



A writing on non-violence by Rabbi Jon-Jay Tilsen

## Conscientious Objection to Military Service in Israel

The officials shall go on addressing the troops and say, "Is there anyone afraid to strike others or too soft-hearted to take their blows? Let him go back to his home lest the hearts of others become like his."

*Ibn Ezra's reading of Deut. 20:8*

I have been educated with Arab children on the same school bench. Do you expect me to kill my schoolmates?

*Israeli war resister Joseph Abileah at his trial in 1949*

As long as we continue to occupy and oppress the Palestinian People, soldiers will be compelled to face the necessity of obeying inhumane orders. Peace and compromise are the only solution....

*Letter of 16 high school students to Defense Minister Rabin in Dec. 1987*

This article outlines the incidence and stated motivation of conscientious objection and selective conscientious objection to military service among Jewish Israelis from 1948 until early 1988. In general, conscientious objection denotes refusal to participate in war in any form for reasons of religious upbringing or deeply held ethical principals; selective conscientious objection refers to refusal to participate only in those wars which the objector believes to be unjust, or refusal to participate only in certain aspects of a particular war. Inasmuch as Israeli policy provides for the exemption of Yeshiva students

from military service without regard to their attitude toward participation in war *per se*, it is not possible to identify the conscientious objectors among that group. Therefore this article deals only with those objectors who have made their objection publicly but have not taken advantage of the exemption for Yeshiva students.<sup>1</sup>

From the immediate pre-state period until 1970, only a little over 100 Jewish Israelis publicly declared their positions as conscientious objectors and draft resisters. For the most part these were individuals who had commitments both to some form of Zionism as well as to nonviolence. As there was no official government policy towards these people, they were dealt with on an individual basis. In most cases, the government harassed them but ultimately worked out a quiet arrangement with them.<sup>2</sup>

The case of Joseph Abileah is remarkable yet in many ways typical. Born in Austria in 1915, he moved with his family to Haifa in 1923 where he lives to this day. At the beginning of the Arab Revolt in 1936, Abileah was in an Arab village in Transjordan.

A group of people met him and immediately demanded to know if he was a Jew. When he answered yes, they answered that they would have to kill him. Joseph replied that if it was their duty then they should proceed. They led him to a deep well and stood him at the edge of it. However, "not a single one had the courage or the heart to throw me in. It was an experience which lasted maybe only a few seconds but it determined my whole way of life. Because later when I thought about the hole staring at me from the depths of the well I had this revelation of the Godly sparkle in the human heart which was lit in the very moment when they could not follow the order which they had received to kill any Jewish person that they met. ...[N]obody wanted to kill me. ...I saw I was saved by the power of non-violence."<sup>3</sup>

During World War II Abileah refused to join either the Hagana or the Jewish Brigade. At that time most employers would not hire a man who had not served in the army. Abileah was able to work in his father's shop. After threats of physical violence by the Jewish military recruiters in Haifa, Abileah left town for a while. When one person died after being beaten by the recruiters in Haifa in 1944, the British closed the recruitment office, and Abileah returned to his home.

After the war in 1948, Abileah was charged with failing to fulfill his military obligations. He was imprisoned briefly and tried. The court, convinced of his sincerity, offered him the option of doing non-combat service, but he refused as that would make him an accomplice to their violent acts.

Finally, in an effort to close the case, the court instructed the physician for the medical examination to declare Joseph 'unfit' on the record, irrespective of his actual condition. When Joseph found that the unfitness report was untrue, he threw away his exemption

card. Eight years later, Joseph underwent another examination in which he was found fit for service. He was prepared to resist, but the military granted him one postponement after another for sixteen years until he was too old to serve the army.<sup>4</sup>

In another case from the same period, the objector spent a few days in jail, but was ultimately released when an arrangement was made for him to serve as a non-combat welfare officer for soldiers' families.<sup>5</sup> At that time, however, one who intended to refuse had no guarantee as to what the government response would be:

