it lies with all those ready to carry them out even though they do not agree with them.⁴¹

Joseph Abileah, Conscript. Tried, 1948

⁴⁰ Tamar Ze'evi, "I Refuse to Serve in the Israeli Military," Blog in *The Times of Israel*, November 17, 2016. <http://blogs.timesofisrael.com/i-refuse-to-serve-in-the-israeli-military/>. Tamar Ze'evi is a conscientious objector serving her fourth prison term.

⁴¹ Ro'i Kozlovsky, "Collaboration Makes Me a Criminal," in *Refusenik! Israel's Soldiers of Conscience*, ed. Peretz Kidron, (London: Zed Books, 2004), 86.

Nationalism as a whole is an idea of egoism enlarged to a great scale...Our greatest true Jew, Jesus of Nazareth, was the highest ethical genius who ever lived and he preached against the national religion...We must try in this country to revive his spirit and so live according to a complete and developed religion and not transplant the spirit of Hitler to this country.⁴²

Abileah, to whom some refer as the “Jewish Gandhi,” is one of Israel’s first conscientious objectors. In speaking on his pacifism, Abileah explained, “Judaism is not completely pacifist, any more than Christianity or Islam. But all three religions have a common ethical ground for peace. Non-violence...must be a way of life, arising from conviction.”⁴³ Abileah professed his pacifism by refusing to join both the Jewish Brigade and *Haganah* prior to the creation of Israel. He cited his opposition to a distinctly Jewish state and his unwillingness to commit violence against his fellow man.

Tried on August 30th, 1948 on the charge of military draft evasion, Joseph Abileah made clear his religious, political, and moral convictions which demanded his opposition to supporting, in any official capacity, a *Jewish* state. When offered to the opportunity to serve in a non-combat role, he declined stating “he could not accept noncombatant service, which he likened to the case of a thief who watched for the police while another thief performed the actual robbery.”⁴⁴ The trial, publicized under the headline “A Jew, an admirer of Abdullah, refuses to register for reasons of conscience” caught the attention of another early refusenik, Nathan Chofshi, who invited Abileah to join War Resisters’ International.⁴⁵

⁴² Anthony Bing, *Israeli Pacifist: Joseph Abileah* (Syracuse, Syracuse University Press, 1990), 61.

⁴³ Evelyn Wilcock, *Pacifism and the Jews: Studies of Twentieth Century Jewish Pacifists* (Gloucester, UK: Hawthorn Press, 1994), 195.

⁴⁴ Wilcock, 85.

⁴⁵ Wilcock, 86.

Given Israel's assertion that it is both Jewish and democratic it must recognize aspects that contribute to its Jewish nature as well as those which provide for its democratic one. The evidence found in Jewish scriptures, Maimonides and Deuteronomy specifically, indicates there exists a high regard for morality and pacifism within Jewish tradition; it is a historical, if not foundational, aspect of Jewishness documented in some of the earliest writings presented by the ancient Hebrews. More recent moral refusers, men like Nathan Chofshi and those Jewish Israelis who joined War Resisters' International, strongly rely on Jewish tradition to validate their unwillingness to help the state accomplish its militaristic goals.

"To live as a Jew under a Jewish government is not necessarily to support that government," writes Evelyn Wilcock in her study on Jewish pacifism.⁴⁶ Wilcock dedicates a chapter to Nathan Chofshi and his influential Zionist pacifism. Like his contemporary Chofshi, Abileah considered pacifism "a way of life, arising from conviction."⁴⁷ Peace should be strived for between all people in all manners of living, this includes in matters of politics. "My Zionism," writes Chofshi, "and my resistance to war and violence – both are grounded on religion and conscience."⁴⁸ His religion was Judaism, and it was out of the Jewish tradition that Chofshi's conscientious objection was justified and, in fact, commanded:

⁴⁶ Wilcock, 194.

⁴⁷ Joseph Abileah, "Judaisme et Non-Violence," in *Cahiers de la Reconciliation* no 2, February 1982, IFOR France in Wilcock, 195.

⁴⁸ Blatt, Martin, Uri Davis, and Paul Kleinbaum, eds. *Dissent & Ideology in Israel: Resistance to the Draft 1948-1973*. London: Ithaca Press, 1975 and in Evelyn Wilcock, 197.

There is only one way, one truth, the living truth and one should not contradict or hide the living truth, that the one rule one should live by is, 'What is hateful to yourself, you should not do to your fellow man.'⁴⁹

I contend, therefore, that only by ignoring its own traditions and history can Israel isolate morality, and moral refusal, from Jewishness. The state of Israel must elect to subjugate its valuation for Jewish notions of morality, as well as reject its liberal components, while privileging the socio-militaristic aspects of its culture, if it is to refuse exemptions to conscientious objectors.

THE FUNCTIONALITY OF ISRAEL'S DEMOCRACY

Much scholarship surrounds the question of the extent to which Israel's institutions foster democracy. Yaakov Kop's "Nation-Building, Pluralism, and Democracy in Israel," directly addresses the tension arising from Israel identifying itself as a Jewish, democratic state. Just as Kimmerling relates in his 2001 study, Kop calls attention to Israel's segmented polity noting that the ethnic divisions among Arab and Jewish Israelis foster socioeconomic ones. The "socioeconomic disparities — which exist in every society — reinforce ethnic separation in Israel...making nation-building much harder to achieve."⁵⁰ Thus, in Kop's view, Israel's *raison d'être*, that it is a *Jewish* state, sharpens the ethnic divide between Jews and Arabs in Israel. Kop wonders how a government can remain impartial when its very nature promotes ethnocentrism. Problematizing its democracy

⁴⁹ b. Shabat. 31a.

⁵⁰ Yaakov Kop, "Nation-Building, Pluralism, and Democracy in Israel," *Georgetown Journal of International Affairs* 4, no. 1 (Winter/Spring 2003): 26, accessed February 19, 2017, <http://www.jstor.org.ezproxy.lib.utexas.edu/stable/43134438>.

further, Israel's Law of Return, which depends on a particular definition of "Jewish," makes it impossible to attain "a full separation of religion and state in Israel."⁵¹

Despite its flaws, I maintain the position that Israel's government reflects a system most typically associated with Western, European democratic nations. Israel's membership as an "observer" state within the Council of Europe, an international political organization dedicated to promoting and protecting human rights, democracy, and the rule of law, attests to this. Further substantiating Israel's status as a liberal democracy is a recently published collection of essays on the 1967 Arab-Israeli War produced by revisionists of Israeli history. These authors are among the cadre of scholars who emerged during the 1980s, since dubbed the "New Historians." Using relatively newly-declassified material from various national archives, they write against the traditional, hegemonic Zionist historiography to revise it for the sake of accuracy. Though debates over the credibility and intention of revisionism permeate the discourse among historians of Israel, what cannot be questioned is Israel's relative transparency.

William Roger Louis and Avi Shlaim, the editors of one particular revisionist volume, conspicuously include in their introduction the fact that, "Israel follows the practice prevalent in liberal democracies of reviewing and declassifying its official documents. Arab countries do not."⁵² Shlaim argues that, "[w]hatever one might think of Israel's policy toward the Arabs, it is very much to its credit that it allows researchers such

⁵¹ Kop, 25.

⁵² Wm. Roger Louis and Avi Shlaim, eds, *The 1967 Arab-Israeli War: Origins and Consequences* (Cambridge: Cambridge University Press, 2012), 2.

remarkably free access to its internal records.”⁵³ Like any state, liberal democracy or otherwise, Israel’s government limits the extent of its transparency. What substantiates the state’s liberal valuation is, however, its willingness to allow scholarship that is directly critical, and at times accusatory, of the state itself.

The state’s allowance of such scholarship does not remove the risk of any social ramifications that come with refuting the traditional historiography. Ilan Pappé, one of Israel’s earliest New Historians, exemplifies the controversy involved with publicly refuting Israel’s mainstream narrative. In his book chronicling the reception of his damning research on the *Nakba*, the Arabic term for the “catastrophe” that befell the Palestinians after the creation of Israel in 1948, he admits to being treated like a “pariah” by his peers at Oxford.⁵⁴ He also felt compelled to leave Israel and take up residence in Britain after receiving daily death threats for his support of an academic boycott of Israel. The illiberalism of Israeli society, however, does not negate the fact Pappé’s controversial scholarship could not have taken place had the state prohibited access to its archives.

While historians like Pappé, Louis, and Shlaim remain critical of Israel’s government in some regards, they do not deny the fact that Israel operates in a liberal, democratic model. Yet, it is this word “operates” that remains key to my own study. For, even though Israel means to operate within a liberal, democratic model, the extent to which that model actually functions remains contestable. To examine the functionality of its

⁵³ Louis and Shlaim, 23.

⁵⁴ Ilan Pappé, *Out of the Frame: The Struggle for Academic Freedom in Israel* (New York: Pluto Press, 2010), 90.

model, I offer an analysis of the Conscience Committee, an institution whose structure and practice, I contend, threatens Israeli democracy and devalues its liberal identity.

THE ROLE OF THE CONSCIENCE COMMITTEE WITHIN THE SYSTEM

The number of Israelis who have publicly refused to join, or continue service in, the IDF is relatively low compared with the population of Israel as a whole. Israel's Ministry of Tourism cites the population of Israel as between 7.4 million and 8.27 million, with nearly 75% of the population counted as Jewish.⁵⁵ As of January 2017, there are three *declared* conscientious objectors, all of whom are young, Jewish women.⁵⁶ Given the country's historical lionization of the IDF, such a negligible number of refusals does not seem particularly surprising, especially when one considers how difficult the Supreme Court makes it to refuse military service for reasons of conscience.

In addition to the Supreme Court's delegitimization of conscientious objection as a valid reason to refuse conscription, those seeking an exemption to military service find themselves having to justify their convictions to a military panel. This deciding board, the Advisory Committee to the Minister of Defense on Exemption from Service, otherwise known as the Conscience Committee, hears the testimony of each moral refuser and elects to grant exemptions on a case-by-case basis. The committee was established in 1995 "as

⁵⁵ The Israel Ministry of Tourism website is Israel's official North American tourism website. The website provides two markedly different population statistics within its "Israel at a Glance" section. Last accessed April 1, 2017
http://www.goisrael.com/Tourism_Eng/Tourist%20Information/Discover%20Israel/Pages/Population.aspx.

⁵⁶ This figure substantiated by War Resisters' International.

part of an international commitment Israel assumed when it signed and ratified the International Convention on Human Rights in 1966.”⁵⁷

The Israeli newspaper *Haaretz* published an explanatory article outlining the role of the Conscience Committee and questioning the implications of allowing military officers to debate matters of morality and ethics that affect the whole of Israeli society. The article, published in 2003 was written in response to the appointment of a civilian to the Conscience Committee, Philosophy professor Avi Sagi. In his interview with *Haaretz*, Sagi admitted his concern over the militaristic nature of the committee. “The committee,” he argued, “should not be a military one...The fact that the committee has four officers and one civilian [position] means that the considered opinion of the civil-social level becomes a minority. That is not healthy.”⁵⁸ Sagi also took issue with the manner in which the committee conducts its hearings stating, “They take kids of 17 and 18 and throw trick questions at them. I’m not sure all the members of the committee understand their task, or know the meaning of pacifism that grants exemption from service.”⁵⁹ Certainly Sagi’s recognition of the military’s overreach in resolving ethical disputations speaks to the problematic nature of the Committee itself.

Citing legal precedent, Sagi argues that only those refusers who deny that their motivation to refuse is grounded in political ideology are excused from service. We know this from Israel’s landmark Shein case, previously noted. That said, and history will affirm

⁵⁷ Tal Hassin “Serving Their Conscience,” *Haaretz*, July 16, 2003. <http://www.haaretz.com/serving-their-conscience-1.94277>.

⁵⁸ Tal Hassin, “Serving Their Conscience.”

⁵⁹ Tal Hassin, “Serving Their Conscience.”

this, if a concept is bolstered by legislation and affirmed by an official committee, it does not follow that that concept is also necessarily moral or legally justified.⁶⁰ As contemporary legal theory suggests, and the recent United Nations publication confirms, conscientious objection is a hotly contested concept which has yet to be fully explored by social scientists. The concept is so subjective and misunderstood it is without a universal definition or law. However, the reliance by the Israeli government on untrained military officers to determine the authenticity of a conscientious objector's appeal for exemption must, and can be, challenged.

