

Responsa of Rabbi David Golinkin
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Question:

Does Jewish law permit the State of Israel to give back all or part of the territories captured in 1967 for the sake of peace?

Responsum:

This is an extremely complex and emotional issue that has been widely debated by halakhic authorities since the Six-Day War. 1 This is because *Eretz Yisrael* holds such a special place in Jewish tradition and history. 2 Indeed, God's very first conversations with Abraham concern *Eretz Yisrael*:

Go forth from your native land to the land that I will show you...I will give this land to your offspring (Genesis 12:1,7).

And again:

Raise your eyes and look out from where you are, to the north and south, to the east and west, for I give you all the land that you see to you and your offspring forever (Genesis 13:14-15).

This promise is reiterated on numerous occasions to Isaac (Genesis 26:1-6), Jacob (Genesis 35:11-12) and Moses (Exodus 6:2-8).

Furthermore, *Eretz Yisrael*, the Promised Land, is inherently holy. According to the Torah, Israel's predecessors were expelled from the land because they defiled the holiness of the land (Leviticus 18:24-28 and Genesis 15:16). According to the rabbis, the land of Israel is the holiest of all lands (*Mishnah Kelim* 1:6). Prophecy only takes place in the land of Israel or regarding the land of Israel.³ *Eretz Yisrael* is also special because many of the *mitzvot*, such as the Sabbatical year, can only be performed there (*Kiddushin* 36b and *Sota* 14a). The rabbis went so far as to say that whoever lives outside of *Eretz Yisrael* is considered as one who has no God (*Ketubot* 110b) and whoever is buried in *Eretz Yisrael* is considered as

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if he had been buried under the altar (*Ketubot* 111a).

Now that we have established the Jewish people's deep theological and spiritual ties to *Eretz Yisrael* , we can examine the conflicting halakhic claims regarding territorial compromise.

Those who oppose territorial compromise advance at least three basic arguments. Some declare that it is halakhically forbidden to return any part of " *Eretz Yisrael hashleimah* " [= "the complete land of Israel"]. Rabbi Theodore Friedman, however, has conclusively shown that there is no such concept in Jewish tradition, because Israel's borders changed countless times throughout Jewish history both in theory and in practice. 4 One example from the biblical period will suffice: God promised Abraham the land "from the *River* of Egypt" (Genesis 15:18), while he promised the Israelites the land from "the *Wadi* of Egypt" (Numbers 34:5). The "River of Egypt" is the Nile, while the "Wadi of Egypt" is Wadi el Arish, which is 180 miles east of the Nile!

Similar flexibility of boundaries is evident in the rabbinic period when the rabbis needed to define the borders of Israel for the purpose of observing *mitzvot* such as tithing and the Sabbatical year. The borders changed from *mitzvah* to *mitzvah* and the main criterion for inclusion seems to have been the Jewish population of the town. Thus Caesarea, a city inhabited by pagans and Jews, was originally considered part of *Eretz Yisrael* for the purpose of tithes and the Sabbatical year, but was later excluded. 5 Similarly, Bet She'an, Bet Guvrin and Kefar Zemah were originally considered part of *Eretz Yisrael* vis-a-vis tithing, but Rabbi Judah the Prince excluded them from *Eretz Yisrael* when the Jewish population shrank. 6 Thus, the borders of *Eretz Yisrael* were fluid and the concept "the complete land of Israel" has no basis in our classical sources.

Others object to handing over territories to non-Jews on the basis of Deuteronomy 7:1-2:

When the Lord your God brings you to the land that you are about to enter and possess, and He dislodges many nations before you... seven nations much larger than you... you must doom them to destruction, grant them no terms and have no mercy upon them (*lo tehonem*).

