

# Introduction

For nearly two millennia, the Jews were a stateless people. No wonder then that issues like religion and state, the temporal and the sacerdotal, war and peace, faith and the rule of secular law, Halacha and the proper form of government were usually glossed over or relegated to scholarly, theoretical discourse. While the Christian Middle Ages raged with debate and conflict between the church and the secular sovereign powers, there was little in the way of a parallel Jewish discourse. When such discussions did take place, they were largely philosophical in character, often limited to legal discussions of community versus individual rights or treated in the context of the messianic era when Jewish sovereignty in the Land of Israel would be restored.

The founding of a Jewish state in 1948 transformed this muted, relatively moribund discourse into a new, frequently tumultuous necessity. Unprecedented issues were faced for which the tradition had only incomplete answers. Rabbis confronted governments with halachic demands just as the newly constituted secular state staked out its claim to authority over issues that intruded upon Jewish religious law. Issues related to the Sabbath, marriage and divorce, dietary laws, army service, and conversion pitted the newly established state against entrenched rabbinic authorities. These issues have been exhaustively treated in a burgeoning scholarly literature.

No group in Israeli society has been so profoundly embroiled in the religion-state impasse than the religious Zionists. (We use the lowercase “religious” to emphasize that religious Zionism is not one movement—it is composed of many.) In the past forty years the central flashpoint of this struggle has been the “settlement project” that religious Zionists have championed and spearheaded. This project and the group that constitutes its driving force have been the object of very different attitudes—ranging from admiration to rebuke.

Not surprisingly, there is a deep gulf between the settler’s self-image and the one presented by its opponents and by most of the research until

the last decade. In the eyes of its spokespersons, religious Zionism is nothing less than the pioneering movement that leads toward the providential redemption of the Jewish people. Theirs is the authentically patriotic movement of Zionist renewal that seeks to energize what has increasingly become a lethargic, ideologically jaded public. In the secular, liberal, left-leaning camp, however, their image tends to be badly tarnished. They are frequently portrayed as religious fanatics who threaten to destroy the State of Israel in its present democratic form and to transform it into an apartheid, pariah state cut off from the enlightened Western countries. It is often argued by the settler camp that the greater part of the media shares this negative view. These dissonant images convulse Israeli public life. For its supporters, the struggle is over preserving the religious, moral, and national character of the Jewish state. For its opponents, the settlement project is nothing short of catastrophic—both in regard to its messianic goals and to the democracy-defying policies it not infrequently promotes.

Religious Zionism, at least in its activist *Gush Emunim* (Bloc of the Faithful) settlement movement version, has forcefully struggled to realize its central goal: the Jewish people settling and controlling the Greater Land of Israel. It fought to establish the first settlements in the 1970s in the eastern Samarian ridge, continued in its battle against vacating settlements first in Yamit (Sinai Peninsula) and then in Gush Katif (Gaza Strip), persisted in its zealous opposition to the Oslo Process and the Rabin government, and, as these lines are being written, has given rise to (at least at its margins) the anarcho-fanatical youths who go by the name “Price Tag” (*Tag Mechir*). There are those for whom these ongoing struggles to “liberate” the Land of Israel need to be seen as expressions of moral purity, of unstinting self-sacrifice for the sake of Jewish people’s deepest interests. Indeed, the settlers have been described as the unsung biblical heroes of the modern era. Not surprisingly, where some see morality and sacrifice, others see immorality, brutality, and ideological gangsterism—what some have called the “great tragedy” of the Zionist movement.

Whether the settlement project deserves approbation or opprobrium, in our view both of these positions tend to be one-dimensional and fail to grasp the totality of a very complex movement. In the last decade, a new generation of scholars such as Shlomo Fischer (2007), Michael Feige (2009), and Motti Inbari (2012) have presented a more nuanced analysis of the settler’s rabbinic and intellectual discourse. Our research follows this approach.