The treatment of conscientious and selective resisters during the 1950s varied in each individual case and was quite arbitrary. ... Some had to undergo relatively short prison terms; others had their passports confiscated; still others were denied food rations stamps during the early and mid-1950s austerity period when staples could be legally obtained only with food stamps. Similarly the solutions and compromises offered by the authorities in cases where harassment seemed to have failed were far from uniform. Some resisters were unconditionally exempted; others were offered placement in non-combat units; still others performed alternative service.<sup>6</sup>

Uri Davis, another draft resister, reports that "those of us who resisted prior to 1967 faced minor harassments. For instance, I did not have my reserve card so I had to wait a year to obtain my driver's licence."<sup>7</sup>

After the occupation of the West Bank and Gaza, a new dimension was added to the question of military service. Now began to develop an organized movement of selective objection, i.e. objection not to military service *per se* but objection to service in the occupied territories or even, occasionally, objection to service at all in what was now seen as an army engaged in an illegal or immoral occupation.<sup>8</sup> As one student, about to be drafted, put it in 1979, "It's not clear to me which side I'll be on in the various confrontations with the Palestinians. If I'm told to help put down a demonstration, I might put down my gun and join the demonstrators."<sup>9</sup>

During the years of occupation, an indeterminate but apparently considerable number of individuals who objected to service in the territories for reasons of conscience worked out arrangements with their commanders whereby they would not be sent beyond the Green Line.<sup>10</sup> But inasmuch as the issue of the occupation is highly political it should not be surprising that refusal to participate actively in the occupation itself became a highly political act, as opposed to remaining a quiet issue of personal conscience.

In August 1971, three men and one woman who were about to be drafted sent a letter to Defense Minister Moshe Dayan in which they stated, "We are unwilling to serve in an

army of occupation. It has been demonstrated in history that occupation means foreign rule; foreign rule begets resistance; resistance begets oppression; oppression begets terror and counter-terror." One of the four, Giora Neuman, spent a year in jail for his refusal. At his trial in July 1972 Neuman said, in part, the following:

In January, 1971, news was made public in Israel concerning widespread resistance to the occupation regime in Gaza and drastic repression. In August of the same year...the repression reached unprecedented peaks: the destruction of whole quarters in refugee camps, the expulsion of people and the banishment of individuals for the second time in their lives. ...These events are a part of an entire pattern.... These two eruptions and others have demonstrated to me and to all those who still entertained doubts on the matter, that there is no such thing as a liberal occupation, and there cannot be such a thing.

Neuman tried to debunk the myth that the occupation of the West Bank and Gaza since 1967 is justified since Israel is facing annihilation. He pointed out that three generals who had participated in General Staff meetings during the Six Day War -- Dr. Matityahu Peled, Ezer Weitzman, and Haim Bar-Lev -- had been stating in the press that Israel did not in fact go to war to prevent the danger of annihilation, but instead went to war to pursue particular "national interests," and that Peled had gone so far as to call the annihilation argument a "bluff."<sup>11</sup>

With the invasion of Lebanon in June 1982 yet another major issue was added over which would-be participants might object. The refusal of brigade commander Col. Eli Geva to lead his troops into Beirut and his resignation in late July was discussed in the press but did not raise many eyebrows in the streets in Tel Aviv.<sup>12</sup> More controversial was the public letter of 86 reservists (including 15 officers) -- called the "Letter of 100" -- stating their opposition to the war and requesting to do their reserve duty within Israel.<sup>13</sup> By September over 500 people had signed as supporters of this new organization called "Yesh Gevul" and after the Sabra and Shatilla Massacre there were over 1000 signatories; by June 1983 there were 1,700 reservists in Yesh Gevul.<sup>14</sup>

By March 1983, 28 people are known to have served time in jail rather than in Lebanon.<sup>15</sup> In May, the New York Times cited an Israeli source as saying that hundreds of refusers had been spared jail by the government to avoid publicity.<sup>16</sup> At the same time, there were cases of people who for reasons of conscience served jail terms but avoided publicity and were not counted in the "official" enumeration.<sup>17</sup>

Most terms were for the length of call-up, typically 28 days. Daniel Timerman, a recent immigrant and son of the prominent Argentinian journalist Jacobo Timerman, served two terms (one for each time he was called to reserves).<sup>18</sup> Timerman was one of several refusers who served multiple terms. In June 1983, Uzi Deqel served his second term, this

time for 21 days. His case is noteworthy in that prior to the invasion of Lebanon, he had had a "quiet arrangement" whereby when his unit was sent to the territories as part of its annual reserve duty, Deqel was allowed to remain behind to do other work.<sup>19</sup>

