



## Exploring Philosophy - Audio

### Courage to Refuse

#### Winifred

In this audio recording recording Avia Pasternak of University College London and Jon Pike, the author of Book Six talk about the Israeli organisation Courage to Refuse and discuss arguments about civil disobedience.

#### Avia Pasternak

As listeners will know Israel is an occupying state. It currently occupies the West Bank, has been occupying the West Bank since 1967. As an occupying force Israel is using it's military in order to maintain the occupation. Now this example would be taken from the Israel context. I use this only because I am Israeli myself and I am more familiar with the particulars of this case. The example I want to use is of a movement in Israel that is called Courage to Refuse. And that is a movement of Israeli reserve soldiers who are being called to serve in the military for a period each year. And in January 2005 a group of these reserve soldiers wrote a letter to the government in which they publicly declared that they are not willing to serve in the occupied territories. So they are willing to do the military service but not to be stationed in the occupied territories where actually they probably would have been stationed. Now the justification in the letter for disobeying the order to serve in the military in the territories it wasn't that they find the service too taxing or they find that they are being called on duty too often or something of that nature. Rather the justification was a deep moral conviction. And this is my free translation: they say the occupation undermines the values upon which we were raised in this country. And it corrupts the moral character of the Israeli defence force and of the Israeli society as a whole. Now this is, if you like, a public act of disobedience. It's an act of disobedience that is rooted in a moral conviction that a deep injustice is being done in the name of these soldiers. The injustice of the occupation and that they are no longer willing to take part in this injustice. Now I should add that because it was a public act of disobedience, it's not just that they found ways to exempt themselves from military service it was a public act of disobedience. It was accepted with anger, with resentment by many Israeli citizens and also these soldiers are being punished and they serve a jail sentence for refusing to serve in the occupied territories. Now some Israelis view this as an immoral act. They say that these soldiers are basically defectors that they are not willing to do their share in the deal in the task of protecting national security. So they argue that these soldiers have done something morally wrong. Now I think that this is a misunderstanding, a mischaracterization of the action of the soldiers. And I think that in fact we can use the theories of political obligations we mentioned earlier in order to justify such an act of

disobedience. So I will give you the example - for example in the case of the consensus theory. The soldiers might say we accept the consensus theory. We accept the fact that our actions signify that we accept the authority of the state but still we think that there is some reasonable limits to that consent. We don't agree to anything. And we can't be expected to agree to contribute to collective decisions that are bluntly and obviously unjust. What we consented to is to be obeying the laws of a reasonably just society and if the society becomes unjust in such a blunt way then we have not consented to that. Moreover as I said before some consensus theories tie consent to democratic participation. So we express our consent by participating in a democratic process. Again the soldiers might say we can't be – if that is the case – we can't be expected to consent the law – to laws that undermine the very democratic process itself and as I said before these soldiers are worried that the occupation, one of the lingering effects of the Israeli occupation in the West Bank is to – to threaten the democratic process in Israel itself. It undermines the democratic values upon which this process rests. So the idea is again yes, we accept the consensus theory but we do not accept – we don't – we did not consent to that particular injustice. And also within the fair play theory we can have room to that type of disobedience. So to recall the fair play theory says that society is a system of social co-operation. Now that distributes benefits to the citizens and as a result citizens have an obligation to obey the law. But you can say that if the benefits of social co-operation are distributed in a way that is deeply unjust, violating the rights of some group within the political community or alternatively if the benefits are generated from a very deep injustice such as the occupation, then the moral force of the benefit is undermined and it can no longer grant that obligation to obey the law. Or to put it slightly differently these soldiers might say we haven't any benefits, - benefited from living in the State of Israel but the benefits have been derived from a deep injustice which is the occupation. And for that reason we have to do what we can to stop that injustice or at least not to participate in it.

### **Jon Pike**

Let me put to you two possible objections to the position taken by the 'Courage to Refuse' signatories. One might be to say well, as a citizen of the State of Israel you have certain obligations. One is to serve in the Israeli defence force and citizens of Israel kind of sign up by staying in Israel to these obligations. And if you don't like that deal may be you shouldn't be a citizen of the State of Israel. Maybe you should live somewhere else. What's not open to you is this space where you remain the State of Israel and refuse to carry out your obligations as a citizen. Now that's the first objection and it's tied to the second objection, which is what if everyone did that? And that's a standard sort of objection to the sort of situation you've described where you choose not to obey certain laws. Now taking that objection in one way what if everyone did that – well all the IDF reservists would refuse to serve in the West Bank and presumably that's something that would be welcomed. But taking it another way – what if everyone did that – all the reservists would refuse to take orders in

the IDF, the military arm of the State, would just implode, would collapse and that might be the end of Israel as a state. But what's the basis for taking what if everyone did that in that way?

### **Avia Pasternak**

Okay. I'll take these two separately if that's okay. So the first objection is why not leave? Right? And if you haven't left then you have to accept the deal as it is. So I think there are two responses to this question – to this objection. The first is that leaving is actually not always an option and I think we tend to view ourselves as citizens in liberal democracies you know as the world is free to us. But it is certainly not such a viable option to many people. So I'm thinking of these young Israeli soldiers, probably in their early twenties, some of them may be without a career yet, some of them may be with families. The idea that they can just pack their bags, go to the you know the airport and expect that another country would accept them with open arms, I think it's probably a bit far fetched. If that is the case then again we have the problem that participating in a deep injustice is something that – cannot be accepted. The second answer is that even if leaving is possible that actually might seem to us to be the wrong thing to do. Think again about this Israeli soldier who is called to National Service and he is saying: "you know what? I'm just packing my bags and leaving. I don't like it anymore. I don't want to live in this State any more. It's not just enough in my view." I think we would probably think that there is something questionable about that decision. That probably the right thing to do is not to pack your bags and leave but actually stay, fight for justice, maybe even take these costs that these young soldiers have accepted upon themselves in their – in their disobedience. So - and that I think points to the fact that perhaps we do actually need a richer account of political obligations - accounts that is not really restricted to just obeying the law. And indeed as we said before we think of political obligations as not just about obeying the law but also about sometimes doing things beyond the requirement of the law such as volunteering to the military. And so on and so forth. participating in the political process may be one of these political obligations is the obligations to work towards a just political society. Sometimes that means obeying the law. Usually it means obeying the law. But sometimes it means actually disobeying the law and fighting to make sure that the society is more just.

Now your second question was why – what if everybody did it? And I think it relates again to the point of the goal of the disobedience is to make the society more just. I think when someone like these soldiers is contemplating disobedience, contemplating the option of disobeying the law they should take into account the question of what if everybody did that and what are the chances really that everybody did that and I think it is right to say that if you live in a society where respect for the law is not very well entrenched, where you think that your act of disobedience might indeed threaten general obedience to the law in the way that you proposed, this is probably a good argument against disobedience. The answer to the question is what if everybody did it is – if everybody did it that would be very bad and it is the

reason not to disobey. But there are probably cases in which if I disobey publicly, if I explain the reasons why I disobey publicly, and if my disobedience is derived from deep moral convictions which I explain publicly, that would probably not - lead to general disobedience of that nature and therefore the oblig – the disobedience can be justified.

**Jon Pike**

Dr Avia Pasternak, thank you very much.