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Mary Christina Huizar
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”There Is a Limit: Israel’s “Refusenik” Movement and Its Critics

**APPROVED BY
SUPERVISING COMMITTEE:**

Supervisor:

Ami Pedahzur

Co-Supervisor:

Zoltan Barany

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by

Mary Christina Huizar, B.A.

Report

Presented to the Faculty of the Graduate School of

The University of Texas at Austin

in Partial Fulfillment

of the Requirements

for the Degree of

Master of Arts

The University of Texas at Austin

December 2011

Abstract

”There Is a Limit”: Israel’s “Refusenik” Movement and Its Critics

Mary Christina Huizar, M.A.

The University of Texas at Austin, 2011

Supervisors: Ami Pedahzur

Zoltan Barany

The focus of this report is an examination of the so-called “refusenik” soldiers of Israel. Since Israel’s victory in the 1967 war and the resulting occupation of the West Bank and Gaza Strip, there have been soldiers in the IDF that have refused to serve outside the pre-1967 borders. These soldiers, called “refuseniks,” practice selective refusal. Unlike conscientious objectors, the refusenik soldiers are not pacifists. Their protest is not a condemnation of all war. Rather, it is a calculated protest against the continuing occupation of land outside the Green Line. Although the roots of the refusenik movement can be traced to the 1967 war, the movement did not gain momentum until the 1982 invasion of Lebanon. Initially enjoying broad public support, the war in Lebanon became less popular when it did not end after its initial goals were met. Yesh Gvul, the most famous of the refusenik organizations, was born during this time of waning public support for the war. Other boosts for the refuseniks have come during the first *intifada* and second *intifada*. The refuseniks come from varied backgrounds and political affiliations, but the “typical” refusenik is the Ashkenazi male

reservist, usually statistically speaking a married, highly educated city-dweller. The military has not followed a coherent strategy for dealing with the refuseniks, alternating between conciliation and accommodation at some time periods and harsh punishment at others.

Table of Contents

INTRODUCTION.....	1
Chapter One: The role of the military in Israel’s society.....	5
Chapter Two: The Refuseniks	9
The Roots of the Refusenik Movement	9
Who Are the Refuseniks?	17
Chapter Three: Reasons for Refusal	22
Democratic Principles and Refusal	22
A 'Black Flag'.....	23
Chapter Four: Response to the Refuseniks	26
Refusal and the Peace Movement	29
Official Reactions and Military Response	31
The Military Response to the Rightist Refuseniks	36
CONCLUSION.....	39
Bibliography	41

“THERE IS A LIMIT”: ISRAEL’S “REFUSENIK” MOVEMENT AND ITS CRITICS

“The Israeli citizen is a soldier on eleven month leave.” -General Yigal Yadin

Introduction

On the morning of June 5, 1967, after a month of watching Egyptian forces massing in the Sinai, and Syrian and Jordanian troops mobilizing elsewhere, Israel launched a preemptive strike and destroyed most Egypt’s aircraft. The short-lived but intense offensive attack defeated Egypt, Syria and Jordan within only six days and led to the occupation of the Sinai Peninsula, the Golan Heights, the West Bank, and East Jerusalem. The occupation of these areas has been a contentious issue since 1967, with Israel insisting that the areas are “disputed” rather than occupied. The initial occupation for the sake of security concerns was soon followed by a movement to settle much of the territories with Israeli citizens in pursuit of a Greater Israel, mostly from the right-wing Gush Eminent settler organization. The motivations of these settlers is sometimes ideological, and sometimes economical, but regardless of their motivation for being there, the presence of Israeli citizens in the West Bank (and until the disengagement in 2005, in Gaza too) has led to a situation in which the Israeli military is forced to maintain a presence there in order to protect its citizens. The constant conflict between the settlers, the soldiers forced to protect them, and the Palestinian population playing unwilling host to both groups has produced a situation in the

territories that all but the most rigid ideologue admits is unsustainable. This occupation has also given birth to the refusenik movement which will be discussed in this paper, as well as the broader peace movement. It is not my intention to debate the legality of the occupation or of the settlements. Much has been written on these topics by experts in international law, which I do not claim to be. The occupation will be discussed herein only in the context of its influence on the decision to selectively refuse military service by some reservists and soldiers. The *perception* of the occupation as illegal or illegitimate – or at the very least expensive and untenable – has created a schism in Israel's society, and it is on the edge of that schism that we will find the refuseniks.

The phrase “refusenik movement” will be used to refer to the growing trend of soldiers who selectively refuse service, but is used only for lack of a better term. It is not intended to suggest that there is one homogenous, unified group. The refuseniks range from young high school students to grizzled old reservists and from the very religious to the atheist or agnostic. Politically they come from both the right and the left. Their motivations are as varied as their backgrounds. They are united only by their refusal to serve. The focus of this paper will be on those Israeli soldiers and reservists who refuse to serve outside the Green Line (ie, outside the 1967 borders). Those soldiers on who fall on the political “right” side of the spectrum and refuse orders to evacuate the settlers will be addressed briefly insofar as their treatment at the hands of the military has been influenced by the military’s experience with the refuseniks who refuse to serve in the occupied territories, but they are not my main concern here.

As well, this paper will not focus on the broader peace movement or its role in Israeli society, although often there is, of course, a symbiotic relationship between the peace movement and the refuseniks, and many refuseniks belong to various organizations dedicated to peace. Then, too, there are opponents of refusal within the peace movement, as discussed later in this paper. The role of the peace movement in the dialogue against the occupation is very important, but is outside the scope of this study, except when directly influencing selective refusal, or responding to the “refusenik question.”

Finally, the question of conscientious objectors as pacifists opposed to all war, and their place in a militarized society, is an interesting one, but not one that will be addressed in this work. As of 1996, there were only 400 known cases of secular conscientious objectors since 1948, and ninety thousand religious dissents from the ultra-orthodox.¹ These secular refusals serve as a critique of war and violence in general, but not of the occupation in particular. This paper is concerned not with pacifists, but with soldiers who believe in Israel’s right to self-defense and defensive war – but not in occupation and offensive wars. At any rate, conscientious objector status is extremely difficult to obtain in Israel – for male soldiers, at any rate – rendering it largely irrelevant to the discussion of selective refusal.

¹ Ruth Linn, *Conscience at War: The Israeli Soldier as a Moral Critic*, (Albany: State University of New York Press, 1996), 8.

The focus of this paper, then, will be (1) the role of the military in Israel's society, and in particular the effect of near-universal military service on Israeli civil society, (2) the history of the refusenik movement and its watershed moments since its inception, (3) the demographics of the refuseniks, (4) the evolving perception in Israel's society of the refuseniks, as well as an analysis of its supporters and critics and finally (5) the evolution of the military's strategy for dealing with refusal, and its ambivalent policy towards the refuseniks, alternating between harsh punishments at some times, and accommodations at others. This ambivalence on the part of the military reflects the ambivalence of society in Israel on the "refusenik question."