This is the simple meaning of " *lo tehonem* ", but the rabbis explained it to mean "do not give them a hold (*hanayah*) on the land" (*Avodah Zarah* 20a). *Tosafot* (*ad loc.*) interpret this to mean that one may not sell or give parts of *Eretz Yisrael* to any non-Jew. This approach would rule out any territorial compromise. However, many authorities rule that this prohibition applies only to *idol worshippers* such as the seven nations mentioned in the verse, lest they "turn your children away from me to worship other gods" (Deuteronomy 7:4).⁷ Therefore, since Moslems are not idol worshippers, many authorities rule that it is permissible to sell or give them parts of *Eretz Yisrael*⁸ and territorial concessions to Arabs would thus be permitted.

Lastly, other opponents of territorial compromise rely on the opinion of Nahmanides. The book of Numbers (33:53) states: "And you shall take possession of the land and settle in it, for I have assigned the land to you to possess". Nahmanides interprets that verse as a positive commandment: "...that we may not leave the land in the hands of other nations. ..and the Sages called this a commanded war".⁹ In other words, we are commanded to conquer *Eretz Yisrael* and keep her in Jewish hands regardless of the danger and any loss of Jewish life that might occur in the process. However, some reject Nahmanides' opinion because he is the only one who considers it a *mitzvah* to capture and retain the land of Israel.¹⁰ Others have explained that even according to Nahmanides, this *mitzvah* only applies in the days of the Messiah.¹¹

On the other hand, there are at least three arguments in favor of territorial compromise:

Rabbi Ovadiah Yosef, former Sephardic Chief Rabbi of Israel, has emphasized that *pikuah nefesh* , the saving of human life, takes precedence over all the commandments in the Torah except for idol worship, forbidden sexual relationships and murder (*Sanhedrin* 74a). Thus, even if it were a *mitzvah* to keep the territories under Jewish sovereignty, *pikuah nefesh* would take precedence. As Rabbi Yosef states:

Therefore, if the military commanders along with the members of the cabinet decide that it is an issue of *pikuah nefesh* . . . that if territories are returned, the threat of war shall be decreased and there is the possibility of lasting peace, it appears that according to all halakhic opinions it is permissible to return territories of *Eretz Yisrael* for the sake of attaining this goal, for nothing stands in the way of *pikuah nefesh* .¹²

Secondly, there is a clear biblical precedent for handing over Israeli territory for the sake of peace:

Since King Hiram of Tyre had supplied Solomon with all the cedar and cypress timber and gold that he required [for building the Temple], *King Solomon, in turn, gave Hiram twenty towns in the region of Galilee* (I Kings 9:11). 13

If King Solomon was permitted to give away twenty towns in the Galilee as a token of friendship for services rendered, we too are permitted to give away sections of *Eretz Yisrael* for the sake of peace.

And this leads us to the last point. Peace is one of the great ideals of Judaism: "By three things is the world preserved: by justice, by truth and by peace" (*Avot* 1:18). "If the Jewish people worships idols but lives in peace with each other, God forgives them" (*Sifrei Naso*, par. 42). "Great is peace, for all major prayers and blessings end with the word *Shalom*" (*ibid.*). But it is not enough to sit back and wait for peace to happen. The Psalmist said: "Seek peace and *pursue* it" (Psalm 34:15). "Hillel said: be of the disciples of Aaron, loving peace and *pursuing* peace" (*Avot* 1:12), while the parallel passage explains that Aaron used to run back and forth between two antagonists until peace was achieved. 14

In conclusion, we have here a classic case of conflicting values in Judaism - our love of *Eretz Yisrael* vs. our desire to save human life and our desire to pursue peace. The choice is not an easy one and has justifiably aroused strong emotions on both sides of the issue. Yet, in light of the sources presented above, it seems clear that when the majority of the political and military leaders of the State of Israel decide that giving up certain territories will ultimately save lives and lead to peace, Jewish law permits us - and perhaps even requires us - to do so.

Notes

1. See J. David Bleich, *Contemporary Halachic Problems*, Vol. II, New York, 1983, pp. 189-221; *Journal of Halacha and Contemporary Society* XVI (Fall 1988) pp. 55-95 and XVIII (Fall 1989), pp. 77-110. 2. For the centrality of *Eretz Yisrael* in Jewish tradition, see Abraham Halkin, ed., *Zion in Jewish Literature*, New York, 1961; Lawrence Hoffman, ed., *The Land of Israel: Jewish Perspectives*, Notre Dame, 1986; and Benjamin

Segal, *Returning: The Land of Israel as Focus in Jewish History* , Jerusalem, 1987.