The book’s objective is to enrich the debate surrounding this fraught subject by analyzing the political theology, halachic and intellectual discourse as it impinges upon the settlement project. More specifically, we

take up the obligation that many (if not most) religious Zionists feel to obey the laws regarding Jewish settlements passed by a democratically elected government—however distasteful they may be—against their claim that following these laws deals irremediable harm to Judaism, the Zionist movement, and the Jewish people. Beyond presenting the historical-factual evolution of the settlement project, our main focus is on the ideological, halachic, and political justifications that lie at the heart of the settlement agenda. This study offers a panoramic view of the religion/state, obedience/disobedience, Halacha/democracy divides in regard to the struggle for the Land of Israel—from the rise of Gush Emunim to the present.

The rise of Gush Emunim in 1974 and its subsequent repercussions on Israeli society constitutes a critical turning point in the relationship between religion and state in the Jewish state's public life. By contrast to the internal tensions arising from the Haredi-secular confrontation on issues like conscription of Yeshiva students into the IDF, the Gush Emunim-driven settlement project has become an international issue that sometimes impugns the legitimacy of Israel's public policy—if not, in certain quarters, its status among the nations. Moreover, settlement activity has presented a critical obstacle to a two-state solution to the Israel-Palestine conflict—a solution supported by virtually the entire Western world. It renders the improvement of relations with other Arab states that are ostensibly prone to improve relations with the Jewish state (such as Saudi Arabia and the United Arab Emirates) unlikely to bear fruit anytime in the near future. There are also critical national/moral questions that military occupation of a subject people produces for Israel internally, for the Jewish people internationally and for international community as a whole.

For many observers, the Greater Land of Israel movement and its settlement activity have already rendered a two-state solution impractical if not impossible. The movement's élan and its fervent on-the-ground activities have, arguably, made it the most dynamic and influential presence in Israeli political life over the last few decades. In certain areas, religious Zionism is in the process of replacing center-left Ashkenazi secularism as the leading elite group in Israeli society. A growing cohort of traditionalists and Haredim indentify with the values and goals of the religious Zionist Right even if they do not consider themselves a part of the religious Zionist community. Beyond the *HaBayit Hayehudi* (Jewish Home) party which is the religious Zionists main political representative, the community and its ideological agenda have struck deep roots in the long-ruling Likud party. Many religious Zionists have achieved positions of leadership in the Likud elite. As of this writing, the ministers of education, justice, agriculture (whose role in settlement activity is central) and for Jerusalem, the Speaker

of the Knesset, the Attorney General, the Deputy Foreign Minister, the Chief of Police and the head of the Mossad all travel in religious Zionist circles. This has no precedent in Israeli public life.

The IDF has felt this evolving change as well. The spectacular growth in the percentage of religious Zionist soldiers and officers who today comprise—in some critical fighting units—roughly a third of the army's manpower makes it entirely possible that were the army to receive an order to evacuate settlements which religious Zionist rabbis would declare prohibited by Jewish law, its implementation would be alarmingly problematic. It cannot be emphasized too strongly that a reluctant army is a problem the Jewish state has never faced. To be sure, there are, on the humanist Left, perhaps a few dozens of soldiers who refuse to serve beyond the Green Line, but they are marginal and receive only scant media attention. Religious right-wing insubordination is an entirely different matter. Not only because of their numbers and the indispensable combat positions they fill, but also because religious prohibitions, at least in the way that many religious Zionist rabbinic authorities have articulated them in the past, leave no room for doubt, no room for halfway measures. Israeli democracy and the solidarity of Israeli society might well suffer a mortal blow if large-scale disobedience were to become a realistic option.

Although it belongs to a different category, the tensions between Haredim and secular Jews should not be underestimated. The number of Haredim who were not drafted into the IDF reached some 12 percent of the yearly conscription quota and the days of intense bitterness during the Ehud Barak's tenure as Prime Minister will not soon be forgotten. But in recent years what has become noteworthy is the significant rise in Haredim who do serve—estimated to be in the thousands. In any event, this is a local issue with few consequences for Israel in the international arena. Even internally, it is unlikely to threaten the character of Israel as a democratic state. We present a comprehensive and systematic study of the religious Zionist settlement project because of the unprecedented challenge it poses to the relationship between religion and state, its unique challenge the Jewish state's democratic character and, not least, to Israel's standing in the international community.

