INTERPRETATIONS OF JEWISH TRADITION ON DEMOCRACY, LAND, AND PEACE

Gerald M. Steinberg

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Religion, Democracy, and the Peace Process

During the past twenty years, beginning with the Israeli-Egyptian disengagement talks following the 1973 war, the tension between secular and religious perspectives on the Middle East peace process and the "land for peace" formula has grown steadily.

In the first two decades of Israeli statehood, foreign and security policy (issues of war and peace) did not play a significant role in the religious-secular debate. The armistice lines created during the 1948 war fixed the territorial boundaries of the State of Israel, and the question of settlement outside these lines was moot. Peace was also remote, as it became clear that the Arab states were unwilling to go beyond the armistice agreements toward formal treaties and acceptance of the legitimacy of the State of Israel.

This situation changed radically following the 1967 war, in which Israeli forces regained control of East Jerusalem and the West Bank areas that were occupied and then annexed by Jordan in 1948-49. These areas, known to Israelis as Judea and Samaria (based on their biblical names), include many biblical sites such as Hebron, Bethlehem, Beth El, Shechem (Nablus in Arabic), etc., which were closed to Jews since 1948.

The return to the ancient Jewish Quarter of Jerusalem was of great historic and religious importance. This small area contains the remains of Solomon's Temple, and the Second Temple, as well as synagogues and other holy sites. Throughout the 2000 years of exile, Jews continued to pray daily for the restoration of Jerusalem, and Jewish weddings include a ritual in which a glass is broken to symbolize mourning for Jerusalem. The loss of this area during the 1948 war, and the subsequent destruction and desecration of much of the Jewish Quarter, was and continues to be a source of contention and emotion.

For many members of the religious community in Israel, the outcome of the 1967 war was interpreted as a divinely ordained opportunity to reestablish Jewish control over the Sacred City of Jerusalem and all of the Land of Israel, and to observe the religious commandments that pertained to this land. Settlement in these areas became the primary objective for religious nationalists, but not, at the time, for the ultra-Orthodox communities (as will be discussed in detail below).

The results of the 1967 war also changed Israeli democracy in a fundamental manner, and altered the approach of the religious sectors of society with respect to issues of security, territory, and borders. Immediately after the 1967 war ended, movements were organized with the goal of building Jewish settlements in the captured areas, including Sinai, the Golan, and the West Bank. The settlers were not exclusively religious, but the religious parties and leaders were prominent, and their role increased over time.

Beyond the political aspects of this settlement activity, religious Israelis were motivated by their interpretation of Jewish law, which they saw as demanding that the Land of Israel be settled by the Jewish people. The sacredness of the Land of Israel is indeed a central theme of the Jewish tradition. While the Roman conquest 2000 years ago ended Jewish sovereignty, the concept of return remained central throughout the diaspora period. When political and economic conditions allowed, Jews returned to Israel. From this perspective, the entire Zionist movement, although secular in origin, was, in reality, an opportunity for establishing renewed Jewish sovereignty in this sacred land according to biblical and talmudic writ.

The political power of the religious parties was enhanced by the stalemate between the two major secular political blocs (Labor/left and Likud/right). The religious parties, and the National Religious Party (NRP) in particular, used this power to lobby the government to provide incentives for the settlements, and consistently worked to expand and strengthen Jewish sovereignty and control in these areas. (Initially, the secular community was divided, with some joining forces with the religious settlement movement to form the "Complete Land of Israel" movement, while others called for withdrawal from the "occupied territories" in the context of a peace treaty.)

Shortly after the 1967 war, Rabbi Zvi Yehuda Kook (leader of the prestigious Yeshivat Merkaz Harav, named after his father, former Chief Rabbi Abraham Isaac Kook, who was the dominant religious persona during the pre-state period), published a list of biblical passages to demonstrate that withdrawal from "the eternal land of our forefathers" was illegal and unacceptable. Members of the *Gush Emunim* (Bloc of the Faithful) movement declared that "in the Jewish tradition lies the key to the understanding of the uniqueness and mission of the people and the Land of Israel....Forfeiting Jewish roots puts into question the very value of the people of Israel's survival and their adherence to the Land of Israel."