3. *Mekhilta, Pisha* , chapter 1, ed. Lauterbach, vol. 1, pp. 4-8 and especially Judah Halevi, *The Kuzari* , Part Two, paragraphs 13-14, translated by H. Hirschfeld, New York, 1964, pp. 89-92.

4. Rabbi Theodore Friedman, *Responsa of the Va'ad Halakhah of the Rabbinical Assembly of Israel 2 (5747)*, pp. 73-77 = David Golinkin, ed., *Be'er Tuviah* , Jerusalem, 1991, Hebrew section, pp. 53-58. For a visual presentation of Israel's shifting borders in ancient times, see Prof. Jacob Milgrom in *Moment* , August 1996, pp. 52-53, 77 and *The Macmillan Bible Atlas* , Revised Third Edition, New York, 1993, maps no. 68, 69, 90, 98, 104-105, 158, 165, 170.

5. *Tosefta Oholot 18:16-17*, ed. Zuckerman, p. 617, along with a thorough explanation by Lee Levine, *Caesarea Under Roman Rule* , Leiden, 1975, pp. 67-68.

6. *Yerushalmi Demai* , Chapter 2, fol. 22c and *Hullin 6b* and cf. the explanation of Gedaliah Alon, *The Jews in Their Land in the Talmudic Age* , II, Jerusalem, 1984, p. 731.

7. *Tur Hoshen Mishpat 249* and the *Bah ad loc.* ; *Responsa of the Rashba* , I, no. 8; the Meiri to *Avoda Zarah 20a*.

8. R. Raphael Meyuhass, *Mizbah Adamah* , Salonika, 1777, fol. 12b; R. Abraham Isaac Kuk, *Responsa Mishpat Kohen* , no. 63; R. Zvi Pesach Frank, *Kerem Tziyon* , vol. 3, p. 13; R. Yitzhak Isaac Halevi Herzog, *Shanah B'shanah 5746*, pp. 136-140; R. Shaul Yisraeli, *Amud Hayemini* , no. 12, par. 3; and R. Ovadiah Yosef cited below in note 12.

9. Nahmanides' additions to *Sefer Hamitzvot* by the Rambam, no. 4 and cf. Nahmanides' commentary to the verse.

10. Maimonides, *Sefer Hahinukh* and others do not include it in their enumerations of the 613 *mitzvot* . Cf. my book *Responsa in a Moment* , Jerusalem, 2000, pp. 77-82, where I accept Nahmanides' approach to *aliyah* , which is based on his view that it's a *mitzvah* to conquer the land, Even so, I am in favor of returning territories for the sake of peace for the reasons explained below.

11. R. Isaac de Leon in *Megilat Esther* to *Sefer Hamitzvot ad loc.* and others.

12. *Torah Shebe'al Peh* 21 (5740), p. 14 and again *ibid.*, 31 (5750), p. 16. Of course, some say we will save more Jewish lives by *not* returning the territories, but today most Israeli political and military leaders disagree.

13. The parallel passage in II Chronicles 8:2 says the opposite, but that version seems to be later apologetics - see *Entziklopedia Mikrait*, vol. 4, col. 6. For other explanations, see Radak to both verses as well as Jacob Myers, *The Anchor Bible: II Chronicles*, Garden City, New York, 1965, p. 47.

14. *Avot D'rabi Nattan*, Version B, Chapter 24, ed. Schechter, p. 49 and cf. Version A, Chapter 12, pp. 48-49.

Responsa of Rabbi Hayim David Halevi (1924-1998)

Chief Sephardic Rabbi of Tel Aviv-Yafo 'Aseh I'kha rav 4:1
"Peace and its Implications in Halakhah and Thought"

Question:

Does the government of Israel have the right to surrender any territory ... connected to the Land of Israel as described in the Torah (Numbers 34)?