CHAPTER ONE: THE ROLE OF THE MILITARY IN ISRAEL'S SOCIETY

In order to understand the impact of refusal, as well as the personal sacrifices that this refusal entails for those who commit to it, it is necessary to examine the perception of military service, and its symbolic and practical importance in Israeli culture. The importance of military service in Israel's society cannot be overstated. At the age of eighteen, almost all Israeli Jewish male and female citizens, along with Druze male citizens, must be conscripted into the compulsory service. Some may choose to pursue a career in the military after this initial conscription ends, but even those who don't must report for reserve duty, which involves periodic active duty. The Arab Israeli citizens are exempt from military service for obvious reasons: the state sees their participation in the armed forces as a security risk, as most of Israel's traditional enemies (with the exception of Iran) are Arab states. For the Israeli Jewish population, however, there are only a few ways to avoid conscription at the age of eighteen: those exempt for religious reasons, those deemed physically unable to serve due to health problems, and those who are not living in Israel at the time they would ordinarily be drafted, and (for women only) marriage.²

Upon initial conscription, men serve three years in the IDF and women serve two years. There are exceptions to this rule, as some positions require longer training. Some of the positions requiring a longer commitment to serve include pilots, submarine

² Reuven Gal, *A Portrait of the Israeli Soldier*, (Westport, CT: Greenwood Press, 1986), 30-34.

crews, special commando units, and some positions in Intelligence.³ Additionally, those soldiers who become officers during their initial service may be required to commit to an additional year. Thus, the majority of the Israeli Jewish population spends its formative years after high school entrenched in military culture. It is no surprise that military service has come to be seen as a rite of passage, shepherding young Israelis out of childhood and into adulthood through the responsibility and discipline imposed by their military service. Even such mundane processes as job-hunting are affected by military service. A young person's certificate of discharge from the military (known as "*teudatt shichrur*") is crucial to procuring employment. In addition to certifying that the youth has fulfilled his military obligation, the certificate also provides an evaluation of his performance and conduct in the military. In this way, it serves as a reference or recommendation.⁴ The fact that this certificate and its report on military conduct is accorded such importance even for appointments and positions in the civilian world speaks to the value placed on military service.

The burden of defense of Israel is not shouldered by the youth alone, of course. The IDF's reserve units (also known as the *miluimm* units) were established in 1948 when the IDF was established from the remains of the pre-1948 Jewish defense organization known as the Haganah. After completing compulsory service, men must remain the reserves until he is fifty-five years of age, and women must serve in the

3 Ibid, 33.

4 Ibid, 73.

reserves until they are either married or are thirty-four years of age, whichever comes first. Reserve members report for active duty at least once a year, but frequently more often. Employers must continue to pay their full salary while the reservists are on active duty, and those who are self-employed receive compensation from the state.⁵ The reserve units play a very important role in the military, making up approximately 65% of the IDF's combat units.⁶

Already a major player in Israeli politics since its inception at the birth of Israel in 1948, the role of the IDF expanded further after the 1967 victory by Israel that resulted in the occupation of the West Bank and Gaza Strip, as well as the Golan Heights. The newly occupied territories were placed under the control of the IDF, and nearly a million Palestinians were suddenly under the jurisdiction of the military. The IDF began to oversee administrative, civil, and security matters in the territories, and it has been argued that this new role led to an increased political role within Israel as well.⁷ Indeed, until the creation of the Palestinian Authority, the IDF continued to oversee every aspect of the territories. Even now, with the PA nominally in control of the West Bank, the IDF enjoys almost unlimited power in the West Bank, as seen by the continuing confiscation of private land on which the security barrier (also known simply as the Wall) is being built, and the IDF continues to man checkpoints, protect settlers inside the

⁵ Ibid, 39.

⁶ Linn, 6.

⁷ Michael Jansen, *Dissonance in Zion*, (New Jersey and London: Zed Books Ltd., 1987), 41.

West Bank, and organize raids to arrest militants or demolish the homes of Palestinians whose family members have carried out an attack on Israel or Israeli citizens.

The fact that nearly every Israeli Jewish citizen is a past, present or future soldier in the IDF has led to a blurring of the line between civilian and soldier, and between the military and society. Reuven Gal, in *A Portrait of the Israeli Soldier*, writes:

This is indeed one of the most telling characteristics of the IDF as a civilian militia. In a state where almost one out of every seven citizens is a soldier (either full-time or part-time), it is almost impossible to distinguish between society and the military. This is a double-edged sword; from these close bonds the military draws its strength, but this is also its vulnerability.⁸

The continuation of service through the reserves until well into middle-age has meant that one's duty to the state (as expressed through military service) follows one throughout life. This unceasing duty has the practical effect of ensuring that most of the population strongly identifies with the IDF and its military objectives, and shares its pursuit of its security goals, and never really settles into a civilian mindset. As General Yigal Yadin so eloquently put it, "The Israeli citizen is a soldier on eleven month leave." As we see from the Reuvan Gal quote above, however, these close bonds also mean that the military must maintain its legitimacy in the eyes of the population in order to continue to enjoy this support. The refuseniks, by selectively refusing to serve, challenge this legitimacy, and as the protest is coming from within the IDF, it poses a danger to the hegemony of the military in society.

⁸ Ibid, 45.

CHAPTER TWO: THE REFUSENIKS

The Roots of the Refusenik Movement

The refuseniks have been supported by several groups established for that purpose. Perhaps the two most well-known organizations are Yesh Gvul (transl. “There is a limit”) and Courage to Refuse. Courage to Refuse was founded in 2002 after the publishing of the Combatant’s Letter. Initially composed by 50 combat soldiers and officers, the Courage to Refuse website claims that the letter now has 627 signatures from combatants.⁹ Yesh Gvul has its roots in the 1982 war in Lebanon, and is less aligned with the Zionist left than Courage to Refuse, which frames its protest within a Zionist worldview.¹⁰ However, the refusenik movement predates the formation of both of these organizations.

From the first days of the occupation beginning in 1967, there have been soldiers who questioned the legitimacy of their orders to serve outside the Green Line. In 1972, two soldiers from the New Israeli Left (SIAH) were jailed for refusing reserve duty.¹¹ The Officer’s Letter of 1978 articulated a growing frustration in Israel’s society with Prime Minister Begin’s handling of the peace talks, and with his support of the settler organization Gush Emunim. On the 7th of March, 1978, 348 reserve officers and non-commissioned officers signed a letter to the prime minister to deplore the attempt to

9 “Courage to Refuse,” <http://www.seruv.org.il/english/movement.asp>, accessed April 15, 2011.