Isolating a conscientious objector's politics from his morality undermines the basic premise of conscientious objection. In Sagi's view, however, politics and pacifism are mutually exclusive. This is made clear in an article in which he aimed to "sharpen important conceptual and normative distinctions relating to the moral and legal status of a person's refusal to perform military service."⁶¹ He concludes that no conscientious objection is legitimate in the eyes of the Israeli law. Yet, those objectors who avoid publicizing their refusal and whose convictions are not grounded in bringing about "a change in the law" may qualify for an exemption.⁶² In his view, objectors who base their refusal on personally held convictions about the Israeli government's treatment of Palestinians are attempting to bring about a change in the law and, as such, are merely

⁶⁰ This premise will be expounded upon in Chapter 3.

⁶¹ Avi Sagi and Ron Shapira, "Civil Disobedience and Conscientious Objection" *Israeli Law Review* 36 no. 3 (2002): 181.

⁶² Sagi, 185.

disguising themselves as conscientious objectors when, in fact, they are “committing an act of civil disobedience.”⁶³

He supports this claim by classifying the various branches of moral refusal as follows: civil disobedience, moral conscientious objection, and private conscientious objection. Only the latter qualifies for exemption because:

Exemptions are anchored in the respect we accord to the motives of human beings, and clearly only persons who act for motives which are recognized by the law are entitled to enjoy the benefit of their application. Similarly, arguments for leniency in cases of refusal to serve should clearly be denied from persons who act for extraneous motives.⁶⁴

This response begs the question, what are extraneous motives? Sagi defines those as “a motive compatible with civil disobedience, such as political ideology and the like.”⁶⁵ Thus, an exemption by the Conscience Committee should not be given to a refusenik whose motivation for refusal is in any way grounded in political ideology. Such a qualification begs another question, how does Sagi define political? Are conscripts who hold political ideologies that benefit the state asked to mute their convictions? How does Sagi isolate political convictions from moral ones?

Seemingly, Sagi, like others who apply this problematic distinction, rely on semantics and the power of legislation to pigeonhole a specific type of conscientious objector, one whose applied morality conflicts with the authority of the state. In refusing to grant exemptions to all conscientious objectors, which these refuseniks *are* by all

⁶³ Sagi, 198.

⁶⁴ Sagi, 194.

⁶⁵ Sagi, 196.

working definitions of the term, rather than selecting from a few, the military negates the individual sovereignty of Israeli citizens. Also problematic, the state employs its military to be the final authority on morality. Is the purpose of these designations and qualifications to divide and rule the moral refusers so as to ensure that only the non-threatening objectors are authenticated by the state? As it stands, the structure and operation of the Conscience Committee allows it to invoke illiberalism in the name of the law.⁶⁶

Sergeiy Sandler, my interlocutor from New Profile, also addressed the subjective and political nature of the Conscience Committee:

The Israeli law has universal conscription...The military has the right to force conscription on you if you're of the right age. That definitely does include the Palestinian citizens of Israel. Not only the Muslims, all of them. What actually happens to the Palestinians...in Israel is that the military decides not to enact the law. They don't hold it up. They don't even get exemption papers.⁶⁷

During our conversation, Sergeiy also invoked the statutory clause which permits the Committee to use its own discretion when granting exemption.⁶⁸ On its website, New Profile reiterates the selective nature of the exemption process:

In practice, the only kind of conscientious objection that may sometimes be recognized is pure and total pacifism. Our experience shows that indicating agreement to perform any kind of function in a military or police force in any hypothetical situation means one's application for conscientious

⁶⁶ Aside from previously cited legal precedent, Israel's Basic Law Concerning Human Dignity and Liberty affirms the legality of the Committee's decree to imprison conscientious objectors. "9. There shall be no restriction of rights under this Basic Law held by persons serving in the Israel Defence Forces...except by virtue of a law, or by regulation enacted by virtue of a law, and to an extent no greater than is required by the nature and character of the service." "Basic Law: Human Dignity and Liberty" last accessed April 1, 2017 https://www.knesset.gov.il/laws/special/eng/basic3_eng.htm.

⁶⁷ Sergeiy Sandler (conscientious objector, volunteer for New Profile and WRI) in discussion on conscientious objection in Israel, January 2017.

⁶⁸ See Ruth Levush.

objector status is automatically declined. Moreover, pacifist conscientious objectors who openly discuss their political views, especially about the Israeli-Palestinian conflict, at the committee hearing when asked about it, almost never receive recognition.⁶⁹

Another conscientious objector with whom I spoke, Sahar Vardi, a volunteer with *Mesarvot* who is active in the objector movement, related her experience with the Conscience Committee:

I failed the committee. I kind of knew I would. They only accept pacifists with...a definition I knew that I don't fit mostly because the definition for them has to be non-political...So, I went into the committee knowing I would probably not be exempt.

Sahar elaborated on how the committee determined whether or not her testimony was political, “Well I did use the word occupation, and, for them, the moment you...make [your testimony] concrete in terms of occupation, [you will not receive an exemption].” She emphasized the political nature of the military claiming that the IDF operates within a dichotomy of “political versus principle,” where principled objection can only mean universal pacifism as understood by the tribunal. She notes, demonstrating her frustration with the position of the Committee, “as if you cannot be generally against violence and therefore also against the occupation as a form of violence.”⁷⁰

Sahar’s experience affirms the illiberal nature of the Conscience Committee and its policy for doling out exemptions. It also directly addresses the disingenuous notion that one’s morality and one’s political ideologies are mutually exclusive. Political

⁶⁹ “Exemption from Military Service in Israel – Main Legal Provisions,” *New Profile*, July 2, 2013, last accessed April 5, 2017 <http://www.newprofile.org/english/node/205>.

⁷⁰ Sahar Vardi (conscientious objector) in discussion on conscientious objection in Israel, January 2017.

psychologists, those who scrutinize the relationship between morals and socio-politics, deny the validity of any disconnect between the two concepts. In fact, the evidence confirms the exact opposite.

SEPARATING MORALITY AND POLITICS

Multiple studies on the subject indicate that one's political convictions directly impact one's morality. Individuals who adhere to one political ideology, Liberalism for example, place a greater emphasis on "individualizing harm and fairness foundations over binding concerns about in-group loyalty, authority, and purity."⁷¹ Contrarily, "the classical conservative[s] focus on tradition and organic social integrity as a balance against abstract notions of individual rights" indicates a preference for communitarianism.⁷² While these theorists apply the constructs "Liberal" and "Conservative" to their discourse, the specific political doctrine with which one identifies does not matter to the larger argument at hand: morality and politics are symbiotic notions which are unable to be isolated, especially in the context of Jewish, Israeli conscientious objectors.

A number of moral refusers elect to publicly refuse to serve in the hopes that their action may provoke a public discussion on the role of the military in Israeli society. Tamar Alon, for one, is a currently imprisoned conscientious objector who hopes that her public refusal will initiate public dialogue and force Israelis to reconsider their unmitigated

⁷¹ Christopher M Federico, et al. "Mapping the Connections between Politics and Morality: The Multiple Sociopolitical Orientations Involved in Moral Intuition," *Political Psychology* 34 no. 4 (2013): 591.

⁷² Federico, 591. See also Jonathan Haidt and Jesse Graham "When Morality Opposes Justice: Conservatives Have Moral Intuitions That Liberals May Not Recognize" *Social Justice Research* 20, no. 1 (March 2007).

support of the government's military policies in the West Bank and Gaza. Her public declaration attests to this: "I refuse to enlist in the IDF out of concern and love for the society that I belong in, and in aspiration to encourage a public discourse about its image and future."⁷³

To the government, Alon is a "selective refuser" due to the political nature of her objection. Recalling Sagi, Alon is supposedly committing an act of civil disobedience disguised as conscientious objection. Because her refusal is predicated on the fact that she "cannot accept the claim that the oppression of another nation, the denial of basic human rights, racism and hatred are essential to Israel's existence," Alon is considered an inauthentic conscientious objector.⁷⁴ By coupling her political discontent with her moral valuation of Palestinian lives, she is categorized according to the substantively vacant term "selective refuser" by the Israeli government. Again, this term serves no purpose other than to delegitimize moral refusers like Alon whose refusal to serve stems from her valuation of human rights.

THE CONSCIENCE COMMITTEE AS A DELEGITIMIZING APPARATUS

Historically, Israeli officials contend that there exists an authentic way to refuse military service and an inauthentic way. For the Conscience Committee, only those refusers who practice a universal reproach of violence, as if such a moral code could be isolated from one's political views, may earn the qualifying label "pacifist" and receive exemption.

⁷³ Tamar Alon, "Tamar Alon Declaration" *War Resisters International*, November 21, 2016, <http://www.wri-irg.org/en/node/26903>.

⁷⁴ Alon, "Tamar Alon Declaration."

Any other type of refusenik qualifies for jail time. The Committee's superficial distinction is at odds with the Human Rights Committee's definition of conscientious objection and with much of the existing legal theory on the subject. The Committee's treatment of moral refusers also runs contrary to the standards professed in Israel's own 1948 Declaration. In short, pacifists are conscientious objectors and selective refusal is grounded in morality. To assert otherwise, the Conscience Committee, and the Israeli government, must rely on disproven assumptions about the relationship between politics and morality. Doing so allows them to delegitimize those conscientious objectors whose personal convictions challenge the political objectives of the state of Israel and threaten the conventional politics of the IDF.

Returning to Kimmerling, Israel's state strength is reliant upon its ability to "enforce law and order, to mobilize the population for war...[and] to impose its own definition of collective identity on all segments of society."⁷⁵ With respect to Jewish, Israeli conscientious objectors, the collective identity which the government imposes upon its citizens is that certain conscience-based refusals are authentic while others are illegitimate. Israel garners its strength, therefore, by intentionally privileging the politically-neutral morality of some citizens over the politically-problematic morality of others. This is done, at least in part, in an explicit attempt to reiterate the normalcy of Israel's socio-military culture and its continued presence in the West Bank and Gaza. Israel's Conscience Committee serves as an official manifestation of state-might-makes-right. In order for a

⁷⁵ Kimmerling, *The Invention and Decline of Israeliness*, 59.

conscientious objector to qualify for an exemption, they must initiate the act in a specific manner, with specific behavior, using specific language. They must repress their politics, mute their morals, and check their autonomy. Not only is such praxis antithetical to liberalism, it does not uphold Israel's declaration to "foster the development of the country for the benefit of *all* its inhabitants" (emphasis mine).

Though it is not shocking that a state would want to retain its authority, the practice of its exemption system contradicts the very core of Israel's liberal character. How can the state "ensure complete equality of social and political rights to all its inhabitants" while intentionally relegating certain citizens to the periphery based solely on their social and political ideology? Israel's continuation of this practice substantiates Yiftachel's argument that Israel's democracy is only a façade. It is certainly disconcerting for the future of Israeli liberalism that the same citizens devalued by the state possess a social and political ideology embodying the hybridity of Israel's Jewish and democratic system. In addition to further elucidating on the illiberalism of Israel's treatment of its conscientious objectors, the following chapter addresses who these conscientious objectors are, how they live in a society that sees them on the periphery, and how they respond to the state's demands.

Chapter 2: Dynamics of the IDF and its Conscience Committee

DEMOCRACY AND THE IDF

Today in Israel, there is no greater moral or democratic act than conscientious objection to serving in the Occupied Territories. Those who claim that objection comes from ideological and political motivations are indeed correct, because the military oppression of the Palestinians is indeed the heart of the issue. Objection is the step which works to fix the democratic regime in Israel - and not by subversion

*from underneath, but by repair (and not mere undermining) of the foundations for legitimacy on which Israel is founded.*⁷⁶

As the quotation above suggests, Israeli sociologist Baruch Kimmerling criticizes Israel's overall treatment and response to conscientious objection. In this chapter, I engage his premises in two particular ways: by framing it within the context of international standards of democracy to show how the socio-military status quo contradicts Israel's liberal values and by deconstructing the pervasiveness of Israeli socio-militaristic culture to reveal the non-apolitical configuration of the IDF. To the first objective, I expound on the nature of Israeli conscription to argue that Israel's military culture limits the operability of democracy. Second, by examining the Conscience Committee's practices and structure, I aim to reveal its apparently political biases.

Ultimately, I hope to present a clear picture of how, given the hybrid nature of Israel's government system, coupled with its continued military presence over the Green Line, conscription poses a serious threat to Israeli liberalism. Conscientious objection, therefore, serves as a democratic response to the state's non-democratic practices. I approach this chapter with the awareness that democracy, as with any ideology, is a social construct that derives meaning from those who recognize, reject, or practice it. Israel's standard of democracy may be understood from the fact that it identifies as a democracy, fosters internal democratic organizations, and actively engages with democratic institutions external to the state.