From this perspective, democratic procedures, particularly with respect to settlement activities, were not central considerations. Settlements were established without the permission of the government, and led to intermittent confrontations with the police and army. The settlers were often able to negotiate a compromise, allowing them to maintain a presence on state-owned land nearby, and eventually growing into larger settlements. While religious objectives were given priority over obedience to the law, the culture of "illegalism" fostered by the secular founders of Zionism and Israel also contributed to this pattern of behavior, as has been documented by Prof. Ehud Sprinzak.

The tension between democracy and religious hierarchy in the context of Middle East peace negotiations increased during the negotiations between Egypt and Israel following the 1978 Camp David accords, and the agreement by the Israeli government to dismantle settlements in Sinai. Although Yamit and the rest of Sinai is outside the Land of Israel, religious Jews and rabbis led the protests and resistance, in large part to demonstrate their commitment to maintaining control over the settlements in Judea and Samaria.

At the time, the Israeli government was headed by Menachem Begin and the Likud party, with NRP a member of the coalition. This government could not be accused of being militantly secular and anti-religious or oblivious to Jewish values and history. Nevertheless, there were sometimes intense confrontations when the army was sent to dismantle settlements. The religious leaders declared that the secular political power structure lacked the authority to violate Jewish law. This group called on soldiers to ignore government orders to dismantle settlements and not violate religious edicts.

The confrontations resumed and intensified following the 1993 Oslo Agreement, when the territory involved was the heartland of Jewish settlement in Judea and Samaria. The creation of the Palestinian Authority and the transfer of sacred territory to the PA was anathema to the concept of exclusive Jewish sovereignty in the Land of Israel.

The Jewish religion is by no means monolithic, and there are many different schools of interpretation. However, in a broad sense, the confrontation between religious and democratic authority in Israel generated three responses within the religious authority. Each response places primary emphasis on a different central principle in considering the relative importance of three primary values: 1) sovereign control over the Land of Israel; 2) sanctity of life and the prevention of war; and 3) the role of democracy and avoidance of civil conflict.

Primacy of Sovereignty Over the Land of Israel

While the centrality of settlement in the Land of Israel became a major focus of religious nationalist ideology after the 1967 war, the principle was central to the rise of the Young Guard in the NRP, beginning in 1963. For this group, settlement in the territories and opposition to any withdrawal is a religious requirement that is not open to compromise and bargaining. The commandment is based on the biblical verse: "And you shall take possession of the land and settle in it, for I have given the land to you to possess it" (Numbers 33:53).

Building on the commandment to settle the land, this group relies on the religious messianic ideology of Rabbi Zvi Yehuda Kook, in which the State of Israel is viewed as the "beginning of the flowering of our redemption." The Israeli military successes are interpreted in terms of miraculous divine intervention, precisely in order to implement the commandment of settlement in the Land of Israel. Major leaders of this movement include former Chief Rabbis of Israel such as Rabbi Avraham Shapira; Rabbi Haim Druckman, who headed the religious youth group Bnei Akiva; and Rabbi Yitzhak Levy, head of the NRP and a cabinet minister from 1996 to 2000. In addition, some ultra-Orthodox groups, such as the Lubavitch movement, have taken a similar position.

In the 1973 elections, a substantial portion of religious Zionists who traditionally supported the NRP voted for other parties, in large part, as a result of party policies that were not sufficiently vigorous on foreign policy and settlements in the territories. However, in 1977, following a change in leadership and a more "Land of Israel"-centered platform, support for the NRP increased. Since then, the NRP has emphasized the territorial issue.

Adherents to this group espouse a policy based on the sanctity of the land and opposition to territorial withdrawal. In 1981-82, following the signing of the Egyptian-Israeli peace treaty and prior to the evacuation of Yamit in the Sinai region, a number of rabbis issued an edict forbidding the transfer of any part of the Land of Israel to non-Jewish control. In 1985, the Council of Jewish Settlements in Judea, Samaria, and Gaza declared that any surrender of territory in these areas would "represent a prima facie annulment of the State of Israel...whose purpose is to bring Jews to the sovereign Land of Israel."