10 Ariel Dloomy, “The Israeli Refuseniks: 1982-2003,” *Israel Affairs*, Vol.11, No.4, October 2005, 712-715.

11 Dloomy, 701.

establish Greater Israel beyond the Green Line. The officers claimed to be writing as “citizen-soldiers,” and stressed that they understood the security concerns of the State of Israel, but believed that security could come only through peace. The letter went on to emphasize that the IDF and the government must be in agreement, asserting: “The strength of the Israeli Defense Forces lies in the identification of its citizen-soldiers with the posture of the state. We call on you to choose the road of peace and strengthen thereby our belief in the justice of our path.”¹²

One early and highly publicized case of selective refusal is that of Gad Elgazi. Elgazi refused to serve outside the Green Line on five occasions, and was sentenced to 120 days in lock-up. When he was ordered once again to serve in the territories, and once again refused, Elgazi was court-martialed and sentenced to one year in prison, of which he served nine months.¹³ Elgazi’s case, and the severity of his punishment, was unusual, however, and not indicative of an organized movement for selective refusal, but the unusual nature of his action, at a time when refusal was all but unthinkable, served to inspire others that came after him, and he is often held up as an example of a soldier following his moral compass.

Despite these early refusals and protests, the nascent refusenik movement did not begin to gain traction until the 1982 war in which Israel invaded Lebanon, hoping to put an end to the PLO. The public support for a preemptive strike against the PLO in

12 Mordechai Bar-On, *In Pursuit of Peace: A History of the Israeli Peace Movement*, (Washington, D.C.: United States Institute of Peace Press, 1996), 98-99.

13 Linn, 74.

Lebanon was initially high in Israel, although hardly uncontroversial. However, the war did not end when the PLO was expelled from Beirut, and as Israel's occupation of Lebanon stretched on for three years, many Israeli soldiers began to question what they were doing on Lebanese soil when the immediate threat to Israel had already been contained. During the three years of war in Lebanon, an estimated 165 reserve soldiers refused to serve in Lebanon when their unit was called up. These soldiers were not refusing all military service. They simply asked to be allowed to serve within the Green Line only. Their requests were refused, and those who persisted in refusing their orders were subject to court-martial and sentenced to time in a military prison. These sentences ranged from fourteen to thirty-five days, and some reservists were sentenced on more than one occasion.¹⁴

Yesh Gvul was formed in this period for the purpose of supporting the reservists who refused to serve in Lebanon. In 1986, Yesh Gvul released a position paper which extended its support to those who refused to serve in the Occupied Territories as well as Lebanon. The position paper stressed that the signers were committed to the welfare and security of Israel, and believed that security could only come through peace. The paper condemned the government for its activities in Lebanon and the Territories with the scathing observation that "the government prefers territory to peace."¹⁵

¹⁴ Ibid, 9-11.

¹⁵ Reuven Kaminer, *The Politics of Protest: The Israeli Peace Movement and the Palestinian Intifada*, (Brighton, UK: Sussex Academic Press, 1996), 66-67.

The outbreak of the first *intifada*¹⁶ in 1987 only strengthened the resolve of Yesh Gvul. Six months after the beginning of the *intifada*, nearly 500 reservists had signed Yesh Gvul's petition, which was published in a newspaper as an advertisement. In February of 1988, the organization published a booklet featuring excerpts from the Geneva Conventions, as well as legal opinions showing that soldiers following orders could still be held accountable for any illegal actions. The publication of this booklet sparked a police investigation of Yesh Gvul, backed by the Attorney General and the Ministry of Justice. After a six month investigation that included wire-tapping and mail surveillance, the government decided against prosecuting the group.¹⁷ This harsh reaction to Yesh Gvul seems odd considering the official line was that the refuseniks were an "insignificant minority."¹⁸ The official count during the *intifada* included only "white" refusal, which was deliberate and public and often resulted in jail time. "Grey" acts of refusal, in which refusers were quietly reassigned elsewhere, or allowed to evade service through medical or other excuses, were not counted. Citizens who chose to emigrate as a means of avoiding reserve duty were also not taken into account. By the end of the first *intifada*, 170 soldiers had been imprisoned for refusal, most of them reservists, all of them in acts of "white" refusal.¹⁹

¹⁶ Arabic for "uprising"

¹⁷ Kaminer, 69.

¹⁸ Linn, 80.

¹⁹ Ibid.

The period between the end of the first *intifada* and the beginning of the second *intifada* were relatively uneventful for the refuseniks. However, 2002 would prove to be an important year for the refusers. April 2002 saw the Operation Defensive Wall, a military operation in the West Bank, take place. More than 50 reservists were sent to jail for refusing service during this period, and 130 more added their name to the Courage to Refuse letter, pledging to refuse service. Then, on the evening of July 22, 2002, a midnight bombing of Gaza took place, and would prove to be another watershed moment for the refusenik movement, and in particular for the pilots in the Israeli Air Force (hereafter referred to as IAF). In this operation, a one-ton bomb was dropped on the house of the Hamas militant Salah Shehade. Shehade was killed, along with 15 members of his family, including 9 children. Over 100 other people were injured in the bombing.²⁰ When the facts became known, some members of Israeli society were outraged, and IAF was put on the defensive and had to justify the measures that ended in the death of 15 civilians and the injury of scores more. After all, critics of the bombing argued, as Gaza is among the most densely populated areas on Earth, that the bombing would likely kill civilians as well as the target was a reasonably foreseeable consequence.

Air Force Commander Dan Halutz gave an interview with *Ha'aretz* to discuss the bombing and to attempt to calm the criticism, and was asked how he felt when he

20 Moshe Reinfeld, "Gush Shalom: Investigate IAF chief over Shehadeh bombing," *Ha'aretz*, August 21, 2002. Accessed online April 14, 2011, <http://www.haaretz.com/news/gush-shalom-investigate-iaf-chief-over-shehadeh-bombing-1.36337>.

dropped a bomb on a populated area. Halutz responded with a glib remark: “How do I feel? Nothing. Just a light buffet on the wing, that’s all. I sleep well at night.”²¹ He went on to say that the operation to assassinate Shehade was carried out properly, “both militarily and morally.”²² Predictably, a furor erupted in the wake of Halutz’s remarks. Gush Shalom, a peace movement in Israel, demanded an investigation of Halutz, along with the commander of the flight squadron, and the pilot who dropped the bomb. Gush Shalom argued that the parties involved must have known that a foreseeable consequence of the assassination would be a large number of civilian deaths, and thus had a duty to refuse illegal orders.²³ Halutz launched a counterattack in an interview with *Ha’aretz*, telling the Israeli daily periodical that the Gush Shalom activists should be brought to trial for threatening Israeli air force pilots with war crime trials for their role in the Shehade assassination.²⁴

The row continued for several months. On September 24, 2003, 27 pilots in the IAF signed a letter of protest. The following paragraphs are the text from this letter:

We, Air Force pilots who were raised on the values of Zionism, sacrifice, and contributing to the state of Israel, have always served on the front lines, and were always willing to carry out any mission to defend and strengthen the state of Israel.