⁷⁶ Baruch Kimmerling, "Conscientious Objection and the Democratization of Israel," *Kol Ha'ir*, March 22, 2002, http://www.seruv.org.il/MoreArticles/English/BaruchKimmerlingEng_1.htm.

Out of the concrete definitions and examples of democratic standards to which Israel has committed itself, I assess Israel's democratic conditions with regard to conscientious objection. Primarily, I base Israel's value of democracy by looking to the institutions of which Israel is a part: The United Nations and the Council of Europe, for instance. Further, I compare the case of Israel with cases presented by political scientist and UN Representative Anton Bebler. Bebler's work focuses largely on Slovenia, his country of origin, and its "smooth transition" from authoritarian regime to functional, democratic nation. He also formulated a model which tracks the democratization of previously authoritarian regimes as they work to replace their defunct system with a more democratic one.

Also included in this chapter are ethnographic interviews and oral histories of present-day conscientious objectors with whom I have spoken, or with whom other scholars have engaged, or whose testimonies are a matter of public record. These statements serve to substantiate my argument that, with regard to conscientious objectors, Israel's military ostensibly functions within an illiberal framework. At the very least, the state's treatment of moral refusers reflects poorly on Israel's liberal valuation.

THE IMPACT OF A PERVERSIVE MILITARY CULTURE

You put on this uniform, you wear it on busses, you come home wearing it as an ambassador. Father just waits for you to come home, to get the uniform back from the kibbutz laundry, flaunting the pilot's uniform, and then to take the collection of decorations you got from the army, and to mount them on the uniform, slowly, in his armchair at home...a kind of therapy for the father from the son, mounting them on the uniform; mother

*ironing, preparing the ambassador for his departure, to represent the family and kibbutz with honor before Israeli society.*⁷⁷

In Israeli society, the military and specifically soldiering, is considered an admirable career path and honorable behavior. The soldier represents the strength of the state. Put plainly, “military service is central to secular Jewish Israeli society and the basis of full citizenship.”⁷⁸ Given the popularity of the IDF, an Israeli citizen who abstains from participating in this deep-rooted social custom by refusing to participate on principle, necessarily excludes him or herself from a significant aspect of Israeli tradition and culture. The degree to which this marginalization affects a moral refuser depends on the type of exemption granted by the military panel. Those whose exemptions stem from exhibiting “bad behavior” or from condemning the IDF’s presence beyond the Green Line earn a stigma that remains with them for as long as they continue to publicize their condemnation.

Daniel, one the Israelis with whom I spoke, clarified the manner in which discriminatory hiring practices can target refuseniks. He explained “it is illegal by law [for an employer] to not take you because you didn't serve. But if an employer doesn't want to hire you they just won't. You can't really prove by law that it was because of your refusal.”⁷⁹ He paints a realistic picture to solidify his point, “[say] the employer has two people that they have to choose from. One did serve, one did not, then that's an issue sometimes because if [the employer] really care[s] about it, they can see you didn't mention [your

⁷⁷ Tomer Inbar, *On the Objection Front*, directed by Shiri Tsur (Israel: Velvet Production, 2005) last accessed March 19, 2017, <https://vimeo.com/84990586>.

⁷⁸ Erica Weiss, “Principle or Pathology? Adjudicating the Right to Conscience in the Israeli Military” *American Anthropologist* 114, no 1 (March 2012), 81. DOI: 10.1111/j.1548-1433.2011.01398.

⁷⁹ Daniel Elsohn (conscientious objector) in discussion on conscientious objection in Israel, February, 2017.

military service] and [will] assume that you didn't serve.” He goes on to explain how the IDF makes specialty training accessible to those hoping for a career in a given technical field. “[I]f someone wants to work in high tech...they do something in the army that is related to that.” Consequently, those who did not serve in the military will have limited access to technology related careers. In essence, this model foments the socio-economic stratification of morality considering that those who cannot afford to train in a specialty field must serve in the military to receive the necessary training. Thus, conscientious objectors are expected to sacrifice their morality in order to satisfy their need for financial stability. Their rejection of Israel’s ubiquitous military ethos prevents them from fully assimilating into their own society, thus affecting their ability to achieve true normalcy.

This inability of conscientious objectors to fully assimilate prompts a certain stratification which results in a specific type of Israeli being pushed to the margins of society. As Erica Weiss makes clear, “the performance of military service is encouraged by the state educational initiatives,⁸⁰ and widespread social pressure to do the most to serve society.”⁸¹ By refusing to participate in the military service ritual, and by asserting the primacy of their morality, conscientious objectors challenge the authority of the state, the values of their compatriots, and the traditional sacrifice paradigm. The aftereffects of this behavior varies per refuser, with some facing more hardships than others depending on the socio-economic and hierarchical status held by each refuser at the time of his objection.

⁸⁰ Further evidence for the politicization of the IDF.

⁸¹ Weiss, *Conscientious Objectors in Israel*, 37.

To the chagrin of politically-motivated moral refusers, enlistment into the IDF remains the norm for Israeli youth. In an article addressing Israeli national security doctrine, historian David Rodman explains that “despite the general decline of a communal, self-sacrificing spirit, most Israelis continue to see military service as an important right-of-passage into society; therefore, social pressure alone would suggest that the idea of mass conscription is not currently in danger of being swept aside.”⁸² Organizations like New Profile and its subgroup Think Before You Enlist contest the notion that military service constitutes the standard mode of behavior for Israeli youth. Instead, these types of groups “present alternatives to the overwhelming hegemony of military service.”⁸³

Weiss dedicates a chapter to the negative consequences conscientious objectors may potentially face for their principled refusal to serve in the IDF. Her interlocutors from Think Before You Enlist reveal just how important military service remains in Israel:

What I am really afraid of afterwards is the career. If I am asked at job interviews what I did in the army, what will I say? And especially since I am thinking that I might want to be in politics, the army is the absolute base for any political career. There is a lot of discrimination against those who don't do the army, even if it isn't the law.⁸⁴

She cited another young man who voiced his concern over “recent events in which musicians in all spheres in Israel were coming under attack and being investigated.” Certain

⁸² David Rodman, “Israel’s National Security Doctrine: An Introductory Overview” Middle Eastern Review of International Affairs 5 no. 3 (September 2001), 83, <http://www.rubincenter.org/meria/2001/09/rodman.pdf>.

⁸³ Weiss, *Conscientious Objectors in Israel*, 83.

⁸⁴ Weiss, *Conscientious Objectors in Israel*, 99.

musical groups faced public boycott “if it was discovered they had not served in the military.”⁸⁵

In addition to public pressure to conform to the collective norm of military sacrifice, moral refusers became the target of a state-guided advertisement campaign accusing refuseniks of shirking from the duties. The “Real Israeli” campaign appeared on public transportation and various media outlets proclaiming, “A real Israeli doesn’t shirk.”⁸⁶ A video from the campaign, which aired in 2008 and is now readily accessible on YouTube, features a small group of young Israeli men talking to an English-speaking woman, presumably American, in a smoky bar or café. The video centers on one male soldier’s explanatory dialogue as he names the military job title held by each of his friends, also present in the café. The woman listens intently as the soldier goes around the table one “brother” at a time nominally introducing them to the listening woman. The advertisement concludes with the IDF soldier asking an “evader” within the group to remind them where he served. A hush falls over the table as the “evader” gestures sheepishly now appearing conspicuously out of place. The final frame features the text, “ישראלי אמיתי לא משתמט” (a real Israeli doesn’t shirk [*his* military duties]).⁸⁷

The campaign, which began in 2008, appears to be operating still. Whether or not the pointed message has had a positive impact on IDF enlistment is unknown as statistics are not readily available. What is known, however, is that this targeted campaign, which

⁸⁵ Weiss, *Conscientious Objectors in Israel*, 99.

⁸⁶ Weiss, *Conscientious Objectors in Israel*, 101.

⁸⁷ “A Real Israeli Doesn’t Evade the Army,” YouTube, last accessed April 5, 2017, https://www.youtube.com/watch?v=R0_M-2WO7pI.

has been in effect for seven years, marginalizes certain Israelis for their refusal to serve in the military, to include Arabs and religiously observant Jews. Its message and delivery epitomizes the pervasiveness of military culture into the everyday lives of Israeli citizens. Conscription remains the norm in Israel and those who attempt to alter the modes of sacrifice risk marginalization through traditional and innovative methods of public shaming.

POLITICS OF THE CONSCIENCE COMMITTEE

By law, the Committee “shall not be bound by rules of procedure or rules of evidence but shall act as it deems most expedient for the clarification of the questions to be decided by it.”⁸⁸ Thus, both legally and practically, the Committee may withhold exemptions for relative reasons depending on the views of each committee member. Historically, the Conscience Committee decrees as follows: moral refusers who eat meat or listen to heavy metal music cannot be *pacifists*,⁸⁹ those with non-conventional political views are *selective refusers* not moral ones, objectors who apply their morality to affect systemic change are committing *civil disobedience*, and even true *conscientious objectors* must sometimes sacrifice their morality for the benefit of the state.

⁸⁸ See Ruth Levush.

⁸⁹ “Pacifists, according to the IDF, must be vegan, they cannot wear leather (even a watchstrap), they must not wear black t-shirts, nor listen to heavy metal music. And their position must be clear by the age of sixteen, when the process of registration for military service begins in the schools. Conscientious objectors who are not approved by the military authorities (there is no judicial or other civilian oversight) are typically locked up in a military prison for between a fortnight and a month, then brought before another disciplinary hearing where they are asked whether they are now ready to perform their military service, or whether they want to be examined by a military psychiatrist. If they refuse both options, another short sentence follows, and so the process continues until they break, one way or the other.” See UN Human Rights Committee, “97th Session of Human Rights Committee,” Conscience and Peace Tax International, Bulletin Number 6 (October, 92, 2009): 3, accessed January 31, 2017. <http://cpti.ws/bulletins/bulletintranslationsger.html>.

The Conscience Committee is first and foremost a military board whose panelists answer to the Minister of Defense, a civilian who delegates his exemption granting privileges to various military officers to employ at their discretion.⁹⁰ Even the one civilian who sits on the panel is selected by the military.⁹¹ The Committee purposefully authenticates politically-neutral (read, politically-conventional) refuseniks while delegitimizing the objections of those whose politics are predicated by their morality. This authentication manifests through a service exemption that releases the citizen from his sacrificial duty to the state.

In a drastically illiberal move, refusers whom the Committee deems inauthentic are jailed as soldiers disobeying a military authority, sometimes repeatedly, for a period of several months before finally being granted an exemption. The most egregious example of this being Tair Kaminer who was jailed for more than 150 days and exempted for “bad behavior,” one of the two traditional classifications of exemptions granted to refuseniks apart from “mental health.” Upon hearing the news of Kaminer’s exemption, War Resisters’ International proclaimed, “Refuser Tair Kaminer has been exempted from the army for 'bad behaviour'. We say: if everyone 'behaved badly' in this way, the world would be a much safer place!”⁹² Troubling for the future of Israeli liberalism is the legality of this system.

⁹⁰ This claim is based on an interview with Sergey Sandler of New Profile and will be discussed further in this chapter.

⁹¹ Erica Weiss, *Conscientious Objectors in Israel*, 110.

⁹² “Israel: Tair Kaminer Exempted from Conscription,” *War Resisters’ International*, July 14, 2016 <https://www.wri-irg.org/en/node/26662>.

According to the Committee, “the origin of the right of a pacifist to not serve in the army is derived from freedom of conscience, which in turn is derived from the right to dignity.”⁹³ Regarding “freedom of conscience,” where is the line drawn between authentic conscience and inauthentic conscience? Are the modern objectors who cite an inability to harmonize conscience with occupation, or the earlier pacifists who refused to join *Haganah* to fight for Israel’s creation as a strictly *Jewish* state, not evoking their conscience? Should politically-motivated moral refusers expect fewer freedoms of conscience than their compatriots in arms? Does the Committee expect objectors to suspend their Declared and Basic right to express their political opposition to the IDF’s policies?⁹⁴ In short, yes. Weiss discovered that pacifists who refused to serve citing their “principled objections to violence” appeared to “[challenge] the legitimacy of state’s use of force and the hegemonic moral order” and were subsequently refused an exemption.⁹⁵ Their compatriots who either withheld their principled convictions, or lacked any, “depolitized pacifism,” and were seen as non-threatening to the “hegemonic moral order.”⁹⁶

⁹³ Weiss, *Conscientious Objectors in Israel*, 114.