Response:

1) The questioner here relies upon the opinion of several rabbis of our generation, who have ruled that it is forbidden us to surrender even a single liberated territory connected to the boundaries of Eretz Yisrael. Their ruling is based upon the well-known words of the Ramban and this is his language, "We are commanded to inherit the land which God ... gave to our forefathers, to Abraham, Isaac, and Jacob, and we will not leave it in any hands other than our own ..., as it is said, 'And you shall inherit the land and dwell therein, for I have given the land to you to inherit and settle ... We will not leave it in the hands [of the seven nations] nor in the hand of any other nation forever."

2) However, several other contemporaneous rabbinic authorities base [their position that not a single area of land captured during the Six Day War be returned in negotiations with the Palestinians] upon the negative commandment, "Lo t'haneim- nor show them mercy," found in Deuteronomy 7:2. They base their prohibition to retreat from the liberated territories of Eretz Yisrael upon this passage.

Torah-Deuteronomy 7;1-2

This passage states, "When the Lord thy God shall bring thee into the land whither thou goest to possess it, and shall cast out many nations before thee, ... seven nations greater and mightier than thou; and when the Lord thy God shall deliver them up before you, and you shall smite them; then you shall utterly destroy them; you shall make no covenant with them, nor show mercy unto them (lo t 'haneim) " (Deuteronomy 7:1-2).

Talmud-Avodah Zarah 20a

The Talmud expands upon this biblical passage by commenting, 'haneim - lo titein lahem haniyah ba 'karka ('nor show them mercy' - do not allow them settlement in the land)" (Avodah Zarah 20a).

Tosafot-Medieval Commentators upon the Talmud

While the plain meaning of the text deals with the seven indigenous Canaanite nations alone. However, the tosafot on Avodah Zarah 20a maintain that "the prohibition of lo t'haneim" applies to all gentiles, and that the medieval rabbis made no distinctions between the seven indigenous peoples of the land and other gentiles.

Exodus 23:3

Furthermore, there is another passage in the Torah that bears upon this matter, for in Exodus 23:33, it states, "They shall not dwell in your land - lest they make you sin against Me, for you will serve their Gods - for they will be a snare unto you."

Maimonides-Mishneh Torah Hilchot Avodah Zarah (Laws of Idolatry) 10

On the basis of all this, Maimonides, in Hilchot Avodah Zarah 10, forbade the sale of land in Eretz Yisrael to gentiles, citing Deuteronomy 7:2 as the proof text that justified this legal position. However, the Rambam there qualifies this prohibition by asserting that these words are applicable only at a time when the Jews are exiled from their land, "or when the hand of the gentiles is dominant over Israel." Nevertheless, at a time when the hand of Israel is dominant over the nations of the world, it is forbidden us to permit a gentile idol worshipper to dwell among us - even temporary settlement. Indeed, a gentile should not even be allowed to engage in trade or pass through our land until they accept the seven Noahide commandments upon themselves [which includes the prohibition against idolatry], as it states, 'They shall not dwell in your land,' even for a moment."

Other medieval authorities, notably the Rabad, disagree with Maimonides and feel he has unjustifiably expanded the biblical prohibition by speaking of trade and passage. In addition, they feel that the prohibition exists only because of fear of idolatry. At a time when that is not a consideration, the prohibition of "lo t'aneim" does not, in their view, apply at all. This of course would include contemporary Muslims and Christians.

Rabbi Halevi's Decision and Conclusion

Rabbi Halevi therefore concludes that the prohibition of 'lo t'haneim' does not apply to a governmental decision to surrender territory. He does so, in part, because, as he has written above, the entire matter of exchanging land for peace on the part of the government of Israel is unparalleled in the Jewish experience. It has no "precise halakhic precedent." After all, writes Rabbi Halevi, "Has there ever been a situation similar to this in the history of Jewish law - to permit or forbid such a thing? Has the people Israel even once [in the last two thousand years] been in a situation akin to this where Jewish law has engaged in sensitive and complex political circumstances like these?"