21 Iftach Spector, *Loud and Clear: The Memoir of an Israeli Fighter Pilot*, (Minneapolis, MN: Zenith Press, 2009), 6.

22 Vered Levy-Barzilai, “IAF chief strongly defends Shehadeh bombing mission,” *Ha’aretz*, August 21, 2002. Accessed online on April 15, 2011, at <http://www.haaretz.com/print-edition/news/iaf-chief-strongly-defends-shehadeh-bombing-mission-1.36379>.

23 Ibid.

24 Vered Levy-Barzilai, “IAF chief urges trials for leftist Gush Shalom activists,” *Ha’aretz*, August 21, 2002. Accessed online April 14, 2011, <http://www.haaretz.com/news/iaf-chief-urges-trials-for-leftist-gush-shalom-activists-1.36348>.

We, veteran and active pilots alike, who have served and still serve the state of Israel for long weeks every year, are opposed to carrying out attack orders that are illegal and immoral of the type the state of Israel has been conducting in the territories.

We, who were raised to love the state of Israel and contribute to the Zionist enterprise, refuse to take part in Air Force attacks on civilian population centers. We, for whom the Israel Defense Forces and the Air Force are an inalienable part of ourselves, refuse to continue to harm innocent civilians.

These actions are illegal and immoral, and are a direct result of the ongoing occupation which is corrupting the Israeli society. Perpetuation of the occupation is fatally harming the security of the state of Israel and its moral strength.

We who serve as active pilots - fighters, leaders, and instructors of the next generation of pilots -- hereby declare that we shall continue to serve in the Israel Defense Forces and the Air Force on every mission in defense of the State of Israel.

The highest ranking of these signatories, Reserve IAF Brigadier General Yiftah Spector, wrote in his book *Loud and Clear: The Memoir of an Israeli Fighter Pilot* of the aftermath of this letter:

The IAF reaction was strong: the twenty-eight pilots who signed the protest, including myself, were discharged from the air force. Since there had been no crime and no military offense, they argued that we had violated *esprit de corps*...I hadn't the fortitude to accuse my air force of incompetence, and the IDF high command of war crimes. Even today...I find it very difficult to write these words.²⁵

²⁵ Spector, 8.

Another high-ranking pilot to be dismissed was Lieutenant-Colonel Avner Raanan who served for 27 years until dismissed for refusing to recant the Pilot's letter, despite having been honored with one of Israel's most prestigious military decorations in 1994.

The sacrifice of the pilots, including their loss of livelihood and careers, was not in vain. The public outcry caused by Halutz's words resulted in a backlash that forced him to recant his statements at a later date. In 2004, Halutz stated that if the IDF had known that the bombing would result in the death of civilians, they would not have chosen to assassinate Shehade in that matter. Halutz made the rather self-serving claim that his controversial comment about “sleeping well at night” was meant to support his subordinates and bolster their morale.²⁶ This public recanting of his earlier stance on the bombing did not keep the United Kingdom from attempting to detain Halutz on war crimes charges pertaining to the Shehade case when he attempted to visit London in 2005 and was forced to return to Israel immediately on fear of arrest. Yesh Gvul claimed credit for approaching international powers to raise the possibility of war crime charges, after the High Court in Israel failed to act.²⁷

The pilots' letter was undoubtedly a boost for the refusenik movement, as was the participation of a celebrated soldier – and a conservative one at that – such as

26 Lily Galili, “Deputy IDF Chief: We would have canceled Shehade bombing had we known innocents would be killed,” *Ha'aretz News*, December 3, 2004. Accessed online March 31, 2011 at <http://www.haaretz.com/print-edition/news/deputy-idf-chief-we-would-have-canceled-shehadeh-bombing-had-we-known-innocents-would-be-killed-1.142302>.

27 Yuval Yoaz, “IDF chief Halutz faces potential U.K. war-crimes charges,” *Ha'aretz News*, September 13, 2005. Accessed online on July 3, 2011 at <http://www.haaretz.com/news/idf-chief-halutz-faces-potential-u-k-war-crimes-charges-1.169665>.

Spector. The movement could not be dismissed as being the haven of peaceniks, doves and leftists. Clearly reasonable people and seasoned soldiers from all political affiliations were finding it hard to stomach the actions they were being called upon to perform. In the next section, we will take a closer look at the demographics of the refuseniks.

Who Are the Refuseniks?

Although the those reservists and other soldiers that practice selective refusal undoubtedly come from all walks of life and all manner of political and social affiliations, a study published in 1996 can shed some light on the predominant demographic trends among the refusers. The study, compiled by Ruth Linn in her work *Conscience at War: The Israeli Soldier as a Moral Critic*, examines forty-eight of the refusers from the first four years of the first *intifada*. Linn found that the average refuser was a “secular, thirty-year old Ashkenazi Israeli male, who lives in a city, is married with children, is highly educated, and is a member of the liberal professions.”²⁸ Twenty-five percent were sons of Holocaust survivors. They came from various units in the IDF. Twenty-seven percent were officers, and almost all had participated in previous wars in combat roles. Fifty percent had already completed previous service in the territories prior to refusal. Sixty-nine percent cited the desire to not be part of an occupying force as their reason for refusal, while the other thirty-one percent cited the fear of being ordered to

28 Linn, 88-89.

execute an illegal command as their primary reason for refusal. Sixty-five percent cited the Holocaust in their moral justification for refusal.²⁹

Military medics made up a large percentage of the refusers (thirty-one percent among the refusers during the first *intifada*). Linn posits that this can be explained in two ways: first, medics are often transferred from battalion to battalion rather than being bound to one cohesive unit, which can lead to alienation or looser social ties to one's comrades. Second, medics are often assigned their role based on their own expressed preference. Interviews with medics in both the war in Lebanon and the first Intifada found that fifty percent of them had requested roles that were humanistic rather than combatant because of political beliefs or personal lack of motivation for militaristic aspirations.³⁰ This initial self-selection may point to early ambivalence about the military role in the conflicts, making it no surprise that some of these medics would eventually choose to selectively refuse to serve.

Not all refuseniks are seasoned soldiers disgusted by the memories of distasteful tasks imposed upon them in the past. A growing number of refuseniks are high school seniors who announce their intention to refuse service upon turning 18. This announcement generally is in the form of a letter, and the students who sign the letter are known as *Shministim* (transl. "seniors"). The first letter published by high school seniors was published in 1970, and was signed by 100 teens outraged by the

²⁹ Ibid, 91.