Religious Zionists experience the religion-state conflict more intensely than other Israeli communities. The position of the secular Right is far less nuanced and complex. Cultural, national, and security-oriented in character, secular right-wing Zionists do not face dilemmas of split religious-civilian personalities. For their part, ultra-Orthodox (Haredi) Jews express profound animosity to the secular Zionist State and their attitude to the Land of Israel is neither ideologically sharp nor especially aggressive. There are, to

be sure, a number of ultra-Orthodox settlements in Judea and Samaria, but they were established more in order to ease severe housing pressures in the traditional ultra-Orthodox neighborhoods than because of a commitment to the Greater Land of Israel. The ultra-Orthodox do not—mildly stated—accept the religious status accorded to the State of Israel by the religious Zionists. If anything, the secular state is an offence to their religious sensibilities, an abomination. Some Haredim unashamedly see the state as an instrument to advance the interests of the Haredi community. Although some among them have turned sharply rightward in recent years, their hawkishness has nothing to do with the sanctification of the state.

Uniquely, the religious Zionist worldview is riven with profound inner pressures and is sometimes divided against itself. Two different legal systems—the halachic and the civil—vie for their loyalty. Accepting the state as God-given and as part of the drama of messianic deliverance (as many religious Zionists do), means opposing government actions that thwart Israel's millenarian role. Bound to the state by both civil and religious loyalties, religious Zionist politics tend to be—especially since the 1970s—conflicted, discordant, tense, and sometimes violent. It is this tension that our study sets out to explore.

The controversies in which the religious Zionists and the state confront each other go beyond the question of which territories occupied in 1967 ought to be settled. The struggle over the settlements and the territories has triggered the most basic of political questions: where does the sovereign state's authority to impose its will upon recalcitrant citizens end and the civilian right to resist what it perceives as intolerable decrees begin?

Moreover, as opposed to issues like “Who is a Jew?,” Sabbath observance and dietary laws whose impact is largely local, that is, focused on Israeli society itself, policies in regard to Judea and Samaria/the West Bank are charged with international consequences of the highest order—the Israeli-Palestinian conflict is perhaps the most explosive, media-covered struggle of the last generation. Furthermore, by contrast with Sabbath and dietary laws that rarely pose threats of major civil disobedience or mass defiance of state laws, the settlement project has triggered a heated halachic-ideological debate over obeying laws and orders that sometimes spills over into violence. Nor is this theopolitical crisis likely to disappear any time soon; indeed, it gives every sign of intensifying, of becoming increasingly intractable.

The Six Day War of 1967 and even more so the Yom Kippur War of 1973 brought about tectonic changes in the religious Zionist movement. The “historic pact” between the secular labor movement and the moderate, accommodating religious Zionists that persevered from the beginning of the twentieth century, was ruptured beyond repair. A young, ardently religious,

and nationalist generation turned sharply rightward, leading in short order to the founding of Gush Emunim in 1974. The graduates of the *Mercaz HaRav* yeshiva in Jerusalem, who often rose to positions of leadership in Gush Emunim, orchestrated efforts to intensify religious faith and to promote the vision of a Greater Land of Israel. Indeed, religious renewal and settlement activity are the obverse sides of each other; their union infuses the settler movement with its typical blend of pious, high-minded spirituality and aggressive, on-the-ground politics. It is, in fact, this convergence between national/territorial aspirations on the one hand and the sense of a religious mission on the other that makes Gush Emunim and its subsequent incarnations such imposing and singular phenomena.