⁹⁴ The terms Declared and Basic directly relate to Israel’s Declaration of Independence (previously cited) and its Basic Law Concerning Human Dignity and Liberty. The latter proclaims: 1. The purpose of this Basic Law is to protect human dignity and liberty, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic state. 2. There shall be no violation of the life, body or dignity of any person as such. 4. All persons are entitled to protection of their life, body and dignity. 5. There shall be no deprivation or restriction of the liberty of a person by imprisonment, arrest, extradition or otherwise. 9. There shall be no restriction of rights under this Basic Law held by persons serving in the Israel Defence Forces, the Israel Police, the Prisons Service and other security organizations of the State, nor shall such rights be subject to conditions, except by virtue of a law, or by regulation enacted by virtue of a law, and to an extent no greater than is required by the nature and character of the service.”

⁹⁵ Erica Weiss, “Principle or Pathology,” 82.

⁹⁶ Erica Weiss, “Principle or Pathology,” 82.

Essentially, then, the only tolerable conscience-based pacifism manifests in “an embodied visceral revulsion to violence [which] did not challenge the state.”⁹⁷ For instance, to meet the criteria for an exemption on pacifist grounds, the Committee holds the atypical requisite that a pacifist be a vegetarian. As Weiss makes clear, “Vegetarianism is not a feature of many streams of pacifism in the world.”⁹⁸ Important to note, no mention of Joseph Abileah’s dietary restrictions, vegetarian or otherwise, appear in his biography or in any academic discourse treating his lifestyle and involvement in Israel’s non-violence movement. Recall that Abileah was a contemporary of Nathan Chofshi and was tried by the Israeli government for his refusal to serve in the newly-formed IDF on pacifist grounds. Even the freedoms extended to citizens which should allow them to retain their conscience, dignity, and political ideology appear not-applicable when an objector’s politics do not align with the political status quo.

The Conscience Committee’s superficial distinctions and arbitrary notions of pacifism indicate two things: the Committee’s liberalism is limited in structure and in practice, and the military is not, in fact, apolitical but driven by very specific ideology. That ideology requires the tacit acceptance of violence and the willingness to engage in actions which the IDF deems necessary for protecting the state and maintaining its safety in Israel’s ever-present “security situation.” On the view of Israel’s conscientious objectors, however, the state’s perpetuation of the occupation, augmented by conscription, foment the “security situation” the IDF’s presence is meant to dispel. Citing their freedom of

⁹⁷ Erica Weiss, “Principle or Pathology,” 81.

⁹⁸ Erica Weiss, “Principle or Pathology,” 87.

conscience, moral refusers elect to disengage from this cycle of violence and are jailed for doing so.

THE POLITICS OF THE PEOPLE'S ARMY

The IDF prides itself on being a people's army; an institution that represents Israel's diverse demography and social values. Israel's Chief Intelligence Officer, Brigadier General Dov Tamari, in a 2016 memorandum, deconstructed the term "people's army" explaining that the IDF relies both on general conscription and a standing army in order to meet war-time demands and execute Israel's foreign and domestic policies. In addition to a brief historiography of the term, he relates the concept to Israel's military and elucidates how it operates within the republican model of sacrifice,

[t]he people's army, therefore, is characterized by general conscription; the mobilization of the state's resources for the war effort; a regular army (compulsory and standing forces), whose size is determined by a state's economic resources and foreign and domestic policy; and the mass needed for a total war constituted of conscripted reserve soldiers. General conscription had the profound social effect of turning the civilian into a military subject who may end up sacrificing his life in battle. In return, he demanded and received civil rights he had not enjoyed in the past.⁹⁹

Citizens who practice conscientious objection are not allowed into the "people's army" due to the IDF's latent removal of individual, moral autonomy and the military's systematic rejection of political views that do not align with the status quo. Theoretically, the IDF functions as both a homogenizing and diversifying institution. It is homogenizing in the sense that partisan politics (read, politics external to the status quo) remain extraneous to

⁹⁹ Dov Tamari, "'The People's Army,' Put to the Test," *Military Service in Israel: Challenges and Ramifications, Memorandum No. 159*, eds. Meir Elran and Gabi Sheffer (Tel Aviv: Institute for National Security Studies, September 2016), 36. <http://www.inss.org.il/uploadImages/systemFiles/memo159.pdf>.

the IDF's mission and culture; personal ideologies remain secondary, and the state's objectives are privileged. It is diversifying in that its ranks embody Israel's culturally and politically varied population.

My research problematizes these assumptions by questioning the validity of an apolitical "people's army." Because the IDF enforces universal conscription, it requires the abdication of individual autonomy, even to the extent of suppressing one's morality; such is the basis of the republican model of sacrifice. Conscription, I have already argued, is another illiberal aspect of Israel's government system, specifically the process by which exemptions to conscription are distributed. I also refuted the military's assumption that partisan politics can be wholly removed from a military institution, "people's army" or otherwise, using political psychology to support my position.¹⁰⁰ The IDF is not, in fact, an apolitical institution, but one that privileges certain political ideologies over others. Withholding exemptions and repeatedly imprisoning citizens who vocalize their dissenting ideology on the basis of their morality is indicative of an authoritarian government more than a liberal one.

IDENTIFYING ILLIBERALISM THROUGH BEBLER'S MODEL

To contextualize how conscientious objection and democracy relate, consider Samuel Huntington's article in which he examines reformations of authoritarian governments. Huntington traces how previously authoritarian governments around the world democratized by making fundamental adjustments to their political systems. He

¹⁰⁰ See Chapter 1 and Federico, et al.

emphasizes that “[v]irtually all of these authoritarian regimes, whatever their type, had one thing in common. Their civil-military relations left much to be desired.”¹⁰¹ Such is the case for Israel, namely with regard to conscientious objection. Huntington refers also to Slovenian scholar Anton Bebler who proposed that authoritarian governments in Eastern Europe, his specialty, showed a commitment to change when they demonstrated any of the following 11 changes:

- (1) increased transparency of defense policies and often a greater supervisory role by parliaments and public opinion; (2) civilianization of defense ministries; (3) radical personnel changes in the upper echelons of the armed forces; (4) national emancipation from Moscow and resultant new security doctrines; (5) partial redeployment of and an altered profile for the armed forces; (6) a greater stress on participatory managerial styles within military establishments; (7) relative political neutralization of the armed forces; (8) discontinuation of the military’s internal-security role; (9) ideological pluralization; (10) abolition of obtrusive discrimination against religious believers; and (11) decriminalization of conscientious objection.¹⁰²

Given its policies toward conscientious objectors, numbers 1, 2, and 11 apply directly to Israel and concern this study. I rely on the testimony of my Israeli interlocuters, and the statements of those presented in other research, to address Bebler’s premises individually.

The actions of the Conscience Committee, and even its very existence, are far from transparent. Although the Committee is a military one answerable to a civilian Defense Minister, the same people who comprise the “people’s army” are not informed of the

¹⁰¹ Samuel P. Huntington “Reforming Civil-Military Relations” *Journal of Democracy*, 6, no. 4 (October, 1995): 9, accessed March 2, 2017, <https://muse.jhu.edu/article/16708#f3>.

¹⁰² Anton Bebler, “The Evolution of Civil-Military Relations in Eastern and Central Europe,” *Inter-University Seminar Newsletter*, 23 (Fall 1994): 9. I am unable to confirm this citation as it is unavailable in English, though it is widely cited by scholars. I therefore couple this citation with the NATO citation provided in the bibliography.

Committee's role in granting exemptions. Weiss notes this fact in her ethnographic study wherein she follows the exemption trial of an objector named Maya. "Maya spoke with me often about her Conscience Committee experience," she writes. "When she received her first order to report (*tzav rishon*) she had already decided that she would apply for pacifist exemption. This exemption is not advertised; when recruits receive their enlistment packets, pacifist exemption is not listed among the options."¹⁰³ Recalling Bebler's model, how can a military committee that does not publicized its role even engage "public opinion" let alone consider itself "transparent"? I argue that it cannot.

To address Bebler's second premise, I again cite Sergei and a recent publication by the Council of Europe. During one of our interviews Sergei explicated the nature of the Conscience Committee and legal exemptions:

So, under [the Defense Service Law of 1986], the Minister of Defense delegates the authority [to grant exemptions] to 15 different military officers. The head of the Conscience Committee is one of those officers... if the Committee decides to exempt, that officer has the authority to exempt for conscientious grounds. That officer also has the authority to say, 'Well you know what, I'm going to exempt you but not on conscientious grounds.' Which did happen to some people.¹⁰⁴

The decision to exempt falls ultimately upon the discretion of one man, an IDF officer, not a civilian, who has no expertise in matters of philosophy, pacifism, or morality. To

¹⁰³ Weiss, *Conscientious Objectors in Israel*, 109.

¹⁰⁴ Sergei Sandler in discussion on conscientious objection in Israel, January, 2017. See also Paragraph 36 of the Defense Service Law cited by New Profile "Paragraph 36...gives the Minister of Defense the discretion to exempt or defer conscription and reserves service for any person for any reason. In fact, this provision has been used to exempt some conscientious objectors, to discharge soldiers after spending much time in military prison and to provide indefinite deferrals of service to members of several religious groups (most notably ultra-Orthodox Jewish religious students). See "Exemption from military service in Israel – main legal provisions," *New Profile*.

reiterate, recall that this fact troubles even the Committee's designated civilian member, Avi Sagi.

Israel's partnership with the Council of Europe is both promising and damning. While its engagement with the Council indicates Israel's realization of its liberal values, its failure to adhere to basic standards of democracy reveals a discernable rejection of liberal doctrine many conscientious objectors find troublesome. Those persons seeking a reprieve from military service and wishing to qualify for an exemption on moral grounds must present their convictions to a government body consisting almost exclusively of military officers and whose status in the IDF precludes a fair-minded hearing. Specifically concerning to the Council is the repeated "violation of the principle of *ne bis in idem*."¹⁰⁵ The Human Rights Committee is also concerned with the Conscience Committee's lack of impartiality and the state's willingness to subject its citizens to double jeopardy (*ne bis in idem*), the latter being a foundational tenet of democracy.¹⁰⁶

To address Bebler's eleventh point, I revisit Huntington's claim that authoritarian regimes exhibit strained civil-military relations. Some in the Israeli media present evidence that this tense dynamic has manifested in Israel. David Grossman, for instance, published a piece in *Haaretz* addressing the incongruence of the exemption system with democracy. Grossman, an Israeli author and social commentator, recently questioned the military's

¹⁰⁵ Derek Brett, ed., "Conscientious Objection to Military Service in Europe 2015," (report presented at the annual meeting for European Bureau for Conscientious Objection, Geneva, October 2015), 16, http://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2015_EBCO_REPORT.pdf.

¹⁰⁶ The problem of *ne bis in idem* occurs with respect to a number of conscientious objectors. The most recent cases include: Tair Kaminer, jailed 6 times, Omri Baranes, currently serving her 4th sentence, Tamar Alon, currently serving her 4th sentence, Tamar Ze'evi, currently serving 4th sentence.

treatment of Tair Kaminer, a young, Jewish Israeli woman and conscientious objector subjected to 6 consecutive prison terms totaling 150 days in 2016. Grossman sardonically opines, “We can relax – the army has vanquished Tair Kaminer.”¹⁰⁷ He goes on to speak to the collective discomfort felt by Israelis as the case, and Kaminer’s moral refusal, persisted:

I and many others began to feel that the army wasn’t only punishing Tair but was vengefully abusing her in a way that sometimes provoked the feeling that the army was afraid of this determined young woman, and of what she symbolizes...Tair Kaminer indisputably broke the law. But the way the military abused her revealed its inhuman rigidity and the injustice it can wreak when facing a principled conscientious stand speaking a different language than its own.

Grossman’s concern with the legality behind Kaminer’s “abuse” parallels my own and undergirds this thesis. The manner in which conscientious objectors are *legally* marginalized and criminalized by a military panel in a military court is disconcerting for the future of the Israeli democracy.

Though sympathetic to their cause, critics like Grossman oppose political conscientious objection for its potential to weaken Israel’s already “fragile” democracy. Similarly, Conscience Committee member Sagi charges the *sarvanim* with circumventing “the standard processes for arriving at decisions in a democratic state.” He sees their political refusal as counter to democracy and insists those politically-motivated conscientious objectors “do not truly believe in political persuasion...and do not have faith in the citizens of the State of Israel.”¹⁰⁸ From the perspective of the conscientious objectors,

¹⁰⁷ David Grossman, “The Case for Conscientious Objector Tair Kaminer,” *Haaretz*, last modified July 19, 2016, <http://www.haaretz.com/opinion/.premium-1.731184#>.