³⁰ Ibid, 92-94.

revelation by Dr. Nachum Goldman that Israel's government had refused to participate in a peace deal initiated by Egyptian president Nasser.³¹ The letter, addressed to Prime Minister Golda Meir, stated that prior to the revelation, the students had believed they had no choice but to serve, but after learning that the peace initiative had been rejected out of hand, they had lost faith that a solution to a 'repeated war which holds no future' was being sought in good faith. However, despite their public condemnation of the government and hypothetical support of refusal, most signatories of the letter did complete their compulsory service.³² The year 1978 saw another flurry of letters of refusal by students, spurred this time by the visit of President Sadat. The biggest wave of letters, however, came in 1989, during the first Intifada. One letter had 280 signatures from high school seniors. Unlike the signatories of the earlier letters, many of these students did manage to avoid military service.³³

Tamar Hermann argues that it is no accident that grassroots activism as embodied by the *Shministim* letters grew out of the late 1960s and 1970s. According to Hermann, the period immediately following the 1967 war was more favorable to activism of this type because of several factors: Israel's political system and its authority was now established and stable, allowing the political elite to feel less threatened by activism; an external threat was neutralized by the defeat of the Arabs in 1967, relieving an existential anxiety for the Israelis; and finally, news footage from the American

31 Ibid, 73.

32 Ibid.

33 Ibid, 74.

protests of the Vietnam War were broadcast into Israel, normalizing the idea of political protest. As well, the youth of this generation, unlike their immigrant parents, had grown up in Israel and were more affluent than their parents' generation had been, had not suffered the trauma of the Holocaust directly, and were at home in the unique Israeli political system.³⁴ These youth, possessed by a "juvenile self-confidence," looked for alternative ways to approach political problems, and it is in this context that the *Shministim* began to write their letters.

The senior refusal movement is still thriving, and the internet has helped these seniors spread the word. There are now websites devoted to the seniors who announce their intention to refuse to serve, complete with mission statements, and forums where they can connect both with each other, and with supporters both in Israel and abroad. There are Facebook groups in both English and Hebrew, all with the purpose of supporting the *shministim*.³⁵

It is difficult to ascertain the prevalence of female refuseniks. Because women have an easier time obtaining conscientious objector status in Israel, and because their reserve service ends much earlier than that of their male counterpart (ending either at marriage, or at 34 years of age, whichever comes first), they are more easily able to access "grey" methods of refusal. The refusal of women has only recently highlighted with the formation of such groups as New Profile, and with such events as "Women

³⁴ Tamar Hermann, *The Israeli Peace Movement: A Shattered Dream* (Cambridge, UK: Cambridge University Press, 2009), 53.

³⁵ An example of such a website can be found at <http://www.shministim.com/>.

Refuse,” a tent vigil organized by feminist groups to give female refusers a chance to air their views. The younger generation is increasingly willing to go to prison publicly, and several young women have been sentenced to multiple jail terms in recent years, a shift from the years of the war in Lebanon or the years of the first intifada.³⁶

36 Rela Mazali, “Acts of Refusal: An Interview with Rela Mazali,” *Middle East Report*, No. 231 (Summer 2004), pp. 22-25.

CHAPTER THREE: REASONS FOR REFUSAL

Democracy and Refusal

Israel is often labeled “the only democracy in the Middle East,” a label its people take much pride in. Many of the refuseniks cite a commitment to democratic values as the reason for their refusal. One refusenik from the Lebanese war, Ishai Menuchin, explains his motivation:

Being a citizen in a democracy carries with it a commitment to democratic values and a responsibility for your actions. It is morally impossible to be both a devoted democratic citizen and a regular offender against democratic values. Depriving people of the right to equality and freedom, and keeping them under occupation, is by definition an antidemocratic act...My commitment to democratic values caused me to act against the occupation...³⁷

The high school seniors, too, cite a commitment to democratic values as the reason for their refusal:

The Israeli government frequently boasts that Israel is “the only democracy in the Middle East”. The occupation is a complete contradiction to this claim. Can a government that controls the lives of millions of people who did not take part in elections be called a “democracy”? ...We that have been brought up on values of liberty, justice, righteousness and peace cannot accept it. Our objection to becoming soldiers of the occupation stems from our loyalty to our values and to the society surrounding us...³⁸

37 Ishai Menuchin, “Saying No to Israel’s Occupation,” in *The Other Israel: Voices of Refusal and Dissent*, eds. Roane Carey and Jonathan Shainin, (New York: The New Press, 2002), 123-125.

38 From website <http://www.shministim.com/our-letter>, Accessed online July 25, 2011.

Or, as Dudu Palma, a paratrooper refusenik from the Kfar Hanassi Kibbutz, put it, “If I feel responsible for the fate of democracy in this country, I can no longer share in undemocratic actions verging on war crimes.”³⁹

The use of democratic principles to justify selective refusal is a testimony to the strong democratic tradition in Israel. In a less democratic society, selective refusal would, perhaps, be dealt with more harshly and less ambivalently. The very notion that a soldier has a choice in whether or not to obey orders that would threaten the democratic nature of a society is an idea that could only grow out of a society already committed to democracy. The refuseniks are very much a product of democracy, and this commitment to democratic tradition is reflected in the personal testimonies of these reservists.

A “Black Flag”

Another important justification used by the refuseniks is known as the “black flag” defense. Many refuseniks justify their civil disobedience by arguing that legal opinion and precedent in Israel has established that soldiers have a duty to disobey illegal orders. A Yesh Gvul pamphlet published in 1986 references the 1956 legal case in which soldiers faced a military court for the murder of Arab villagers from Kafr Kassem. The soldiers had been ordered to shoot any Arabs found violating curfew. This case was presided over by Benyamin Halevi, who ruled that soldiers should never

³⁹ Dudu Palma, *Refusenik! Israel's Soldiers of Conscience*, ed. Peretz Kidron (London, UK: Zed Books, Ltd., 2004), 27.

obey illegal orders “over which a black flag is waving.”⁴⁰ The court ruling stated that “An order which reveals visibly that it breaks the law, such as an overt order to kill innocent persons, constitutes solicitation to an illegal act; it is forbidden to give and forbidden to carry out...that is the measure of ‘flagrant’ illegality required to override the soldier’s duty to obey, and to subject him to criminal culpability for his deeds.”⁴¹

This justification is perhaps the most potent one for the refuseniks, and the one met with the most sympathy by members of Israel’s society. After all, few societies bear as many scars left by soldiers “just obeying orders” as Israel’s Jewish population. The Nuremberg trials of Nazi war criminals showed that the international community rejected this defense, and no Holocaust survivor or child of a Holocaust survivor would attempt to argue that any soldier can be excused for atrocious behavior while obeying orders. This defense strikes a nerve, and even critics of the refuseniks are hesitant to try to refute this basic point.

Many refuseniks point to specific events of dubious legality they witnessed or participated in as their catalyst for deciding to refuse service. For some, it was the destruction of fruit trees or olive grove for security measurers or to clear the ground for a new settlement, such as the event that Peretz Kidron, editor of a collection of testimonials from refuseniks titled *Refusenik! Israel’s Soldiers of Conscience*, points to as

40 Idith Zertal, *Israel’s Holocaust and the Politics of Nationhood*, (Cambridge, UK: Cambridge University Press, 2005), 213.