In December 1993, the late Rabbi Shlomo Goren, a former Chief Rabbi of Israel and Chief Rabbi of the IDF, published a ruling forbidding Jews to evacuate any settlement in the biblical Land of Israel, which includes Judea, Samaria and Gaza, and declared that Israeli soldiers should disobey any such evacuation orders. He declared that "according to *halakhah* [Jewish law], a soldier who receives an order that runs contrary to Torah law should uphold *halakhah* and not the secular order. And since settling the land is a commandment, and uprooting the settlements is breaking the commandment, the soldier should not carry out an order to uproot settlements."

In April 1994, discussion of possible evacuation of the Jewish residents of Hebron caused a number of rabbis, including Chief Rabbi Avraham Shapira, Rabbi Moshe-Zvi Neria of the Bnei

Akiva movement, and Rabbi Shaul Yisraeli, to direct soldiers to reject any order to evacuate Jews from Hebron or other settlements. Citing the religious importance of Hebron to Jews, MK Hanan Porat (NRP) declared that "This would be a palpably illegal order, which I could not carry out, as it goes against my conscience and everything I believe. I would be willing to pay the price by going to jail."

(Indeed, Rabbi Moshe Tendler, a respected American rabbi, issued an edict declaring that Orthodox rabbis who support the Middle East peace process are accomplices in murder and in violation of Jewish law. "Those so-called *'rabbonim'* [rabbis] who support the present peace process advocate a violation of a basic tenet of Torah law and ethics.")

In July 1995, during the intense national debate that took place following the Oslo Declaration of Principles and the Cairo implementation agreements, seven rabbis (eight more joined the ruling later on) belonging to the Council of Religious Zionist Rabbis and headed by former Ashkenazi Chief Rabbi Avraham Shapira issued another religious edict. It declared that "there is a Torah prohibition against uprooting IDF bases and transferring the sites to gentiles, since this contravenes a positive [Torah] commandment and also endangers life and the existence of the state."

Subsequently, another decree stated that the peace process would open "the way for [Arabs] to conquer the entire land" and, therefore, "it is forbidden, under any circumstance, to hand over parts of Eretz Yisrael to Arabs." Rabbi Nachum Rabinovich, head of the Birkat Moshe Yeshiva in Ma'aleh Adumim and one of the signators of the ruling, also cited the precept of protecting life. "Wherever the Israeli army pulls out, settlers' lives will be endangered. There is a fundamental moral issue here and the moral law supercedes any government."

These edicts explicitly emphasized the view that rabbinical authority supersedes the secular authority of the government (whether democratic or in any other form). Its authors based their argument on Maimonides (of twelfth century Spain) who wrote "Even if the king ordered [one] to disobey the Torah, he should not be listened to." From this perspective, a secular government has no right to violate Jewish law, which places primacy on control over the Land of Israel. The rabbinical authorities also cited threats to national security resulting from territorial withdrawal, claiming precedence of their analysis over the judgement of the professional military and political leaders. This is an extraordinary development in the context of Jewish religious authority, although consistent with the overall trend towards *daat Torah* - the doctrine that attributes expertise and authority in all public issues to prominent rabbinical figures. These edicts had a quick and substantive impact. In August 1995, a soldier was sentenced to 28 days in military prison for refusing to evict settlers encamped without permission near Hebron. He stated that he refused the order on ideological grounds and that he did not join the army to fight Jews. The reactions to these developments were intense and came from all sections of the Israeli population. Secular Israelis generally condemned the rabbinical edicts, while among the religious sectors of society the responses were mixed. Many rabbis criticized the religious ruling for undermining the military command structure, and for paving the way for anarchy and disorder.

The assassination of Prime Minister Rabin in November 1995 shocked some leaders and members of this group, and led them to a fundamental reassessment of philosophy and policy. This process accelerated during the Netanyahu government (1996-1999) and contributed to strengthening the support for alternative positions within the religious community.