¹⁰⁸ Avi Sagi and Ron Shapira, “Civil Disobedience and Conscientious Objection.”

however, as well as Kimmerling, the refusal of an objector is in keeping with their country's democratic traditions. In their own words:

The State of Israel commits war crimes and tramples over human rights, destroying Palestinian cities...When the elected government tramples over democratic values and the chances for a just peace in the region, we have no choice but to obey our conscience and refuse to take part in the attack on the Palestinian people.¹⁰⁹

In short, the question of whether conscientious objection benefits or hinders democracy remains contested. What is clear, however, is the problematic, legal manner in which the Conscience Committee criminalizes conscientious objectors. Further, the Committee's preference for apolitical refusal does not indicate the IDF's apolitical nature but its privileging of a specific *type* of political ideology. The illiberalism of the Committee's structure and practice not only manifests in human rights violations recognized by the Council of Europe, it results in critiques by Israel's own media.

RAMIFICATIONS OF REFUSAL

While engaging Bebler's eleventh premise, I return now to an earlier promise to expound of the ramifications of moral refusal. Who are these groups and individuals who refuse to serve and who lack legitimacy as a counterculture in society? What are they trying to accomplish by refusing to serve? How does the military's criminalization affect them personally? To respond to these questions, I rely on the media and the public testimonies

¹⁰⁹ *Shministim* letter cited in Avi Sagi. Both Sagi's citation www.seruv.org and www.shministim.org are unavailable for verification. I confirmed the source of the letter from an independent website: *Women's World: Organization for Rights, Literature, and Development* that published an article about the signers. Steven Feuerstein, "Voices for Peace in Israel and Palestine," *Women's World: Organization for Rights, Literature, and Development*, last modified September 17, 2002, <http://www.wworld.org/programs/middleEast.asp?ID=313>.

of these citizens who were plainly asked, or volunteered, their motivations and views on the IDF and Israeli society.

In 2009, members of the conscientious objector advocacy group Courage to Refuse protested the then-recent IDF assault on Gaza. The protests were recorded, in part, and reported by Israel Social TV, “an independent media organization (NGO) working to promote social change, human rights and equality.”¹¹⁰ The news agency interviewed a number of refuseniks who shared their views on the IDF as well as the reasons behind their refusal. Of the eight refusenik interviewees, four stated they had spent time in military prison for their moral refusal.

A further testament to the Israeli government’s inability to detach politics from the IDF is the recent controversy surrounding *Israel Social TV*. As reported by *972 Magazine* and the *Jerusalem Post*, *Israel Social TV* has been threatened by the director-general of the Communications Ministry, Shlomo Filber, who “announced he would halt funding for the organization in the wake of the report and due to what he described as the station’s work to ‘undermine the foundations of the state and provide a platform to delegitimize IDF soldiers.’”¹¹¹ The report mentioned by Filber was conducted and bolstered by the IDF reservist group Reservists on Duty, an organization upon which I will expound shortly.

Israel Social TV’s report included the statement of Noam Livne, a reserve officer and member of Courage to Refuse who shared his story:

¹¹⁰ “About Us” Israel Social TV, last accessed March 3, 2017, <https://tv.social.org.il/eng/about-us>.

¹¹¹ Lidar Gravé -Lazi, “Israel Social TV Faces Loss of State Funding Over Alleged BDS Support” The Jerusalem Post, October 9, 2016, <http://www.jpost.com/Israel-News/Israel-Social-TV-faces-loss-of-State-funding-over-alleged-BDS-support-469777>.

Last Saturday I received a reserve notice to arrive the following morning for service. I refused. I got there and told my commander that I refuse. The military now has to decide what to do with me. I am on hold, at any moment they can call me for trial. I've already packed a bag at home with books and everything you need to sit in jail.¹¹²

In his interview, David Zonsheine, a Courage to Refuse member who was imprisoned for his refusal to serve in the Occupied Territories in 2002, pleaded with soldiers to question the morality of their service, "I call them to refuse. Say no. It has a price, not an easy one, especially the personal price, but this is the right thing to do."¹¹³ Noa Kaufman refused military service in 2002 but was not jailed for her actions. During her interview, she addresses the pervasiveness of military culture in Israel: "I think that the brainwash in this country that begins in kindergarten works and proves itself especially in a time of war. At 18, you go to the army with the rest of your friends, you are told that you are a hero, there are fundraisers for you, the entire nation is behind you."¹¹⁴

Weiss, also an Israeli citizen, attests to the severity of the consequences of moral refusal. "Depending on the outcome of one's hearing, one can face military incarceration, fewer social benefits, difficulty acquiring a driver's license, as well as social estrangement, career difficulties, and even in some cases, public infamy."¹¹⁵ My interlocutors also expressed concern with the way objectors are treated in Israel society. I spoke with a young, Jewish objector named Daniel who refused to enlist into the IDF on principle. Daniel is

¹¹² Noam Livne, "Israelis Soldiers Refuse to Serve in Gaza," Israel Social TV, <https://www.youtube.com/watch?v=1cMs0nai4JQ>.

¹¹³ David Zonsheine, "Israelis Soldiers Refuse to Serve in Gaza" Israel Social TV, <https://www.youtube.com/watch?v=1cMs0nai4JQ>.

¹¹⁴ Noa Kaufman, "Israelis Soldiers Refuse to Serve in Gaza" Israel Social TV, <https://www.youtube.com/watch?v=1cMs0nai4JQ>.

¹¹⁵ Weiss, *Conscientious Objectors in Israel*, 109.

now 20 years old and works for the conscientious advocacy non-profit group Breaking the Silence. Daniel presents an interesting case because he used his knowledge of the Committee's strategy of legally rejecting political conscientious objectors by employing a strategy of his own:

At age 16...you get a letter from the army that says that you have to come to the military base, and they ask you questions. They check your eyesight and your health. They test things like math and they generally get an idea of what you are, and assign you a profile...Already, then, I knew I will not serve. I didn't lie to them about anything but I didn't mention politics either. I just talked about what I feel towards serving in the army. Maybe more emotionally...Also, I did not answer any of the questions in their math test. I refused to get checked for health...so they got the idea that I did not want to serve...they sent me to a mental health officer. So, I went there and I talked with [her] and she told me that I'm not going to serve...several months later I got the release form - not form, letter, by mail.¹¹⁶

Daniel's awareness of the Committee's history of delegitimizing political refusers parallels the testimony of Sahar Vardi, whose interview I cited previously. Both Daniel and Sahar refused to be conscripted, but Sahar volunteered to the Committee that her principled politics undergirded her refusal.

To put these interviews in conversation with Bebler, his eleventh premise manifests in both Daniel and Sahar's cases. Both refuseniks recognize the negative ramifications of refusal, specifically that they would be treated and imprisoned as criminals, and respectively responded according to their individual preference. Sahar willingly went to prison for her principles while Daniel was unwilling to do so and elected to pit the system against itself. Thus, Daniel's behavior was predicated by having the

¹¹⁶ Daniel (conscientious objector) in discussion on conscientious objection in Israel, January, 2017.

awareness of the Committee's legal bias toward politically-motivated refusers, and by knowing that the Committee historically jails refusers who admit their political views. He intentionally altered his behavior so as to fall within the limits of acceptable refusal, i.e., mental health.

Now, Daniel works for Breaking the Silence, an organization which has been negatively impacted by the Israeli government's criminalization of organizations which question the actions of the IDF. Breaking the Silence is "dedicated to exposing the day-to-day reality of military service in the Occupied Territories through testimonies by the soldiers entrusted with carrying it out."¹¹⁷ For working to invoke dialogue on conscientious objection and for publicizing the subaltern culture of moral refusal, the government has passed legislation to curb the audiences to which the organization can appeal.

An initial reading of the bill in January 2017 resulted in overwhelming support from 51 *Knesset* members with only 17 voting against. The "Breaking the Silence" bill, drafted by Education Minister Naftali Bennett, prevents "organizations that harm the IDF" from entering Israeli schools and speaking to the students.¹¹⁸ Since the creation of Breaking the Silence, another NGO emerged in Israel whose primary aim is to counter the message of Breaking the Silence. Amit Deri, head of Reservists on Duty, established in 2015, stated "We have been to every school which Breaking the Silence lectured in, we arrived

¹¹⁷ Breaking the Silence, *Our Harsh Logic* (New York: Metropolitan Books, 2010), xv.

¹¹⁸ Ilana Messika, "Israeli NGOs Sound Off Against 'Breaking the Silence' Bill," *The Jewish Voice*, last modified January 20, 2017, <http://www.pressreader.com/>.

immediately afterwards.”¹¹⁹ Deri considers his organization’s tactics a form of aggressive defense against Breaking the Silence’s challenge to the status quo.

Reminiscent of the Council of Europe, the Human Rights Committee, and IDI, Amnesty International has since responded to the manner in which Israel’s government officials mishandle their responsibilities in this context. The human rights group charges Israeli authorities with irresponsibly promoting injustice and using intimidation tactics to silence their fellow citizens whose ideologies do not align with the state’s socio-military political agenda. “The vicious tone and frequency of invective aimed at Breaking the Silence from top government officials is completely at odds with their responsibilities” they report. The title of the report reads “Israeli government must cease intimidation of human rights defenders, protect them from attacks.” In a liberal democratic country, such a headline proves worrisome and out of place.

For upholding standards of democracy, as they understand them, for seeking to affect change in their country’s socio-military dynamic, and for challenging the expectations of the country’s national service obligations, conscientious objectors face imprisonment, often repeatedly. The various democratic, international agencies with whom Israel cooperates question the liberalism of the Conscience Committee and the state’s treatment of its conscientious objectors. Applying Bebler’s model in this case, to analyze the functionality of Israel’s democracy, indicates that Israel’s treatment of its conscientious objectors remains problematic and troublesome to its democracy. Among the culture of

¹¹⁹ David Israel, “Education Committee Debate on ‘Breaking the Silence’ in Schools Hits High Notes,” *The Jewish Press*, last modified January 3, 2017, <http://www.jewishpress.com/news/breaking-news/education-committee-debate-on-breaking-the-silence-in-schools-hits-high-notes/2017/01/03/>.

conscientious objectors, signs that the state willingly engages in illiberal policies has roused and motivated them to openly engage their government and fellow citizens. The following chapter tracks this engagement and argues for their valuation as exceptionally good citizens.

Chapter 3: Dynamics of Sacrifice and Obedience

THEORETICAL FRAMEWORK

*Probably more than any other culture, the post-Holocaust generation in Israel is sensitive to the phenomenon of blind obedience to authority. The chilling simplicity of Eichmann's statements that he was 'just obeying orders' and was 'just a cog in the machine' is a warning light to any Israeli system, including the IDF.*¹²⁰

In this chapter, I engage two topics: the republican model of sacrifice and obedience to authority, both within the context of Jewish, Israeli conscientious objectors. To the first point, I argue that the actions of Israel's secular, anti-occupation conscientious objectors qualify as a sacrifice for the state as opposed to how the state of Israel sees their actions, as an avoidance of civic duty. The sacrificial act of conscientious objection by any citizen aims to directly benefit society at large and improve the conditions of the state. In return, the objectors hope to receive authentication by the Conscience Committee. The republican model maintains that citizens must sacrifice in order to receive benefits granted by the state. Conscientious objectors sacrifice their personal freedom, personal relationships, and socio-economic status to retain their morality. Certainly, this act qualifies as an alternative form of sacrifice but one that still corresponds to the republican model.

¹²⁰ Ruth Linn, *Conscience at War: The Israeli Soldier as Moral Critic* (New York: State University of New York Press, 1996), 152.

I also address notions of obedience to authority. Drawing from theoretical studies on the limits of obedience to authority, I posit that because of the obstacles faced by Israel's moral refusers, protesting the occupation makes them "exceptionally good." This exceptionality stems from their willingness to subject themselves to the authority of the Conscience Committee and their preparedness to engage in sacrifice for the benefit of the collective. Sacrifice in the most obvious form manifests in their imprisonment which is a direct result of their testimony. Still, those citizens who refuse to disengage morality from politics do so for the express purpose of maintaining a democratic Israel and curbing the state's encroaching authoritarianism, as manifested through the politics of the Conscience Committee and the IDF. While the majority of Israelis subscribe to the mainstream tradition that service in the IDF remains the default option, a small percentage challenge that norm at the risk of incurring negative social and personal ramifications. Such is a sacrifice of saying no.