41 Yesh Gvul’s “Service Paybook #1”, first published 1988, accessed online on April 15, 2011, <http://israeli-left-archive.org>.

his epiphany. Even more galling to Kidron than the destruction of the trees was a lie he heard on the radio about those trees, claiming they had been recently planted by Bedouins in an effort to squat illegally on land, a claim Kidron knew to be untrue. A small incident, unremarkable to any but the displaced Palestinians who lost their grove of trees, but it was enough to awaken Kidron's conscience and cause him to refuse service the next time he was called for reserve duty.⁴² For many soldiers, it is an incident such as the one described by Kidron that serves as the catalyst for their decision to refuse to serve.

⁴² Peretz Kidron, *Refusenik! Israel's Soldiers of Conscience* (London, UK: Zed Books, Ltd., 2004), 19-20.

CHAPTER FOUR: RESPONSE TO THE REFUSENIKS

Perhaps unsurprisingly, the army's attitude towards the refuseniks has been largely hostile. One former general, Yanush Ben Gal, went so far as to advocate stripping the refuseniks of their citizenship, or worse:

Refusers? Kill them...We despise the refusers. I see them as traitors serving time in prison...nobody has the right to decide where he wants to serve...I think that a citizen who refuses to serve in the territories should be stripped of all his rights as a citizen (Ha'aretz, 19 May 1989).⁴³

Even the political party Ratz, considered to be part of the Israeli left-wing, was divided on its response to the issue of refusal during the first intifada. While Shulamit Aloni called the refuseniks "divine souls," other members of the party argued that there were no grounds for refusal, and that "nobody can save his soul by refusing."⁴⁴

The general public has been divided on the issue as well, but the majority have disapproved of the refusers. A 2003 public opinion survey conducted by the Jaffee Center for Strategic Studies indicated that 75% of those polled believed that IDF soldiers could not legitimately refuse orders to serve in the Occupied Territories. Another 2003 study published by the Israel Democracy Institute and the Guttman Center bore out these results, reporting that 78% of respondents did not support the refuseniks.⁴⁵

43 Linn, 81.

44 Ibid, 80.

45 Anthony H. Cordesman, Jennifer Moravitz, *The Israeli-Palestinian War: Escalating to Nowhere*, (Westport, CT: Greenwood Publishing Group, 2005), 155.

Although these numbers show that the majority of Israeli citizens are not supportive of selective refusal to serve in the Territories, the fact that a quarter of respondents stood behind the refuseniks is significant. If 25%-28% of the population believes that the cause of the refuseniks is just, then the movement cannot be written off as only a fringe group of contrarians and unrealistic idealists.

According to Reuven Kaminer, by 1990, some of the most adamant opponents of selective refusal were found in the kibbutz movement. For example, the youth movement of Kibbutz Artzi passed a resolution against refusal, and the United Kibbutz Movement's Political Council passed a resolution against refusal 280 to 13. Kaminer attributes this enmity of the kibbutzim to the refuseniks to the fact that a "disproportionally high percentage of Israel's elite fight units – and death casualties" came from the kibbutz youth.⁴⁶

Support for the refuseniks has come from an unlikely source. The preeminent military historian Martin Van Creveld, hardly a peacenik or dove, has been public and vocal about his support for the refuseniks. In 1989, Van Creveld said, "Refusal doesn't harm the army...the fact that the refusers are coming only from the line of the reservists and not from the career officers, reflects badly on the career officers...the elite of the nation is founded among the refusers" (Ha'aretz, 12 May 1989).⁴⁷ In March 2002, Van Creveld went a step further in an interview Giora Ayalon of *Yerushalayim* magazine,

46 Kaminer, 134-135.

47 Linn, 82.

saying, ""The refusing to serve is a symptom of an army which is falling apart, and it is the best thing that happened to us. Perhaps as a result of it we will finally get out of these horrible territories."

The very reasonable expectation that refusal will be met with disapproval and a lack of support causes many refuseniks to be reluctant to voluntarily reveal their status as a refuser. To return to Linn's study on the refusers of the first intifada, forty-six of those refusers surveyed revealed their refusal in their workplace. Surprisingly, among those who did choose to reveal their status, forty-four percent reported at least a modicum of support in their workplace. Even more surprisingly, seventy-seven percent of the refusers reported that they found at least some support for their refusal among those in their military unit.⁴⁸

Even those members of society who are sympathetic to the moral dilemmas faced by soldiers serving in the occupied territories employ some common arguments to influence soldiers to continue their military service. One argument is that someone is going to be serving in the territories, and better that it be a person of conscience than one with a less finely honed sense of honor and duty. This line of thinking seeks to persuade soldiers that they can change the system from within, and that if they serve, they can do so without violating their ethics, and can indeed be a mitigating influence on situations that might otherwise take an ugly turn. Another argument is that if the soldiers who are against the occupation refuse to serve, this opens the door to refusal

⁴⁸ Ibid, 98-100.

across the board, and that they are in effect providing the justification for all soldiers everywhere to refuse to obey any order they disagree with – including soldiers who refuse to dismantle the settlements in the territories.

Refusal and the Peace Movement

Although the refuseniks and the peace movements might seem to be natural allies at a first glance, reaction from the peace movement has not been unconditionally supportive for selective refusal. Peace Now, a grassroots organization founded in 1978, has been cautious about aligning itself with the refuseniks, particularly those in Yesh Gvul. Peace Now presents itself as a mainstream organization, and wishes to work for change from within the existing framework. Refusing to comply with the law would alienate potential allies of the peace movement, some activists thought. One Peace Now activist stated, “There is not enough support for refusal in the country for it to be effective. Instead of widening its periphery of support, Yesh-Gvul only isolates itself.”⁴⁹ Another Peace Now activist, Mordechai Bar-On, explained the lack of support for Yesh Gvul within Peace Now as being a reluctance on the part of Peace Now to do anything to “undermine the status of the IDF and the motivation of its soldiers.”⁵⁰ Peace Now also feared that support for the refuseniks would lead to legitimizing the refusal of right-

49 Dloomy, 710-711.

50 Ibid.

wing soldiers to evacuate settlements, and other such actions. Finally, Peace Now did not want to alienate moderate Israelis by an alliance with Yesh Gvul.⁵¹

Avshalom Vilan, a leader in Peace Now, said in an interview: "Israel is a small country and it has to defend itself. When we are mobilized, we go and fight; when we are demobilized, we do everything we can to oppose the war by political means."⁵² Peace Now, in other words, wished to obtain results through non-confrontational means, and had to distance itself from Yesh Gvul. At the same time, Peace Now did not wish to antagonize or prolong the ordeal of the refuseniks. One Peace Now spokesman said, "Yesh Gvul is not our rival. In many ways they are a piece of our flesh and bones...Individuals may have the right to resist orders they feel they cannot live with, as long as they are ready to pay the price. But as a movement, as a collective, Peace Now is not ready to adopt disobedience as its official line."⁵³

Ratz, another party within the peace movement, issued a resolution that declared that the party "opposed any refusal to serve in the territories or any encouragement of such refusal...[but expresses] its understanding of those willing to pay the price for their conscientious objection."⁵⁴

Yesh Gvul criticized the position taken by the peace movement as hypocritical. How, Yesh Gvul asked, could the organizations oppose the methods being used in the

51 Linn, 124.

52 Gal, 249.

53 Bar-On, 148-149.

54 Ibid, 229-230.

territories, yet encourage soldiers to obey orders to employ those methods?⁵⁵ The refuseniks could only count on the peace movement for tepid, non-committal support. Those who believed that disobedience was the only answer to break the cycle of occupation were left standing alone.