In the 1999 election campaign, the NRP's more militant supporters of the settlers and opponents of concessions in the peace process, such as Hanan Porat, lost power and were replaced by more dovish members of the party. (Porat then joined a new party, the National Union, which placed territorial issues at the forefront. This party did quite poorly in the elections, and Porat resigned his Knesset seat.) At the same time, two alternative approaches based on Jewish law and tradition were developed and gained strength.

Sanctity of Human Life and the Prevention of War

From the beginning of the Oslo process, some prominent rabbis and religious leaders ruled that, although settling the Land of Israel is an important commandment, negotiating peace is of even greater importance, citing the importance placed in the Torah on *pikuach nefesh*, the preservation of human life. "I have put before you life and death, blessing and curse. Choose life - if you and your offspring would live - by loving the Lord your God" (Deuteronomy 30:19).

This approach was articulated by the late Rabbi Yosef Dov Soloveichik, who lived in the U.S. and was regarded by many modern Orthodox Jews, including Israelis, as the leading authority of his generation. Opposing the rabbinical rulings that gave exclusive emphasis to sovereignty in the Land of Israel, and noting the centrality of *pikuach nefesh*, his view was that policy decisions on these issues are best left to the professional military and political authorities.

Rabbi Ovadia Yosef, the former Sephardic Chief Rabbi of Israel and founder of the Shas political party, adopted a similar position. (Poll data suggests that Shas supporters tend to be more hawkish than the party's leadership, but in most cases the voters are willing to accept the religious and political authority of the rabbinical leadership. Shas was a member of the Netanyahu government coalition, but often attempted to exert a moderating influence on policies related to the peace process.)

In a series of scholarly articles and public declarations, Rabbi Yosef stated that the positive commandment to settle the land is overridden by the commandment to avoid unnecessary loss of life. Thus, he declared that "If the heads of the army with the members of the government declare that lives will be endangered unless territories in the Land of Israel are relinquished, and there is the danger of an immediate declaration of war by the neighboring Arab [states],...and if territories are relinquished the danger of war will be removed, and that there are realistic chances of lasting peace, then it appears, according to all the opinions, that it is permissible to relinquish territories of the Land of Israel...[according to the principle of] *pikuach nefesh*. (In the same article, however, Rabbi Yosef also notes that military officers, government officials, and security experts are divided, and some have concluded that withdrawal from territories could increase the dangers, and that these views should also be considered.)

Rabbi Yosef has also been active in meeting with Arab leaders. In July 1989, Rabbi Yosef met with Egyptian President Hosni Mubarak, and in May 1997 a Palestinian official said Yassir Arafat would welcome Rabbi Yosef's help in renewing the then-stalled peace talks.

The members of the Meimad religious group, founded by Rabbi Yehuda Amital, also share this position. The Meimad movement began in protest to the 1982 Lebanon war and its aftermath, and some of its members were associated with Netivot Shalom, a small religious group parallel to the secular Peace Now movement, that provided an alternative to organizations such as Gush Emunim and the NRP. Meimad became a political party in 1988, but after a poor showing in the elections it was transformed into an ideological movement in 1992, and reconstituted as a party in 1999. Its founders included rabbis, observant academics, and other professionals who were disaffected with the religious establishment. For this group, policy decisions on issues of war and peace made by a democratic government take precedence over edicts of the religious leadership.

For Meimad, religious law does not require opposition to the "land for peace" formula. In contrast to the messianic interpretation, Rabbi Yehuda Amital, the founder of the Meimad movement, declared that the "miracle of the [1967] Six-Day War" was not primarily the conquest of the biblical Land of Israel. "People at the time were concerned about another holocaust, they were receiving letters pleading with them to send their children abroad. So when we won the war, it was a feeling of great relief, a feeling that God saved us from destruction. That was the miracle. It had nothing to do with Judea and Samaria."

Based on this perspective, in 1993-94, Meimad supported the Oslo accords, and in the 1996 elections its leaders endorsed the Labor party and Shimon Peres. Similarly, in 1999, the leadership endorsed Ehud Barak for prime minister and entered the Labor party's "One Israel" list. As a result, Meimad placed one member in the Knesset, joined the governing coalition, and Rabbi Michael Melchoir became a government minister responsible for Israel-diaspora relations. This process reflected the gradual increase in the relative strength of the approach that places the principle of *pikuach nefesh* above that of sovereign control over the Land of Israel.