Therefore, he concludes, "In reality, no states wants to surrender territory. On the contrary, every state aspires to increase its territories and its borders. However, if the government of Israel arrives at a point where political considerations based on the security needs of the nation cause her to judge that a specific territory be surrendered, it would appear that the prohibition of "lo t'haneim" would not apply ... Therefore, before the government of Israel there stands one consideration and one consideration only - the security needs of the people and the state."

GAZA ISRAEL: Our Halacha, Our History, Our Security are Tied to Gush Katif
By Menachem Kovacs

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Recently I again visited some of the wonderful and essential Jewish communities in Gush Katif in Gaza. My son Mayer, a yeshiva student at the Israeli hesder Yeshiva Kerem BeYavneh (KBY), and I were members of an Orthodox Union (OU) Israel Mission to learn about and strengthen Jews under siege in Israel. It is not at all the Gaza of CNN, the State Department, the UN, and the EU or of our own local newspaper, The Baltimore Sun. In an editorial on February 4th of this year, The Sun endorsed the "dismantling of Israel's illegal settlements" in Gaza, noting "Most Israelis have no national or religious ties to the territory..." This article will demonstrate that not only is that a complete falsification of the history of the Jewish People in Israel but it ignores important security and Halachic factors as well. It will explain why Gush Katif is so essential to retain for Halachic and security reasons and why and how we need to help it grow and prosper.

In early February 2004 Prime Minister Sharon announced his intention to expel (aka evacuate or relocate or remove) the almost 8,000 Jewish residents of Gush Katif in Gaza, an integral Halachic part of the Land of Israel in the Tribe of Yehuda (Judah). The plan to make Gaza "Judenrein" (the Nazi term which means literally "free of Jews") has been opposed in many quarters including much of Sharon's own Likud party and by hundreds of rabbanim in Israel as well as outside Israel.

There is a two-fold case for Israel to retain Gush Katif and indeed to seek to include all of the boundaries G-d defines as the Biblical Holy Land of Israel. Those two reasons are (1) religious reasons based on Halacha (Jewish Law) and the subsequent nationalistic and historical consequences based on Halacha and (2) national security considerations based on maximum protection of both the People and the Land and the resources of both.

Halacha and History

At an emergency conference of more than 200 Israeli rabbis in February in Jerusalem former Ashkenazi Chief Rabbi Avraham Shapira, now head of Yeshivat Merkaz Harav, declared "We are expressing not a political opinion but the opinion of Torah...the Torah

says that the entire Land is ours and we must not give it away, and especially when it is liable to lead to the loss of life." He added a warning as well, "Events have shown all of us that, Heaven forbid, whoever harms the Land of Israel...loses his seat and his regime." He added, "...if we have to instruct the public to gather in Gaza, in Gush Katif, we will do that, with G-d's help...to double and triple the number of Jews there, and not allow the evacuation and uprooting of a Jewish town. It is against Torah Law and simple morality and the government must not even discuss it."

This assertion is a reference to the fact that most all of the Biblical commentators hold on that Gaza is within the boundaries of Shevat Yehuda in Biblical Eretz Yisrael (see Genesis 15, Joshua 15:47, Kings 15:47 and Judges 1:18) and therefore it also has the Halachic requirement to be settled (and therefore certainly not abandoned). Most commentators also require tithes to be taken from the produce grown in Gaza as is required of all produce grown in the Land of Israel and this is the practice today. (Ruth Matar has noted that the Hebrew terms "Mitnachlim" is frequently mistranslated with the pejorative and misleading translation of "settlers" whereas the correct translation is "inheritors" of the Land G-d promised to the Jewish People forever.)

Rabbi Yaakov Emden answered a Shayla about whether living in Gaza fulfills the Biblical commandment to live in the Land of Israel with the clear and emphatic ruling: "Gaza and its environs are absolutely considered part of the Land of Israel without a doubt. There is no doubt that it is a Mitzvah to live there as in any part of the Land of Israel."