Official Reactions and Military Response

It is impossible to find an accurate count of how many soldiers have selectively refused to serve in Lebanon or in the territories, for the outcome of the refusal depends heavily on the temperament and judgment of their commanders, and a commanding officer can choose to turn a “white” act of refusal into a “grey” act of refusal if he or she wishes.

According to Reuven Gal, most refusals occur prior to the reservist reporting to his unit. Once having actually reported and having received an order from their immediate commander, most reservists will complete their assigned mission, even if they are struggling with the morality of what their duties will entail.⁵⁶ They might very well join in political protests against the Occupation as soon as they are able to remove their uniforms at the end of their tour of duty, but while in uniform they will remain dutiful soldiers. The strong bond with their comrades, as well as the force of habit in

55 Ibid.

56 Ibid, 44.

obeying orders contributes to this unwillingness to disobey direct orders once functioning within the unit.

Prior to 1988, reservists who refused service generally served a month of military prison time, and suffered a loss of compensation during this time. However, after the publication of Yesh Gvul's booklet and the ensuing investigation of the group, opponents of the organization sought stiffer penalties for the refusal to serve. These punishments received depended on the unit commanders rather than a standard policy. Some reservists found themselves facing unduly harsh penalties, such as Rami Hason, a reservist who served multiple sentences, spending 140 days in jail. While some, like Hason, faced stiff punishment, other reservists were able to work out deals that allowed them to serve within the Green Line, or were reclassified for ostensible medical reasons.⁵⁷

By the time the second intifada (also known as the al-Aqsa intifada) had broken out, the military had decided on a more savvy policy for dealing with refuseniks: it would cease to acknowledge that refusal was a pressing threat to the IDF, and would avoid direct confrontation. By avoiding confrontation, the IDF was able to avoid unpleasant media coverage such as it had attracted during the Rami Hason some years previously. The responsibility for punishing the refuseniks fall on their commanding officers, and these officers can be as lenient or as strict as they wish.⁵⁸ Some soldiers

⁵⁷ Kaminer, 71.

⁵⁸ Dloomy, 699- 707.

are merely granted a transfer to other duties upon their request to serve within the Green Line. If the commander chooses to grant these requests rather than make an example of the soldier, a public confrontation is avoided and the refusal quietly swept under the rug. This state of affairs benefits both the soldier and the IDF: the soldier need not face the recriminations and censure of his peers, and the IDF need not risk another public debate on the morality of Occupation policies. Some reservists are offered exemptions from service on the condition that they not publicize their cases, an indication of how eager the IDF is to avoid publicity.⁵⁹

Not all refusers escape punishment. The commanding officers have the power to enforce jail time for refusing to serve. In addition, commanding officers who wish to make things especially difficult on a refuser can deny them the opportunity to rejoin their unit after serving their time in jail. Fifty-seven percent of the refusers from the first intifada, as surveyed by Linn, reported that they were removed from their units in addition to serving prison time, a shift from the treatment of refusers in Lebanon, who often returned to their units after prison.⁶⁰ Some were also demoted.

Reflecting on the mercurial and unpredictable military reaction to the refuseniks, the Israeli journalist Peretz Kidron said, "The authorities basically don't know how to handle the refusenik issue, so they blow hot and cold. One day they are strict and authoritarian

⁵⁹ Ibid.

⁶⁰ Linn, 97.

with one refusenik, the next they fall over themselves meeting another refusenik halfway."⁶¹

The autobiographical essay of Itai Ryb, a lieutenant in the reserves, who served a one-month sentence for refusal in 2002, demonstrates method by which refuseniks can find themselves unceremoniously hauled to a military prison:

In the course of ten minutes...I managed to explain in an agitated murmur why I refuse to take part in the Israeli occupation (2 minutes); to hear his learned opinion about obedience and morality (5 minutes); and note the views of the brigade quartermaster about a solution to the consequent transportation problem ('Tell Avi to take him to prison in the Peugeot')...It wasn't so much that they wanted to punish me, it seemed they were more interested in rendering my protest banal, like the 'judicial' process I had undergone.⁶²

However, not all refuseniks are willing to allow things be swept under the rug. In 2002, David Zonsheine, a member of Courage to Refuse, petitioned the Supreme Court of Justice to allow him to be tried by a military tribunal instead of by his commanding officers. The advantage of being tried by a military tribunal is that one is allowed to present a defense and be represented by a lawyer, while in the summary trial by commanding officers, no defense is allowed. The risk, however, is that the military

61 Robert Hirschfield, "Ellie Armon: Teenage Israeli Refusenik." *Washington Report on Middle East Affairs* 24, no. 9 (December 2005): 18-21. *Academic Search Alumni Edition*, EBSCOhost (accessed February 28, 2011).

62 Kidron, 107.

tribunal will hand down a harsher sentence than the commanding officers would be able to.⁶³ However, if one is willing to chance the possible stricter sentence, appearing before a military tribunal is the superior method of making a political statement, as it forces the military to justify the occupation – something difficult to do as it considered by much of the world to be illegal under international law.

Jonathan Ben-Artzi, the nephew of Benjamin Netanyahu, is one refusenik who did manage to successfully petition to be tried by a court rather than by his commanding officer. After spending 18 months in military prisons over the course of 8 years, Israel's Supreme Court agreed to accept jurisdiction in 2007, after sending the case back to military court several times. Finally, the Supreme Court declined to sentence Ben-Artzi to further jail time.⁶⁴ Netanyahu himself took no part in his nephew's ordeal, other than to say he wished he would change his mind.

Ariel Dloomy noted in 2005 that “since 1982, only 8% of the soldiers who signed petitions and were committed to refusing to serve in Lebanon and in the Occupied Territories have been court-martialed.”⁶⁵ Dloomy posits that this is not indifference on the part of the IDF, but rather the “strategy of not having a strategy.”⁶⁶ As long as the military can silence the refuseniks by refusing to engage in dialogue with them, they can

63 Dloomy, 706.

64 Chris McGreal, “I realized the stupidity of it,” *The Guardian*, March 11, 2007. Accessed online on July 11, 2011 at <http://www.guardian.co.uk/world/2003/mar/11/israel>.