My inclusion of previous cases of various publicly known conscientious objectors contributes to the empirical aspect of this research. I directly respond to this data, citing the claims made by political objectors, and their behavior, to assert a normative theory of "exceptional goodness."¹²¹ In analyzing the contributions made by objectors to Israeli society, derived from empirical findings, I argue that the behavior of Israel's anti-

¹²¹ To those who would argue that goodness is not exceptional and that all people understand the normality of goodness, I offer Leibniz' Theory of Good. Although I did not derive my theory from Leibniz, I value its relevance: Only the most exceptional individuals are willing to be virtuous and do the right thing at any mortal cost. And this very willingness, this 'spiritual disposition' as Leibniz calls it, constitutes piety. See Gottfried Wilhelm Leibniz, "Meditation on the Common Concept of Justice" in *Political Writings*, 2nd edition, translated and edited by Patrick Riley (Cambridge: Cambridge University Press, 1988), 58.

occupation objectors reflects their active citizenry, epitomizes “goodness,” and ultimately qualifies as a sacrifice to the state regardless of whether the state accepts or rejects the sacrifice.

GOODNESS AND VALUE THEORY

Considering the normative value “goodness” holds, to assert the exceptional goodness of conscientious objectors, I must first engage value theory. Goodness’ value, in this sense, is relational. Therefore, I contend that an objector’s sacrifice out of refusal to normalize the occupation of the West Bank and Gaza is ultimately good *for* Israeli society. This removes any expectation that conscientious objection be intrinsically good and instead satisfies the *relational* aspect of the “goodness” of the sacrifice. That is, moral refusers sacrifice *for* the greater good of Israeli society and *for* retaining their morality. Thus, the act of objection becomes a *relatively* good act in that it meets the conditions of positively affecting something outside of itself: society and its collectively accepted moral codes.

The value applied to the construct “goodness” manifests in economic and social benefits for Israeli society. In short, moral refusers are actively engaged citizens who employ their awareness of the social collective, including Palestinians, to improve the conditions of their compatriots. They attempt to sacrifice *for* their compatriots, although their sacrifice is often rejected, because they recognize the marginalizing effect the state’s military presence in the Palestinian territories has on Israel’s position in the international sphere. Additionally, the positive action conscientious objectors take to reassert Israel’s liberalism may also be valued as “good” in that it is meant to be good *for* Israel and Palestine as well as good *for* the individual conscientious objector for it allows her to retain

freedom of conscience. Freedom of conscience, of course, is a fundamental component of Israel's value system as expressed by (and to) society in the nation's Declaration of Independence and Basic Laws.

STATISTICS OF PERPETUATING THE STATUS QUO

It is possible for individuals to commit evil acts without intending to do so.¹²² A Jewish Israeli citizen's internalization of the state's paradigm of Zionism, or national self-interest, leads them to participate in activities that may perpetuate the subjugation of Arabs in the West Bank and Gaza. This behavior, while non-problematic for Israel's status quo because it aligns with the majority, runs the risk of jeopardizing the future of Israel as a democratic country with close ties to the United States. Conscientious objectors recognize the cognitive dissonance required for Israeli citizens to want a secure and stable Israeli state while simultaneously agreeing to maintain a military presence in the Palestinian territories. Apart from recognizing the rift, objectors take action to alter the trajectory of the state for the benefit of society at large. The following statistics represent the ideological rift in real numbers.

While the average Jewish Israeli does not actively seek to harm Palestinians, popular polls reveal a disconnect between an Israeli's *intent* to harm and the *perception* of harm as understood by Palestinians. 82% of Palestinians report that they worry "on a daily

¹²² Engaging the construct "evil" demands further contextualization due to vast array of theoretical approaches to the concept. For the purposes of this research I elect to incorporate the narrowly defined moral definition of evil as understood through Hannah Arendt's "banality of evil" theory. Evil derives from thoughtlessness not from a monstrous desire to do harm or from any psychological malady. It is only by applying Arendt's theory of evil that I am also able to apply Stanley Milgram's theories on obedience. My reliance of the controversially understood theory of banal evil does not require me to draw parallels between Israelis and Nazis, only between thoughtful citizens and non-thoughtful ones.

basis” that they or their family “may be harmed by Israeli individuals.”¹²³ A disconnect also exists between how Jewish Israelis and Arab Israelis view the consequences of settlement expansion in the West Bank. As reported by Pew Research Center, 84% of Israeli Arabs responded that the continued building of Jewish settlements in the West Bank hurts Israel’s security. Israeli Jews are divided with 47% of secular Jews aligning with the majority of Arab Israelis and only 19% of religiously affiliated or traditional Jews aligning with this view.¹²⁴

To summarize these findings and apply them to the larger argument at hand, Israel’s presence in the West Bank contributes greatly to Israel’s security concerns and its position in the international community. Israelis recognize this fact, as the numbers clearly indicate, yet the vast majority continue to engage in behavior that necessarily degrades Israel’s security and threatens its economic stability. The following results from The Israel Democracy Institute’s 2016 Peace Index illustrate this trend.¹²⁵

In a separate poll, conducted three years after Pew’s findings, when asked whether fifty years of the settlement enterprise “improved or worsened Israel’s military-security situation,” the majority of Israelis responded in the affirmative with the demographic breakdown as follows: 66.5%, 69.1%, **77.2%**, **59.1%**, 28.1%.

¹²³ “Palestinian Public Opinion Polls: Attitudes on Relationships Between Jews and Arabs,” *Jewish Virtual Library*, December 2014, <http://www.jewishvirtuallibrary.org/palestinian-attitudes-on-relationships-between-jews-and-arabs>.

¹²⁴ Pew Research Center Survey Report, “Impact of Continued Building of Jewish Settlements on Israel’s Security,” *Pew Research Center* (May 9, 2013) <http://www.pewglobal.org/2013/05/09/despite-their-wide-differences-many-israelis-and-palestinians-want-bigger-role-for-obama-in-resolving-conflict/>.

¹²⁵ “The Peace Index – June 2016,” *The Israel Democracy Institute* (June 28-29, 2016), http://www.peaceindex.org/files/Peace_Index_Data_June_2016-Eng.pdf.

	% Jews	% Arabs	% General Public
I'm sure they have improved it	14.0	35.0	17.5
I think they have improved it	29.7	12.6	26.8
I think they have worsened it	29.6	19.6	28.0
I'm sure they have worsened it	13.5	29.4	16.2
Don't know/Decline to answer	13.2	3.4	11.5
Total	100.0	100.0	100.0

(Table 1 Peace Index Poll)

When asked how “these developments affected [Israel’s] diplomatic situation,” the responses were as follows: 41.6%, 54.8%, **97.5%**, **74.6%**, 31.7%.

	% Jews	% Arabs	% General Public
I'm sure they have improved it	7.5	23.9	10.2
I think they have improved it	21.7	12.8	20.3
I think they have worsened it	42.5	16.8	38.2
I'm sure they have worsened it	14.9	40.5	19.2
Don't know/Decline to answer	13.4	6.1	12.2
Total	100.0	100.0	100.0

(Table 2 Peace Index Poll)

To relate these findings to an international perspective, the Brookings Institute recently reported that an increasing number of Americans from all political persuasions agree that the United States should impose economic sanctions on Israel over its continued expansion of settlements in the West Bank. Brookings reports an increase from 38% to 46% of Americans “believe the United States should impose some economic sanction/take more serious action with regard to new Israeli settlements.”¹²⁶ More alarming for the future of

¹²⁶ Shibley Telhami, “American Attitudes on the Israeli-Palestinian Conflict,” *Brookings* (December 2, 2016) <https://www.brookings.edu/research/american-attitudes-on-the-israeli-palestinian-conflict/>.

America's relationship with Israel are the polls indicating that 55% of American Democrats consider Israel to be "a burden to the United States." A disconcerting figure considering that most American Jews politically align with the Democratic party and are avowedly liberal.

To address these alarming statistics, conscientious objectors are thoughtfully breaking away from the banality of the status quo and rejecting the cognitive dissonance required to maintain it. Taking their thoughtful assessment of the data a step further, they are reasserting their individual culpability in redressing Israel's "worsened" trajectory.

Take this statement from Atalia Ben-Abba, for instance:

My social responsibility as a stakeholder in our society is important to me. The people living here are important to me, all of the people living here, and it's my responsibility and the responsibility of all of us to act for a better life here.¹²⁷

Atalia is currently in jail for her objection to serve in the IDF. Her actions, and those similar, are in keeping with the exceptionality of good which asserts that conscientious objectors are justified in their decision to refuse because such behavior ultimately contributes to the overall health of the state of Israel. In recognizing the worrisome trends present in their country, conscientious objectors thoughtfully take action that goes against the hegemonic grain, but appropriately corresponds to the statistical data at hand. Atalia, and moral refusers who oppose perpetuating settlement expansion and serving in the military apparatus charged with maintaining and regulating those settlements, are

¹²⁷ Atalia Ben-Abba, "Atalia's Declaration," *War Resisters' International*, February 16, 2017 last accessed March 16, 2017 <https://www.wri-irg.org/en/node/27115>.

consequently demonstrating their exceptional goodness, a quality that develops out of critical moral inquiry.

BANALITY, THOUGHTLESSNESS, AND LIBERALISM

The banality of evil theory, a theory upon which Stanley Milgram's experiments rely, asserts that thoughtlessness allows for evil to exist. In no way does the application of this theory necessitate that Israelis be equated to Nazis, although a number of Israelis themselves have made the same comparison when speaking on the operations of the IDF. I briefly engage this theory only to conceptualize banality and thoughtlessness, two notions that must be established for any meaningful discursive treatment of obedience and authority.

Conscientious objectors reject a socio-political environment where the inability to think for oneself becomes normalized. Their critical engagement with conscription, and their willingness to challenge social norms, is a significant point I wish to emphasize in this work. Also significant, however, is a balanced treatment of thoughtlessness. Though the initiation of critical moral inquiry may result in one person's refusal to serve in the IDF, a thoroughly correct application of Arendt's theory prevents this from being the *only* acceptable conclusion in Israeli society. In fact, Arendt's theory requires only that the environment for thoughtful engagement be present in any non-totalitarian system. Expecting *all* individuals to either conscientiously object or to serve manifests in an equally authoritarian, governmental atmosphere against which Arendt would have to argue. Thus, in incorporating the concept of thoughtlessness, it must be stressed that the existence of

any authoritarian system in which individual autonomy, including critical moral inquiry, cannot exist is equally hostile to liberalism, whether pro-objection or pro-conscription.

My inclusion of statistical data means to provide a visual and quantifiable representation of the thoughtlessness under discussion. Thoughtlessness, in the context of Arendt's theory, is defined more appropriately as "the inability to think" or *Gedankenlosigkeit*, and does not signify an intentional absence of thought or a lack of concern on the part of Jewish Israelis.¹²⁸ Arendt postulated that the inability to think derives from a hegemonic respect or deference to authority by the individual citizen as a consequence of a totalitarian system of government. Certainly, Israel's government system is no more totalitarian than the United States', for example. However, only Israel mandates, normalizes, and legalizes that its citizens' sacrifice their individual morality through military service that directly benefits the geopolitical situation of the state while harming its economic, diplomatic, and security situation.

The Israeli system, having to adjust for perceived and actual existential threats from its Arab neighbors, attempted to normalize the illiberalism of conscription by holding its military to a higher standard. This resulted in the IDF adopting the "purity of arms" doctrine which has its historical roots in pre-state Israel's paramilitary *Haganah*, literally "the defense." Despite its best efforts, the statistics reveal that the political trajectory Israel has taken since 1967 forced the IDF to deviate significantly from Ben-Gurion's conception of a moral, defensive army. In 2004, the Israeli television program "Reshet in the Morning,"

¹²⁸ Amos Elon, introduction to *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 2006), xxiii.

conducted a poll which asked its viewers, “would you describe the IDF as a moral army today?” 59% of respondents said no, 26% replied yes, and 15% replied “other.”¹²⁹

Still, morality, like goodness, is a construct best understood when related to something outside of it. Applying descriptive theory, morality becomes a code of conduct serving to guide an individual or social collective. In Israel, that guiding code is its Declaration of Independence and Basic Laws. Consequently, any behavior or ideology that falls outside of this code is necessary immoral in society’s view. Thus, Israel’s own code substantiates conscientious objection and morally-based deviation from authority. Its Supreme Court and politically-guided military, however, condemn the deviation as illegal, a paradigm I have addressed in some depth.

