Only children and the "Law of the surviving remnant" in the War of Independence

Rachel Mondshain

This paper discusses the historical Israeli "Law of the surviving remnant" [*netzer acharon*] and the extent to which it was implemented. Created in 1948 during the War of Independence, the purpose of the law was to protect the lives of soldiers who were their parents' only child by placing them in rear-line positions. Documents preserved in Israeli Defense Force archives reveal that an ongoing battle ensued between parents who demanded that the law be upheld and battalion commanders who argued that it was impossible to release their children from frontline service. Head security officials who stood between the two sides were forced to deal with the situation. In the course of the war the law was altered to minimize the number of soldiers eligible for exemption from combat service. The new version of the law was limited to children whose parents lived in Israel. Effectively, it then excluded newly immigrated survivors of the Holocaust; most of these soldiers were orphans and many were the last surviving member of their families. The revised law evokes serious questions regarding national policy: what justification could there have been for such discrimination against Holocaust survivors and, most seriously, against those who were the sole remnant of entire ancestral families? In the attempt to clarify why the original law was considered impracticable and to understand the apparent insensitivity toward Holocaust survivors, this discussion makes use of IDF archival materials and historical research to clarify the military situation and evaluate the claims that were made to justify the failure to implement the original law. In addition, it explores views of the Holocaust that were prevalent in the early years of the State and attitudes at the time toward survivors and their place in Israeli society in particular, and suggests a possible connection between these two factors in the formulation of the law.