This radical change of direction among religious Zionists underlies the growing confrontations between the state's institutions and the radicalized settler youth. In countless different incidents (many of them far from the camera's eye) the religious-political agenda of the militant religious Zionist youth triggered conflicts with state authorities in which disobedience to the law became a real option for advocates of the Greater Land of Israel. To be sure, a chronology of settler activity is not our subject. We mainly follow their ideas—halachic, ideological, and political—as they evolved from one crisis to the next, from one evacuation to the next, often becoming more radical with passing time.

Our research has led us to one central conclusion: despite the severe traumas that the religious Zionist community has undergone in the past decades—experiences that profoundly tested it ideologically, religiously, and politically—it has *for the most part* not been drawn to violent mass defiance. Vigilante style behavior has remained peripheral to the movement. It is surely true that violent behavior has taken place. But what has *not happened* can easily be overlooked. What has not happened is a community-wide revolt that challenged the legitimacy of the state and its institutions. There may well be a certain degree of covert sympathy and understanding for some of the violent acts committed by a minority of militants but the undeniable historical fact is that the religious Zionist community has not risen up against state authority. As a whole—and this includes most of the settler community—it has remained tense, restrained, ambivalent, often embittered. Despite prophesies of doom forecasting that religious Zionists in general and religious Zionist settlers in particular would collectively defy, resist, and disobey orders when their backs were up against the wall—this has not happened. The level of violence at charged historical junctures, even when an undeniable trauma was involved (e.g., the evacuation from Gush-Katif/Gaza Strip), has been theatrical, symbolic, and telegenic but not life-endangering. Attempts to inflict serious bodily harm were few and far between.

Herein lies the paradox. While the settler leadership was prepared to clash with the elected government and its laws in day-to-day activities, it was unwilling to delegitimize the sanctified state and its institutions in the traumatic cases of major settlement evacuations. In our view there is a basic structural principle that explains religious Zionism's flouting the sovereign state's institutions while stopping at the brink. In different incarnations, this "balance" has persevered since the 1970s. There was mostly individual violence in the establishing of illegal settlement in the mid-1970s; in calls for disobedience during the Yamit evacuation, in the terrorist activities of the Jewish Underground; in the struggle that went far beyond legitimate disobedience in the period of the Oslo Process; in the Gush Katif/Gaza Strip evacuation; in the clashes with state security forces in establishing illegal "outposts" in Judea and Samaria/West Bank and last, and perhaps most ominous, the vigilante violence and terrorism of *Tag Mechir* (Price Tag).

Emphatically, there *was* violence in some/many of these cases, but it was the violence of individuals and not that of the consolidated religious Zionist community. Just when one would most expect collective mutiny and mass life-threatening violence, it did not take place.

When the "earth trembled" beneath the feet of religious Zionists during the Yamit and especially during the Gush Katif/Gaza Strip evacuations when thousands of settlers were expelled from their homes; when pundits of all ideological stripes spoke of the all-out battle to come—restraint trumped violence. Although histrionic violence was present, it did not go much beyond political theater. The state was not rejected or spurned by religious Zionism; neither did mass, organized resistance occur. Rather, the faith that the State of Israel was endowed with religious sanctity—the "beginning of salvation"—prevented the community from delegitimizing the state or venturing much beyond civil disobedience even if it was, at times, questionable in democratic terms. The partnership between the religious and the secular did not fall apart and although there was some fraying of the social fabric, Jewish Israel remained mostly united.

What can explain this unexpected restraint? Surely it is not that the traumas experienced by the religious Zionist settler community were not, for them, traumatic enough to elicit a more forceful reaction. We suggest that a "theological-normative balance" is at play. A dynamic balance has developed between the holiness attributed to the state on the one hand and its patently secular character on the other. Ideally, religious commitment to the State of Israel is overriding but at the same time, realistically, the state frequently acts in ways that violate religious values and precepts. This clash between two poles of loyalty creates an intra-religious tension that has dogged religious Zionism since its origin more than a century ago. Balancing



the two has been the movement's core dilemma. Even when government decisions violated Torah commandments, religious Zionism has been by turns cautious, inclusive, flexible, pragmatic, and at times highly adamant.