SETTING THE STAGE FOR POLITICALLY-MOTIVATED REFUSAL

In order to understand why the IDF rejects the sacrifice of conscientious objectors, a brief overview of the origins of the IDF’s political alignment is necessary. This section clarifies that subject and provides an exemplar for the possibility of shifting Israel’s republican model of sacrifice, an expectation of modern Jewish conscientious objectors. I draw from the research of Yagil Levy, a political scientist at Tel Aviv University, for his thorough analysis of the IDF’s structural shift and the socio-political and military dynamics in Israel during the 1970s and 1980s. By engaging these dynamics, I mean to contextualize Israel’s republican paradigm as well as to assert the inseparability of politics from the Israeli military institution, the latter being pertinent to the illiberalism of the Conscience

¹²⁹ “Israeli Public Opinion Polls: Views on the Israel Defense Forces,” *Jewish Virtually Library*, (November 2013), <http://www.jewishvirtuallibrary.org/israeli-views-on-the-israel-defense-forces>.

Committee, Israel's system of conscription, and the state's treatment of conscientious objectors.

Israel's republican model operates in the traditional sense in that the state expects its citizens to sacrifice through national service, but especially through military service, in order to reap the benefits the state provides. Such benefits may include social mobility and civil and political rights not previously afforded. In his treatment of "Israel's Violated Republican Equation,"¹³⁰ Yagil Levy explains how, following the Yom Kippur War of 1973, the composition of the IDF shifted from an institute dominated by *Ashkenazim* Jews to a more demographically representative military which included *Mizrahi* groups.

Prior to the Yom Kippur War, "[m]ilitarism was entwined with political apathy," writes Levy.¹³¹ The loss Israel faced in 1973 changed everything. Subsequent to the "blunder" of 1973, the dominant social and political group, the *Ashkenazim*, were replaced by the *Mizrahim* who supported the *Likud* Party and ousted the long-empowered Labor Party. One distinguishing factor of the *Likud* Party was its recruitment of former IDF officers into its ranks. Former IDF officers like Ariel Sharon and Ezer Weizman "joined the Likud when the party was growing in size" during the late 1970s.¹³² Ideologically aligned with the *Likud* was the *Herut*, which officially merged with *Likud* in the 1980s. Among the ranks of the *Herut* was former *Irgun* member Menachem Begin and his Revisionist compatriot Ze'ev Jabotinsky, the latter being the man responsible for

¹³⁰ Yagil Levy, "Israel's Violated Republican Model," *Citizenship Studies* 12, no. 3 (2008). DOI: 10.1080/13621020802015412.

¹³¹ Levy, "Israel's Violated Republican Model," 254.

¹³² Yossi Beilin, *Israel: A Concise Political History* (New York: St Martin's Press, 1992), 185-186.

formulating Israel's "Iron Wall" policy that cemented the right-wing's militaristic (and expansionist) ideology. Ultimately, this dynamic political shift was a direct result of both the identity politics of Arab Jews demanding greater socio-political acceptance and of Israel's military loss to Egypt and Syria. Consequently, the merger of the *Herut* with the newly created *Likud*, and the retention of the former's overt militaristic ideology, precludes the apolitical nature of the IDF.

Further altering the sacrificial model was the economic shift Israel experienced during the 1980s. The economic dynamics of the 1980s which "gradually took hold of Israeli society and transformed it into a market society" lessened the reward distribution provided by the state for military service.¹³³ In short, a citizen's reward no longer hinged on the sacrifice he made through military service. Rather, "individual achievement replaced the test of statism."¹³⁴ The *Likud* party, influenced by its newly adopted *Mizrachi* base, also altered the republican paradigm of sacrifice by diminishing the role the IDF played in determining social hierarchy. Levy cites the government's decision to remove the mandate of previous military service for citizens looking to work in the public sector as an epitomic shift in socio-political power dynamics of the 1970s.

The resignation of Moshe Dayan and Golda Meir signified "the unprecedented impact of political protest on oversight of the military."¹³⁵ Not to mention, of course, the political protests of *Yesh Gvul* who viewed the war in Lebanon as a war of choice rather

¹³³ Levy, 254.

¹³⁴ Levy, 254.

¹³⁵ Levy, 256.

than of necessity. “168 Soldiers were jailed, some repeatedly, for refusing to serve in Lebanon, and each imprisonment – immediately publicized to the maximum by *Yesh Gvul* – further fueled anti-war sentiment,” so writes Peretz Kidron, cofounder of the refusenik group.¹³⁶ Kidron elaborates on the anti-war protests and refusals which politicized the IDF one soldier at a time: “As soldiers in increasing numbers stood up for their principles, the army abruptly ceased to be the blindly obedient ‘military machine’ so beloved of politicians.” He continues, “Instead, the military-political establishment had to reckon with soldiers who were subjecting their orders to thoughtful scrutiny, citizens-in-uniform who brought their moral and political principles to their military duties and didn’t simply do whatever they were told.”¹³⁷ 1985 saw the withdrawal of Israel’s military from Lebanon, a result, at least in large part, of the protest movement and the sacrifices made by each conscientious objector willing to face military prison for his principles.

The protests of the Israeli peace movement during the 1980s would not have been as effective had the IDF been apolitical rather than responsive to the demands of its citizen-soldiers. The IDF’s close affiliation with the right-wing *Likud* party predicated an opposition by ideologically dissimilar yet actively engaged citizens who conscientiously objected to the *Likud*’s aspirations which then manifested in the IDF’s policies. Like the protestors before them, modern conscientious objectors recognize the politics of the IDF, its Conscience Committee, and elect to conscientiously object to this illiberal, and potentially authoritarian, system.

¹³⁶ Peretz Kidron, ed, *Refusenik! Israel’s Soldiers of Conscience* (New York: Zed Books, 2004), 5.

¹³⁷ Kidron, 5.

The transition of the IDF from an apolitical entity charged only with protecting Israel's right to exist into the politically-guided apparatus of today, is further documented in a 2016 memorandum drafted by former Chief Intelligence Officer Dov Tamari. In it, he acknowledges the problems the occupation poses for the apolitical aims of the IDF:

For decades, the IDF has attempted to remain outside the manifest political and social debates based on the premise that it concerns itself only with issues directly related to security... However, as a result of the issue of control in the territories and control of the Palestinians, the IDF has not succeeded in remaining outside the political divisions, despite its more limited view of its role and its task as a people's army.¹³⁸

Tamari concludes his article by urging IDF commanders to evolve so as to "operate on behalf of all sectors of Israeli society." Presumably such sectors of society would include conscientious objectors, their advocates, and Palestinians. Tamari's statement reveals that he recognizes the political nature of the IDF and the non-inclusive composition of its ranks. The article presents convincing evidence that the IDF is no longer apolitical. Also important, it indicates that Israel has not completely rejected its democratic values and is willing to engage in discourse to remedy the flaws of the IDF. Whether or not the IDF leadership takes the General's advice, however, only time will tell.

THE EXCEPTIONAL GOODNESS OF CONSCIENTIOUS OBJECTION

Stanley Milgram's popular psychological experiment complicated scientists' and society's understanding of obedience to authority. The project, dubbed The Milgram Experiment, took a non-normative approach to morality and disobedience by presenting empirical evidence for the relationship spatiality holds on strains to obedience. The

¹³⁸ Tamari, "'The People's Army' Put to the Test."

experiment required its participant, the “teacher,” to inflict physical shocks on another person, “the learner,” who was not previously known to the teacher. The study was presented to the teacher under the guise of determining “the effects of punishment on learning.”¹³⁹ In fact, Milgram’s experiment was meant to discover how far a person would go “in a concrete and measurable situation in which he is ordered to inflict increasing pain on a protesting victim.”¹⁴⁰ One finding of the experiment revealed that the more negative stimuli the teacher received, the more he appeared willing to disobey the experimenter’s order to continue shocking the learner. Specifically, the negative stimuli manifested in cries of pain from the learner. Thus, Milgram found that “creating physical distance between the subject (teacher) and the victim (learner), and dampening the painful cries of the victim, reduces strain.”¹⁴¹

Applying Milgram’s experiment to Israel’s conscientious objectors, one common denominator I discovered when speaking with my interlocutors, and when examining the statements within previously published refusenik discourse, was that interactions with Arab Israelis and Palestinians appeared common. In some cases, this interaction served as the catalyst for refusing to serve in the IDF. Aiden Katri, a transgender, Jewish Israeli imprisoned for her objection, declared “I went to the Friday protests in the Palestinian village of Bil’in to protest the theft of the village lands for the growth of the neighboring settlement, and I saw the violent suffocating space the children grow up in.”¹⁴² Sahar spent

¹³⁹ Stanley Milgram, *Obedience to Authority* (New York: Harper Collins, 2009), 3.

¹⁴⁰ Milgram, *Obedience*, 4.

¹⁴¹ Milgram, *Obedience*, 157.

¹⁴² Aiden Katri, “Aiden’s Declaration,” *War Resisters’ International*, March 30, 2016, <http://www.wri-irg.org/en/node/26271>.

half of her life in East Jerusalem and works closely with Palestinians. Daniel studies Arabic and interacts with Palestinians weekly in his Communist League meetings. Combatants for Peace, a group from which Weiss derived a number of interviews for her studies, is a highly active conscientious objector advocacy group which consists of former militants from Israel as well as Palestine. Interactions between Jews and Palestinians are regular and expected.

From these cases then, as well as Milgram's findings, there exists some correlation between an Israeli Jew's personal interaction with negatively affected Palestinians and the former's willingness to conscientiously object. Using Milgram, the negative stimulus of physically witnessing the harm occupation causes to Palestinians results in a strain on Jewish Israeli conscientious objectors' obedience to authority, where the IDF represents the authority in question. Milgram's model operates on a continuum with strain on one end of the spectrum, followed by dissent, and ending with disobedience on the opposite end. "Disobedience is the ultimate means whereby strain is brought to an end. It is not an act that comes easily."¹⁴³ In fact, according to Milgram, "it implies...a reformulation of the relationship between subject and authority."¹⁴⁴

This anomie results in an inner conflict of the disobeying actor but, in the case of Milgram's experiment and Israeli conscientious objectors, the act represents

...an affirmation of humanistic values...The price of disobedience is a gnawing sense that one has been faithless. Even though he has chosen the morally correct action the subject remains troubled by the disruption of the social order he brought about, and cannot fully dispel the feeling that he

¹⁴³ Milgram, *Obedience*, 162.

¹⁴⁴ Milgram, *Obedience*, 162.

deserted a cause to which he had pledged support. It is he, and not the obedient subject, who experiences the burden of his action.¹⁴⁵

It is precisely the objector's conscientious rejection of thoughtless obedience to orders and expectations, as well as his willingness to incur the "burden of his action" that solidifies his exceptional goodness. To conclude the application of Milgram's experiment to this study, I relate one of his conclusions on the subject: "Obedience...is embedded in a larger atmosphere where social relationships, career aspirations, and technical routines set the dominant tones."¹⁴⁶ Milgram's final remarks on his findings disturbed him greatly for they revealed that a "substantial portion of people do what they are told to do, irrespective of the content of the act and without limitations to conscience, so long as they perceive that the command comes from a legitimate authority."¹⁴⁷ Such is the banality of obedience. Thus, it is with a conviction substantiated from the theoretical and empirical evidence at hand that I assert the exceptional goodness of Israel's conscientious objectors.

CONSCIENTIOUS OBJECTORS AS GOOD CITIZENS:

Let that day come . . . / when my father will rise from his grave with the resurrection of the dead/ and God will command him as the people commanded Abraham/ To bind his only son: to be an offering—/. . . let that day come in my life! I believe it will.¹⁴⁸

Every Memorial Day in Israel, the above poem is read publicly to commemorate the sacrifice made by Israel's soldiers. Writing on sacrifice three decades after Lebanon and following the rise of *Likud* power, Erica Weiss claims that Israel's "main sacrificial

¹⁴⁵ Milgram, *Obedience*, 164.

¹⁴⁶ Milgram, *Obedience*, 187.

¹⁴⁷ Milgram, *Obedience*, 189.

¹⁴⁸ Uri Zvi Greenberg, "Korban Shaharit" *Sulam* 13:145 (1972).

economy is [still] conducted through military service.”¹⁴⁹ Since, in Israel, the ultimate sacrifice manifests in a citizen’s willingness to serve in the military, the state necessarily precludes the goodness of conscientious objectors. To combat this dilemma, I argue that their social awareness and political engagement substantiates their exceptional goodness, liberalism, democratic participation, and ultimately illustrates their value as “good citizens.”