By September 1983, 15 months after the invasion, 86 jail sentences are known to have been given to reservists. In January 1984, Ya`qov Shain completed his third consecutive 30-day term. Shain served in Lebanon at the beginning of the war, but signed the Yesh Gevul statement in October 1982. Under a military regulation adopted in April 1983, "A soldier who refuses to serve wherever he is told to, shall receive along with his jail sentence a call to reserve duty without prior notice, in which will be set a new period for active duty, according to the army's needs." In other words, people who served jail terms instead of serving in the army could be called up again immediately after their release from jail. Shain's appeal to the Supreme Court, on the grounds that the army did not really need him that much, was rejected. Shain received the 108th jail sentence, according to the count of Yesh Gevul.<sup>20</sup> By January 1985, 30 months after the invasion, 143 reservists had been jailed for refusal to fight in Lebanon.<sup>21</sup>

The partial withdrawal from Lebanon greatly reduced the pressure for the army to jail objectors. The three reservists known to be in jail for their selective conscientious objection in September 1987 were there not for their refusal to serve in Lebanon, but rather for their refusal to serve in the West Bank.<sup>22</sup> In October 1987 a group of 50 high school students publicly sent a letter to the Defense Minister expressing their intent to refuse to serve beyond the Green Line. At the time they claimed to have "hundreds of supporters."<sup>23</sup>

With the outbreak of widespread "disturbances" -- later to be called an "uprising" (*intifada* in Arabic) -- in Gaza and the West Bank in the second week of December 1987, the movement for open refusal gained momentum. At the end of December, 16 more students (men and women) joined the group who had sent the letter in October. Meanwhile, *Ha'aretz* reported that of the group of 50 students who signed the first letter, five had been drafted, but none had been sent to the territories.<sup>24</sup> The next day, 160 reservists -- including one woman, one Jerusalem city councilor, and several officers -- followed suit with their own declaration to refuse to participate in putting down popular disturbances in the territories (although they did not all necessarily rule out serving in some other capacity in the territories).<sup>25</sup>

A week later, on 4 January 1988, Ofer Kasif became the first of the 160 reservists called up -- and was sentenced to 28 days in jail for his refusal to serve in Gaza.<sup>26</sup> On 10 January, Charles Lentsher became the first of the 50 students to be sent to jail, also for 28 days.<sup>27</sup>

The subsequent week saw two demonstrations on behalf of the jailed objectors, a small one in Tel Aviv and a larger one of about 250 people, organized by Yesh Gevul along with the students, near an entrance to the Gaza Strip. These demonstrations were reported in the Hebrew press and received extensive coverage in at least one Jerusalem Arabic daily.<sup>28</sup>

In the last week of January, the Students' Letter proved a major topic of discussion at the Assistant Army Chief's visit to a high school.<sup>29</sup> More significantly, the Executive Committee of the Kibbutz Artzi movement debated a motion for an open call for refusal to serve in the territories if the government would fail to take tangible steps toward peace. The motion was defeated.<sup>30</sup>

In mid-February 1988, while only two reservists were actually in jail for refusal to serve in the territories, a new chapter in selective conscientious objection was opened with the call at a Shalom Akhshav rally in Jerusalem by Knesset member Ya'ir Tzaban (Mapam) for refusal to follow illegal orders -- by which he meant the orders to beat and injure demonstrators and bystanders in the territories.<sup>31</sup> At the same time, Yesh Gevul announced that 260 reservists had proclaimed that they would refuse to follow such orders.<sup>32</sup> The previous week, four young soldiers had been prosecuted in military court for refusing to carry out orders to "beat Arab residents until their bones break." They were acquitted.<sup>33</sup> This development broadened the range of public -- and politicized -- forms of objection. Now, those with ethical or political objections to military service, or to serving in the territories, or to participating in certain repressive military activities, had a group of like-minded peers with whom they could identify and gain support; they no longer had to stand alone. Demonstrations and meetings were being held daily to support and organize objectors and would-be objectors, bridging the gap between personal conscience and political action.<sup>34</sup>