Primacy of the Democratic Process and the Avoidance of Civil Conflict

As noted, the Jewish religious tradition also includes interpretations that give primacy to the decisions of the secular government, even when these decisions may be seen to violate other religious principles.

As internal conflicts increased, in both the secular-religious and left-right dimensions, a growing number of rabbis began to emphasize the need for authoritative decision-making based on the primacy of the secular and democratically elected government. The emphasis on the legitimacy of secular political institutions and policies was first voiced in 1982 during the confrontations over the evacuation of the Yamit settlement in Sinai. Religious leaders and rabbis warned that "There is a danger that, in an atmosphere of violence, soldiers may be killed, God forbid. Such a war would stain the people of Israel to an extent that will not be wiped out."

This approach was also emphasized by Meimad, whose platform opposes coercive religious legislation, emphasizes democratic practices in the Jewish state, and actively supports education regarding democratic values in both the religious and secular school systems.

These themes were underscored and became primary issues following the assassination of Prime Minister Yitzhak Rabin in November 1995. Many religious leaders, including those previously associated with the more "nationalist" and "hawkish" approaches and parties, expressed concerns regarding the impact of internal divisions, violence, and civil conflict on the future of the Jewish people. Examples from history and, in particular, the internal divisions and senseless hatred (*sinat hinam*) that commentators have cited as the main cause of the destruction of the Second Temple and the long period of exile, were repeated as warnings of future catastrophe. Rabbis from many different groups stressed the theme of national unity and political stability based on the accepted democratic norms and institutions.

The assassination followed months of intense and often violent demonstrations against the policies of the Rabin government (particularly in the wake of terrorism and suicide bombings). In this period, nationalist rabbis issued edicts declaring the prime minister and the government to be in violation of Jewish law (according to their interpretations) by endangering lives through their policies of territorial withdrawal.

In this environment, the assassination and the perception that some elements in the religious sectors of Israeli society provided justification for this act led to a fundamental change among many rabbis and religious leaders. Some, such as Rabbi Yoel Ben Nun, who had been a major leader of the territorialist *Gush Emunim* approach, renounced their earlier views, and emphasized the importance of national unity and democracy. In the curricula of the national-religious school system (although not in the ultra-Orthodox system), a program to emphasize democracy as a core Jewish value has been introduced. While it is too soon to be able to judge the impact of these changes, this approach has gained recognition in the policy spectrum within the Israeli national-religious community.

Some Conclusions

With barely fifty years of experience as a sovereign state, the evolution of Israel's civic culture, and the triangular relationship between democracy, the religious tradition, and policies on issues of war and peace, remain highly complex and very fluid. The future of Israeli democracy depends on many factors including the balance of power between the religious and secular communities, and within the religious sector. In addition, events unconnected with the political struggles between religious and secular groups, such as the arrival of over one million immigrants from the former Soviet Union (of which an increasing number are not considered to be Jewish and do not identify themselves as such), has already had a profound impact. Ironically, although these immigrants are overwhelmingly secular and oppose the religious establishment, they are also relatively hawkish on issues of war and peace, and have formed alliances on these issues with the more conservative religious groups in Israel.

External events, including the outcome of the various negotiations, will also have a major impact on the evolution of the structure and substance of Israeli politics and democracy. Although the three primary approaches to the relationship between the Jewish political tradition and issues of war and peace discussed here are firmly established, their relative importance is subject to change.

Agreements and an end to hatred and violence are likely to strengthen the approaches that accept territorial compromise and emphasize national unity through (secular) democratic government. In contrast, the failure of the peace process, with continuing or increased incitement and violence is likely to increase support for the position that places priority on sovereignty and settlement in the Land of Israel.

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Gerald M. Steinberg is a Fellow of the Jerusalem Center for Public Affairs and Director of the Program on Conflict Resolution in the Political Studies Department at Bar-Ilan University, Ramat Gan, Israel.