Individuals who seek to gain and maintain citizenship face expectations to sacrifice periodically for the collective good of the state. In his article addressing notions of sacrifice between Israeli *Ashkenazi* and *Mizrachi* Jews during the 1950s, Menachem Mautner addresses the latent tension of this paradigm. He notes that the republican system considers those people good citizens who “make sacrifices” and who are “willing to accept significant harm to her own affairs so that collective goals may be realized.”¹⁵⁰ While my research does not treat the social conflicts between *Ashkenazi* and *Mizrachi* citizens, I do draw from Mautner’s model of sacrifice and its relationship to goodness in order to argue not only for the goodness of conscientious objectors, but to demonstrate how their active participation in the republican model contributes to realizing Israel’s collective goals.

Mautner proposes that selfishness and sacrifice lie on opposite ends of a continuum, where the latter connotes the more benevolent of the two acts. He further asserts that normality must be passed through for any person to reach one extreme or the other.¹⁵¹ The

¹⁴⁹ Erica Weiss, *Conscientious Objectors in Israel*, 30.

¹⁵⁰ Menachem Mautner, “Liberalism in Israel: Between the ‘Good Person’ and the ‘Bad Citizen’ *Israel Studies Review* 31, no 1 (Summer 2016), 7. DOI: 10.3167/isr.2016.310103.

¹⁵¹ Mautner, “Liberalism in Israel,” 8.

“good person leads a ‘normal life,’” he relates, while the good citizen willingly engages in sacrifice.¹⁵² Such is the goodness of sacrifice. Recalling Milgram’s findings, the act of morally-based disobedience alone denotes a sacrifice. Regarding Israel and this research, politically-motivated conscientious objection affects more than the refusenik alone. The evidence I have presented through various oral histories indicates that moral refusers do sacrifice personal relationships, socio-economic stability, and future professional relationships. Still, conscientious objectors view the act as necessary for the existence of a democratic Israel where the military does not lie at the socio-political center. The declaration of Omri Baranas, a refusenik who served a two-month jail sentence before receiving an exemption on pacifist grounds, expresses this desire clearly:

The military creates a circle of violence while claiming to defend the country. Politicians and public leaders are responsible for the creation of this criminal institution, and our country is militaristic as a result; military service is mandatory, and the army is considered an integral part of Israeli life. The education system indoctrinates us, telling us that the military is crucial for our existence, and most of our tax money ends up going there. I believe that a person has a responsibility towards certain humanistic values, which lie beyond his/hers political and social framework, which is why I refuse to enlist.¹⁵³

In the view of my interlocutors, and those ideologically similar, Israel’s continued political intransigence, through its normalized socio-militarism and military expansionism into the Palestinian territories, prevents peace between Israel and its Arab neighbors. Further, Israel’s policies are increasingly at odds with the international community, thus fomenting

¹⁵² Mautner, “Liberalism in Israel,” 8.

¹⁵³ Omri Baranas, “Omri’s Declaration,” *War Resisters’ International*, March 30, 2016, <https://www.wri-irg.org/en/node/26425>.

an economic and social strain on its citizens who feel the need to justify the actions of the IDF and the state's continued presence in the Palestinians territories. Recalling the polling statistics, the numbers reveal a disconnect between Israelis recognizing the worrisome trends and their willingness to apply the necessary changes to alter their country's trajectory. Israel's conscientious objectors who oppose the occupation directly challenge the status quo in order to reverse the problematic trend of legalized and normalized illiberalism.

The previously named legislation condemning groups like Breaking the Silence, coupled with the "Real Israeli" advertising campaign and the recurring imprisonment of politically-conscious conscientious objectors, indicates that Israel entrusts its military and legal system to delegitimize those who would challenge the state's assertion of a hegemonic moral order and the established sacrificial paradigm. The actions of these objectors, while controversial and seemingly selfish to some, mean to benefit the whole of Israeli society by injecting into it the moralistic and humanist values which are necessary for liberalism to function. Israel's conscientious objectors, in this way, epitomize an active, democratic citizenry who willingly sacrifice for the collective good of the state. They operate with the republican model, although their sacrifice is rejected. Further, they abide by the collective moral code as decreed in Israel's Declaration of Independence and its Basic Laws.

Drawing from the theories of Milgram and Mautner, I contend that the state's rejection of their sacrifice does not negate its relative goodness. To the contrary, given the socio-economic strain faced by these moral refusers, and the intense personal burden

incurred by challenging the system, the practice of politically-motivated conscientious objection in Israel exemplifies the exceptional goodness of the practice. The sacrifice of moral refusal goes beyond the normal model the state established for its citizens. Given the current climate in Israel, the sacrifice of conscientious objection causes intense strain on these men and women. Thus, the sacrifice of saying no is precisely what makes them exceptionally good citizens.

The state of Israel relies on societal norms, like obedience to authority, to justify gender-neutral conscription while carrying out an expansionist military strategy. In asserting a socially-collectivized lionization of the military, where challenging the pervasiveness of military culture into civilian life is equated with treason, the state is able to carry out unethical, often inhuman, acts for the purpose of its geopolitical goals. To their own detriment, conscientious objectors disrupt this system, intentionally upsetting the banality of obedience and the official sacrifice paradigm.

Conclusion

Moral refusers object to serving in the national military for the express purpose of holding their compatriots accountable for the liberal, democratic values their nation asserts in its own Basic Laws and Declaration of Independence. For this reason, their objections are not *anti-nationalist* but are essentially *pro-Israeli* in that the objectors privilege the stability of the social collective, not the political or military aspirations of the state as understood by specific party leaders.¹⁵⁴ Because their behavior does not follow the pattern long-accepted by the military, namely their ubiquitous fusion of morality and politics, these objectors face delegitimization by the Conscience Committee and often by their compatriots. As previously demonstrated, the military's repudiation of conscientious objectors reflects in Israeli society; recall the "Real Israeli" advertising campaign. This response serves as evidence that Israel's valuation of liberalism is waning in that the autonomy of the individual must always be secondary to the expectations of the state regardless of whether or not carrying out a state-sanctioned act conflicts with one's personal conscience.

Given Israel's geopolitical situation, that the state maintains contested borders, retains a military presence in the disputed Palestinian territories, and subjects the Arabs within those territories to military rule, mandating that Israelis serve in a military that perpetuates those paradigms becomes legally and morally questionable. Consequently, too, Israeli democracy comes under threat in a number of ways. First, conscription, and the

¹⁵⁴ This argument presupposes that the sovereignty of the individual exists *a priori* to any state authority, a concept that correlates with the theory of popular sovereignty. The notion of popular sovereignty manifested in disparate political theories, from Hobbes to Locke to Carl Schmitt. For this research, I specifically employ the republican notion of popular sovereignty which privileges the individual and his democratic participation in establishing a social contract between citizen and state.

IDF's role in determining who is and is not exempted, threatens Israeli democracy because it requires Israelis to accept a military occupation as normal. Democratic values are further strained when the military service required to support this model is assumed in the state/citizen dynamic. Lastly, the very nature of the exemption-granting authority, its non-transparency and relation to the military, threatens Israeli democracy.

While not an exhaustive historiography, my previous chapters illuminated the history of conscientious objectors in Israel since 1948 and their reception by mainstream Israeli society. As my interviews and the scholarship of Israeli experts attest, the act of moral refusal manifests in variable degrees and ways depending on each individual actor engaging in the behavior. Some elect to face incarceration, sometimes repeatedly and for months at a time. Others mute their political motives to receive the necessary exemption. This behavioral phenomenon is not new to the state as conscientious objectors have resided in Israel for as long as the state itself has existed. Only the name of the war and of Israel's antagonists change. The persistence of citizens who oppose mandatory participation in the state's hostilities remains an unwavering pattern of behavior by some Israelis.

Highlighted in this study has been Israel's Conscience Committee, the state's official response to the ever-present conscientious objectors and the community of advocates their actions have produced. Since the Committee's creation in 1995, its structure and behavior has increasingly proven problematic for Israel's self-ascribed status as the only democracy in the Middle East.¹⁵⁵ While the Committee is charged with ensuring

¹⁵⁵ David E. Sanger, "Kerry Rebukes Israel, Calling Settlements a Threat to Peace," *The New York Times*, December 28, 2016, <https://www.nytimes.com/2016/12/28/us/politics/john-kerry-israel-palestine-peace.html>.

authentic pacifists receive an exemption, the structure of the Committee prevents its impartiality and reveals a disconnect between Israel's intention to be democratic and its desire to maintain a pervasive and collectively valued military culture. Ironically, democracy is the very ideal for which some moral refusers strive. Relying on their own words to clarify their motivations, the Jewish Israeli refuseniks presented within this study fully recognize the politics that undergird their morality and contribute to their decision to refuse service. Unlike the Committee, however, the moral refusers accept that their motives are not impartial and they do not insist that citizens must separate their politics from their morality in order to serve the state.

To objectors, as long as Israel maintains an occupation of non-Israeli territory, continues its expansion of illegal settlements into non-Israeli territory, and willingly violates international law, all at the expense of Israel's overall stability, refusal to serve in the IDF is the only moral choice. In their view, the practice of moral refusal, despite the demands of the state, aligns with Israel's own moral code. The politicization of the IDF necessitates that the state legitimizes certain moral convictions over others. Not surprisingly, morality that questions the authority of the IDF is criminalized. The criminalization of conscientious objection is an illiberal practice not typically found in democratic countries. The authority held by the Conscience Committee to jail objectors repeatedly has sparked serious concern among Israel's allies in the Council of Europe, the Human Rights Committee, Amnesty International, and Israel's own Democracy Institute and media.

To address the actual economic impact of Israel's current trajectory, consider the long-term effects of the Boycott, Divest, and Sanctions (BDS) movement initiated in 2005. Since its inception, the economic impact of the BDS movement has been largely unfelt by Israel's business sector. In fact, Israel's economy is experiencing growth rates higher than those in the United States and the United Kingdom.¹⁵⁶ Still, combating the campaign requires tens of millions of dollars in expenditures, money which may have been utilized elsewhere. Ultimately, Israelis who track the movement view BDS as an effective cultural boycott which will begin to threaten Israel's economy in the near future. In an interview with Bloomberg, Shlomo Maoz, chief economist at S.M. Tel Aviv Investments, expressed his concern. "BDS now is not a big threat, it's a threat," he said, "[b]ut when students go to college in America, the U.K., and see anti-Israel BDS protests, and then go to be fund managers in five, seven years -- then it could be a problem."¹⁵⁷

Also a problem is the increasing ideological rift between American and Israeli Jews. BDS contributes highly to rising tensions between the two communities, and a recent law enacted by the *Knesset* which prevents supporters of BDS, whether Jewish or not, from entering Israel, only exacerbates the ideological strain. Some politically left-leaning Jewish-American groups openly condemned the law while more conservative organizations like the American Defamation League and The American Jewish Committee

¹⁵⁶ Sangwon Yoon, "The Boycott Israel Movement May be Failing," *Bloomberg*, June 1, 2016, <https://www.bloomberg.com/news/articles/2016-06-02/israel-boycott-is-failing-when-measured-by-main-economic-gauge>.

¹⁵⁷ Yoon, "The Boycott Israel Movement May be Failing."

describe it as “troubling.”¹⁵⁸ Both groups, however, see the new law as a threat to Israeli plurality and democracy. Ironically, the law which “bans foreign nationals who publicly call for economic, cultural or academic boycotts of either Israel or the territory it controls beyond the Green Line from entering the country” contains a caveat akin to the military system in that the Interior Minister may grant exceptions.¹⁵⁹ Unfortunately, given the state’s systemic discrimination against conscientious objectors, Israel’s democracy has been under threat for some time. This new law only serves to make this troubling trend toward illiberalism even more ubiquitous.

¹⁵⁸ Danielle Ziri, “US Jewish Groups Criticize Israeli Bill Banning BDS Supporters,” *The Jerusalem Post*, March 8, 2017, <http://www.jpost.com/Diaspora/US-Jewish-groups-troubled-by-Israeli-bill-banning-BDS-supporters-483542>.

¹⁵⁹ Ziri, “US Jewish Groups Criticize Israeli Bill Banning BDS Supporters.”

Translation

The spelling of the Hebrew words used in this paper have come directly from other authors and sources, and those spellings have remained intact. When necessary, I rely on the fluency of my thesis supervisor to confirm the accuracy of the Hebrew translations.

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