The individuals discussed in this article chose to take principled, open, conscientious stands against some forms of military service or against participation in the military at all, and paid whatever price the government, their employers, and their friends, neighbors and families wished to exact.<sup>35</sup> Similarly, an unknown number accepted induction but made private arrangements with the administration whereby they could avoid actual combat or use of weapons, or could avoid serving in the occupied territories. At the same time, thousands of others found other ways to avoid the military altogether, through Yeshiva deferments, emigration, and faked medical or psychiatric exemptions.<sup>36</sup> Moreover, a large number of youths conscientiously or ideologically opposed to military service accepted induction but did their best to get through the ordeal.<sup>37</sup>

Most of the case histories of objectors found in the literature indicate a high degree of

ethical sensitivity and sincerity. A study done in September 1983 on the moral judgment of 36 reservists who had served jail sentences for refusing to serve in Lebanon found that 30 of them exhibited a high level of moral development in reaching their decision to refuse (levels 4 to 5 on a modified Kohlberg scale of 1 to 5).<sup>38</sup>

In sum, it may be said that the incidence of identifiable conscientious objection among Jewish Israelis was for the most part limited to a small number of "pacifist" individuals until the occupation of the West Bank and Gaza and the invasion of Lebanon brought about a gradual growth of organized selective conscientious objection based on individual conscience as well as political motivation. Those who sought or were willing to accept a quiet arrangement with the authorities usually escaped severe punishment; those who sought publicity usually received more severe treatment. No explicit government policy towards conscientious objectors existed, and cases have been dealt with on an *ad hoc* basis.

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## Notes

1. According to the Israel Defence Forces, 18,000 Yeshiva students had received deferments between 1948 and 1987, as reported by Dan Margalit in *Ha'aretz*, 28 Jan. 1988 p. 1.
2. Martin Blatt, Uri Davis, and Paul Kleinbaum, ed., *Dissent and Ideology in Israel -- Resistance to the Draft 1948-1973*, (London: Ithaca Press, 1975), p. 12.
3. Blatt, p. 48.
4. Blatt, p. 50.
5. Blatt, p. 38.
6. Blatt, p. 17.
7. Blatt, p. 94.
8. There are cases of those who refuse for ideological reasons outside of those stated above. One such case is that of Daniel `Amit, who refused to serve in an army working for

what he considered to be the imperial interests of the United States (see *Ha'aretz* 1 Oct. 1981, p. 12; 2 Oct. 1981, p. 11; and 26 Oct. 1981, 11).

9. Shelomit Toib, "Mah'a ufahad `al saf hagiyyus" *Hotem*, 1 Feb. 1980, p. 3.

10. For example, see Blatt, p. 112.

11. Blatt, pp. 116-118.

12. *New York Times*, 1 Aug. 1982, p. 12:3. On the Eli Geva story, see for example *New York Times*, 27 July 1982, p. 8:6, and 29 July 1982, p. 14:3.

13. For the text of the letter see Ishai and Dina Menuhin, eds., *Gevul Hatzivut (The Limits of Obedience)*, (Tel Aviv: The "Yesh Gvul" Movement and Siman Kri'a Books, 1985), p. 175. The letter, while criticizing the government's war policy in strong language, does not contain a pledge to engage in any illegal activity but rather requests the government to not send the signatories to Lebanon.

14. Ayelet Deqel, "Yesh Gevul," *Musaf Ha'aretz*, 3 May 1983, pp. 36-37.

15. Hana Qim, "Ha-sarvanim" (The Resisters), *Hotem*, 11 March 1983, p. 6-7.

16. *New York Times*, 2 May 1983, p. I 8:2.

17. Ruth Lin, "Hashiput hamusari shel sarvanei milhemet levanon" (The Moral Judgment of the Lebanon War Refusers), *Iyunim Behinukh (Studies in Education)*, University of Haifa, no. 42 (Nov. 1985), pp. 27-29.

18. *New York Times*, 2 May 1983, p. I 8:2.