In a word: bestowing religious status on the secular state inoculates against the growth of de-legitimation and anti-system politics. The state's religious aura acts to undermine calls for civil, political and military disobedience because reverence for and deference to the state are conceived of as religious duties. Consequently, the religious Zionist discourse of loyalty is primary and paradigmatic while the discourse of disobedience faces serious intellectual obstacles. The theological-normative safety net prevents the descent into a dangerous spiral of secular-religious conflict. We believe that without appreciating this key countervailing power within religious Zionism's worldview, its reaction to the evacuation of settlements cannot be fully understood.

For the most part, the theological-normative balance has held until fairly recently. But of late threatening fissures are opening up within religious Zionist community itself. Although violence is still largely the exception to the rule, when it does occur it is more audacious, more unbridled, and more often sanctioned by rabbis—even though they often wish to retain their anonymity. Of late (summer 2015) this violence turned into outright terrorism. So that while the center continues to hold and the religious Zionist community remains largely law-abiding and loyal to the state, justifications for disobedience—and worse—are growing. Even if pitched battles and mass disobedience are very rare, it is difficult to miss the escalation that has taken place in the discourse and practice of disobedience. This has occurred with varying degrees of severity: conscientious democratic disobedience of individuals, nonviolent public ideological insubordination that falls into the category of “civil disobedience,” attempts to establish illegal settlements that are at times accompanied by low-level, symbolic violence, a readiness to disobey military orders when they violate a soldier's religious principles and violent vigilante actions against Palestinians and Christians—their mosques churches, properties, and persons. At the margins, the state's legitimacy has been called into question.

Needless to say, upsetting the heretofore sturdy theological-normative balance carries with it potentially perilous consequences for the relationship between the religious Zionist community and the Israeli government. We turn to this threatening phenomenon in the last part of the book.

It must be said at the outset that most of what has been written up until the last decade by publicists and academics on the subject of the settlement project has been anything but value-neutral. Most writers do not even make the attempt to rise above their political biases and enter



into the intellectual universe of the religious settlers, that is, present their internal world without prejudice or preconception. But a new generation of scholars has arisen of late that emphasizes the complexity of the religious Zionist-settler worldview and attempts to see it from within (Fischer, 2007; Feige, 2009; Dalsheim, 2011; Inbari, 2012; Shachor, 2015). We adopt this position. Although we recognize the pitfalls involved in adopting a neutral attitude toward such a fraught subject, it is precisely this that we attempt to do. Consequently, we refrain, at least in this study, from making judgments about the legitimacy, morality, and legality of the settlement project. We attempt to allow the various ideological spokespersons to speak for themselves.

This is a book about the settlers, the religious Right, and the political theology of its intellectual and rabbinic leadership. The views of those unsympathetic to the settlement project although often mentioned are not the subject of our study. There is, of course, much that could be said about Palestinian suffering and the injustices done to them. There is also a great deal that might be said about international law and its condemnatory attitude toward the settlement project, but, once again, this falls outside the scope of our concerns. The settlers, of course, see their actions as exemplary and noble. Critics see these same actions as brutal and inexcusable. For the purpose of this text, we suspend judgment.

Although the standard academic literature is extensively dealt with, most of the book is based on primary Hebrew sources. Moreover, even these sources are often inaccessible to readers of Hebrew. Many of them are in the form of pamphlets, synagogue hand-outs, yeshiva Internet sites, halachic discourse, one-time brochures, Responsa, lectures, interviews, etc., that are unavailable in standard library catalogues. Our intention, therefore, is to present a broad but detailed view of a discourse that is normally difficult to get at. For this reason we have sometimes allowed citations that are longer than what is normally acceptable. Our study then has a dual purpose: first, to analyze the religious-secular discourse surrounding the Land of Israel issue; and second to present an abbreviated “compendium” of sources that offers the reader a record of a decades-long, passionate, and often highly sophisticated debate.