65 Dloomy, 707.

66 Ibid.

represent the refuseniks as a mere annoyance, rather than a threat or a troubling [to the IDF] phenomenon.

The Military Response to the Rightist Refuseniks

Let us now turn our attention to another group of soldiers that practice selective refusal, and the military response to them: those soldiers and reservists who, for ideological reasons, refuse to dismantle the settlements in the occupied territories. Although the focus of this paper is not on those refuseniks on the right side of the political spectrum, they become relevant insofar as the military response to them has been influenced by the lessons learned and strategy followed in the IDF's dealings with the leftist refuseniks.⁶⁷

As we have seen, selective refusal was predominantly practiced by those with objections to serving outside the Green Line after the 1967 war, and through the first *intifada*. In 1995, during the implementation of the Oslo Accords, some settlements were to be evacuated and dismantled by the IDF as part of Israel's agreement. A rabbinical ruling called on soldiers to refuse to participate in this dismantling of the settlements. In 2002, another wave of rightist refusal was spurred by similar orders to dismantle Havat Gilad, an outpost in the West Bank. According to a Ha'aretz news

⁶⁷ I hesitate to use the designations "rightist" and "leftists" when classifying the two groups of refuseniks, as this gives a false sense that selective refusal falls neatly along partisan lines, when in fact the matter is more complex than "right" or "left," but in lieu of better terminology, this will have to suffice.

article on February 16, 2002, the army kept a low profile and refused to be drawn into a public debate with the refuseniks – a method they had learned and used to good effect when dealing with the leftist refuseniks in the years prior to the emergence of a rightist counterpart to the refusenik movement. Ha'aretz quotes unnamed military sources as saying, ""In all the previous evacuations, the policy was that the commander on the ground could use his judgment. The commander can pull out a soldier with 'political sensitivity' on the issue, and put him in the outer circle of the operation... Assuming there's a soldier from a settlement and the mission is difficult for him...there's no reason to put them in the front line."⁶⁸

This reluctance tolerance for selective refusal may be running out, however, and the IDF may be inclined to revert back to harsher penalties for refusal. In 2005, in the middle of the disengagement from Gaza and the resulting controversy, Dan Halutz, then IDF Chief of Staff, warned the leaders of the Yesha Council, a settler organization, not to encourage soldiers to refuse to evacuate the settlements. He made it clear that refusal led to chaos, and that if the right-wing soldiers were allowed to refuse orders, then it would inspire more left-wing soldiers to disobey orders, and that the day might come that leftist soldiers would refuse orders to guard the settlements, clearly something against the interests of the Yesha Council. "Refusal is unacceptable, whether from the

68 Amos Harel, "IDF is keeping a low profile in outpost 'refusenik' debate," Ha'aretz News, February 16, 2002. Accessed online April 20, 2011 at <http://www.haaretz.com/print-edition/news/idf-is-keeping-a-low-profile-in-outpost-refusenik-debate-1.31263>.

right or from the left," Halutz said.⁶⁹ In a subsequent interview, Halutz elaborated, expressing alarm at the soldiers and reservists refusing orders to evacuate the settlements and warning that refusal could lead the creation of "militias within the IDF," and claiming that some "deserters" had kept their IDF-issued weapons. Even while warning of the dangers of refusal, Halutz continued to downplay the scope of refusal, saying, "'If you don't address refusal when it is still a small phenomenon it may turn into a destructive phenomenon.'"⁷⁰ At this time, on the eve of the disengagement, several right-wing refuseniks were indeed jailed for refusing orders to aid in the disengagement.

Similarly, in 2009, the IDF Chief of Staff Gabi Ashkenazi said publicly that, "We have no tolerance for this type of insubordination, no matter which side of the political spectrum the soldiers are on."⁷¹ That same week, Defense Minister Ehud Barak said, "A country that wishes to live must end refusal by the right and left with an iron fist."⁷²

69 Amos Harel and Nir Hasson, "Halutz: If religious troops refuse pullout order, secular troops won't guard settlers," Ha'aretz News, July 25, 2005. Accessed online on July 27, 2011 at <http://www.haaretz.com/print-edition/news/halutz-if-religious-troops-refuse-pullout-order-secular-troops-won-t-guard-settlers-1.164874>.

70 Amos Harel, "Halutz: There are deserters with guns and this concerns us," Ha'aretz News, August 9, 2005. Accessed online July 5, 2011 at <http://www.haaretz.com/news/halutz-there-are-deserters-with-weapons-and-this-concerns-us-1.166355>.

71 Anshel Pfeffer, "Army chief: Zero tolerance for soldiers who refuse orders," Ha'aretz News, November 11, 2009. Accessed online on April 20, 2011 at <http://www.haaretz.com/print-edition/news/army-chief-zero-tolerance-for-soldiers-who-refuse-orders-1.3639>.

72 Ibid.

CONCLUSION

In a society where almost every citizen is a past, present or future soldier, and reserve duties continue long after the obligatory active duty is over, the militarization of society is fact of life. When that society is a democratic one, it becomes impossible to ask that soldiers be an active participant in democracy eleven months of the year, only to check that commitment to democratic values at the door when reporting for reserve duty. Whether on the right or the left, the Israeli soldier is ever conscious of his role as a citizen-soldier in a democratic society, and it is this civic awareness that leads to, and provides justification for, selective refusal when principles are compromised by orders. A people still suffering collective trauma from the memory of the Holocaust, furthermore, are well aware of the limits of the defense that one is “just following orders” – a justification that did not save those on trial at Nuremberg from punishment.

The refuseniks come from a variety of backgrounds, and often their decision to refuse cause irreparable rifts within their family and social circles. Refusal can cause financial hardship as well, as they lose wages and their reserve stipend during times they are in the military prison. In all the interviews with refuseniks that I encountered in my research, to a man, every refusenik emphasizes the difficult nature of his decision. Selective refusal is not a decision to be made lightly, as the costs are very dear. Only a person of great conviction would choose to swim against the current in this way.

The IDF has responded to selective refusal through alternating harsh punishment with light punishment. For the most part, the last decade has seen the IDF largely refusing to engage in a public debate with the refuseniks, preferring instead to let individual commanders deal with recalcitrant soldiers and punish them or quietly reassign them as the commander sees fit. It remains to be seen if this “policy of not having a policy” will continue to be pursued, or if harsher penalties will be visited upon the refuseniks in the coming years. One thing is clear: selective refusal is not a temporary trend, and is not set to cease anytime within the foreseeable future. There is an increasing feeling among Israelis on both sides of the political spectrum that the occupation, and in particular the settlements, are the number one obstacle to peace. As long as the IDF is an occupying force, there will be those soldiers who feel it is their duty to refuse, to say, “No, I will not serve. There is a limit.”

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