19. Deqel, p. 37.

20. Lili Galili, *Ha'aretz*, 13 Jan. 1984, p. 17.

21. Lin, pp. 19-20.

22. Andy Court, "160 reservists say they won't serve in occupied territories," *Jerusalem Post*, 1 Jan. 1988, p. 2.

23. Bernard Josephs, "Pupils say refusal campaign is growing," *Jerusalem Post*, 23 Oct. 1987, p. 2.



24. Lili Galili, "16 sheministim nosafim katvu leRabin...," *Ha'aretz*, 30 Dec. 1987, p. 5. See also "Indim`a 16 sh`abat wash`aban..." *Al-Ittihad*, 30 Dec. 1987, p. 6. *Al-Ittihad* is the pro-Soviet communist East Jerusalem Arabic daily.
25. Andy Court, p. 2.
26. Tova Tzimuqi, "Sirev Lesharet bishetahim venishpat le-28 yemei ma'asar," *Davar*, 5 Jan. 1988, p. 1. See also Lili Galili, "Haver 'Yesh Gevul' nikla...," *Ha'aretz*, 5 Jan. 1988, p. 1.
27. "Ahdu al-shab`an al-yahud...," *Al-Ittihad*, 12 Jan. 1988, p. 1. Apparently, Lentsher had previously received a suspended sentence of 7 days. In a letter to his parents, Lentsher wrote: "I am not an oppressor.... My war is not with the Palestinians. My war is with the ruinous occupation."
28. Lili Galili, "Ke-250 hevrei 'Yesh Gevul' hifginu bemahsom Araz," *Ha'aretz*, 17 January 1988, p. 3. *Al-ittihad* of 19 January 1988 carried two large photographs and two stories on the demonstrations (pp. 7-8).
29. Nitza Rimon, "Aluf Baraq: Mispar hahayyalim bishetahim gadal pi arba`a," *Al hamishmar*, 17 January 1988, p. 15.
30. Goga Qogen, "Gevul hatzivut," *HaDaf haYaroq*, no. 236, 26 Jan. 1988, p. 4.
31. Lili Galili, "8,000 Behafganat Shalom `Akhshav: 'lehapil 'et homoat ha'atimut," *Ha'aretz*, 14 February 1988, p. 3.
32. Lili Galili, "260 milu'imnikim hodi`u...," *Ha'aretz*, 15 Feb. 1988, p. 6.
33. "4 hayyalim shesirvu 'lishbor etzmot la`aravim' hu`amdu ledin vezukhu," *Al hamishmar*, 10 Feb. 1988, p. 1.
34. Demonstrations recieved widespread press coverage. One demonstration was covered in the 16 Feb. 1988 issue of *Ha'aretz*, (photo) p. 7; *Davar*, (photo) p. 3; *Al hamishmar* (photo with story) p. 20 (back page); *Al-Ittihad*, (story) p. 1. Radio Moscow covered the story in its Hebrew broadcast.
35. Blatt, p. 108, quotes one resister as saying, "One senior officer told me in an interview that one of the Army Manpower Division measures against war resisters is just letting them *wait* until under the pressure by their friends, by the family and society in general they give up!"

36. The practice of falsifying medical reports is widespread but usually illegal. In 1957, Dr. Shimon Kelly was tried for having issued 60 false certificates of mental illness. (See Haim Shapiro, "Committee fails to appoint draft- dodger dayan," *Jerusalem Post*, 3 Dec. 1987, p. 1, for an interesting case of one of the recipients of such false medical reports.) While there are those who leave the country to avoid the draft (see Blatt, p. 132), there are also cases of people who remain in the country specifically to fight against the war or draft. See Avi Mugarabi's statement in "Mahu hagevul?" *Shedamot*, vol. 84 (1983), p. 35: "I was supposed to be in New York right now for a year, but I canceled my trip because it's impossible to leave the state at a time like this [i.e. during the war in Lebanon]. It's impossible to leave it in their hands."

37. According to Dr. Moshe Yiglom of Talbieh Psychiatric Hospital, cited in Shelomit Toib, p. 3.

38. Lin, p. 25. Of the 36, 26 had already served at least once in Lebanon. Eight were new immigrants (seven of whom were from non-democratic countries)(p. 24).

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