The book begins with a theoretical chapter and the ones that follow take up the religiopolitical discourse at a number of critical junctures since the 1970s. The first theoretical chapter is comprised of two parts. To begin with, we trace a number of contemporary liberal approaches to the issue of disobedience in a democratic society. The second half of this first chapter presents a number of intellectual approaches to disobedience that are typical of religious Zionism and which lead to a presentation of our “theological-normative” thesis. Chapters 2, 3, 4, and 5 take up *seriatim* critical historical

moments in the development of the discourse of obedience vs. disobedience in regard to the Land of Israel. Chapter 2 deals with Gush Emunim's struggle to establish settlements in opposition to the decisions of Rabin's first government (1974–1977). It continues with a description and analysis of the Yamit evacuation (1982) and the religiopolitical debates it triggered. Finally, it takes up the revelation that a terrorist Jewish Underground had been actively involved in anti-Palestinian violence (1981–1984). The third chapter is devoted to religious Zionism's policy and practice during the Oslo Process. It deals with this community's aggressive actions against the Rabin Government (1993–1995) ending in Rabin's tragic assassination by a religious Zionist in November 1995. The unilateral evacuation from Gush Katif/Gaza Strip orchestrated by Prime Minister Ariel Sharon (2005) and the bitter polemics it occasioned are the subject of the fourth chapter. The fifth and final chapter studies a number of the important struggles over settlement activities that have taken place from the Gaza evacuation up until the present.



We cannot close this introduction without mentioning, if only in passing, how strikingly reminiscent the arguments raised by the settler intellectuals and rabbis on the one side and representatives of the sovereign state on the other are to those that rocked Europe from the time of Saint Augustine to the Wars of Religion. Secular-religious debate regarding the settlement project rehearses many of the same ideas that were wrangled over by kings and clerics centuries ago. One could at times take medieval texts and place them alongside their contemporary Jewish analogs and find noteworthy correspondences between them. Although there are, of course, no direct influences involved, it is not difficult to hear echoes from the Christian medieval past. Again, this is not our subject, but at times one cannot help but feel a remarkable sense of *déjà vu* in this discourse—familiar arguments written from right to left.

The same might also be said of the discourse on civil disobedience and passive resistance so prominent in the nineteenth and twentieth centuries: from Henry David Thoreau, through Lev Tolstoy, to Mahatma Gandhi and Martin Luther King. In the Israeli case, a remarkably rich use of these arguments is evident throughout the struggles over settlements and their evacuation. What are the limits of obedience? Can a majority impose deeply inimical policies on a defiant minority? Once again: familiar arguments written from right to left.



Full disclosure: the three authors of this study come from different poles of the religious and ideological spectrum. One of the authors, a political theorist, belongs to the secular Left and has an adversarial relationship to religious Zionism. Another is a religious Zionist, conversant with Halacha, who defines his ideological position as center-Left. The third, a student of Jewish philosophy, belongs to the religious Right and is broadly sympathetic to the settlement project. We often found ourselves embroiled in debates over content, style, interpretation, even the use of specific words. These debates were heated, lengthy, and frequent. Nevertheless, they were salutary inasmuch as they filtered out the inevitable proclivity to formulate issues in prejudicial ideological terms. What seemed to one overly critical appeared to the other two as insufficiently derogatory. At times we confronted a three-way split. This attempt at neutrality will not satisfy many of our readers whether on the Left, the Center or the Right. Still, we believe that the result is not an ecumenical, toothless *mélange*; it was written to be challenging and provocative. Although none of the authors is entirely satisfied with the final version of the text, we did try to argue the issues until we arrived at formulations that we could each live with. Complexity of perspective is the result. In short, we kept each other honest.

All three of the authors are deeply concerned about the future of Israel as a Jewish and democratic state. These two characteristics (in whichever order) are understood to be critical for the health, indeed for the very existence of the state. Although our discussion will surely not close the debate on the highly controversial settlement project, it is our hope that it will render it more knowledgeable and informed.