The earliest settlement of the area is by the first two of our Biblical Patriarchs, Avraham and Yitzhak, both of whom lived in the Gerar area of Gaza. (In our own times another great Yitzhak lived in this area: Rav Yitzhak Arama, HYD, the beloved Rav of the Netzer Chazani community, who was murdered in front of his family erev Shabbat. A beautiful collection of his Divrei Torah has been published with the title The Wells of Yitzhak.)

In the fourth century (hundreds of years before Islam was founded) Gaza was the primary Jewish port of Israel for international trade and commerce. One of our oldest Shuls dates back to that time. Great medieval rabbis such as Rabbi Yisrael Najara, author of Kah Ribon Olam, the popular Shabbat Zemer, and renowned Mekubal Rabbi Avraham Azoulai, were rabbonim in Gaza Jewish communities.

The periodic removal of Jews from Gaza goes back at least to the Romans in 61 CE followed much later by the Crusaders, Napoleon, the Ottoman Turks, the British and the contemporary Egyptians. Each time the Jews eventually returned to rebuild and expand. Gaza Rabbi Yigal Kaminetsky says that this faith and determination is the greatest miracle of all, greater than the more than 2,000 mortar shells which have been fired at Gush Katif Jews and the many other near misses: "Our entire existence throughout this period in Gush Katif has been one big miracle of G-d manifesting his Divine Presence among us. But the true miracle is that although the inhabitants of Gush Katif have experienced tremendous upheavals these past several years, we continue to live, to build and to have strong faith. Who would have thought that in the past few years our population would have grown by over 100 %!" The Rav ended his Dvar Torah by quoting a Posuk from Parshat Shmot, which we heard from others as well in Gaza. The Torah tells us "But as much as they (the Egyptians) afflicted Israel, nonetheless Israel continued to increase and expand..." (Exodus 1:12)

Gush Katif today continues our Torah tradition as a strong Makom Torah: there are some 30 synagogues plus Yeshivat Torat Hachim with 200 students, the Hesder Yeshiva with 150 students, the Mechina in Atzmona with 200 students, Yeshivot in Netzarim and Kfar Darom, 6 Kollelim, a Medrasha for girls in Neve Dekalim and more.

Critical Security Factors

Israel's many enemies recognize quite clearly that they are at war against us with the goal of eliminating Israel as a Jewish State and taking out as many Jews as possible as well. Some on our side continue to confuse dreams of peace with this reality and imagine that moderates can replace our very blood-thirsty enemies. Land plays a crucial role in this war. Dispassionate evaluations of the security value of Jewish communities in Gaza have reported time and again that they are essential. After the Six Day War the US Joint Chiefs of Staff were ordered by the US Secretary of Defense to present their "views, without regard to political factors on the minimum territory" that Israel would be "justified in retaining in order to permit a more effective defense against possible conventional Arab attack and terrorist raids."

The Chiefs Report concluded that Israel needed to retain substantial portions of the Golan Heights, Judah and Samaria, and all of Gaza. About Gaza in particular they wrote, : "the Gaza Strip serves as a salient for introduction of Arab subversion and terrorism and its retention would be to Israel's military advantage."

Subsequent US security assessments since then have supported the same conclusion as have independent Israeli assessments including then IDF Chief of Staff Ehud Barak who said in 1993, "The 1967 Joint Chiefs of Staff memorandum is still applicable ...If Israel has to retake the territories proposed to be given up, we cannot do it without tremendous casualties." And the same PM Sharon himself said in 2002 that Netzarim (one of the Jewish communities in Gush Katif) is the same as Tel Aviv; evacuating Netzarim will only encourage terrorism and increase the pressure upon us."

Shlomo Avineri, a Political Science Professor at Hebrew University who headed the foreign ministry under PM Rabin, attempts to explain PM Sharon's motives by noting that there are two kinds of hawks in Israel: ideological and strategic. The former include those who base their views on their belief in a Biblical Eretz Yisrael based on a Divinely-inspired Torah and/or strong secular nationalists (like Shamir, Begin and Jabotinsky). The strategic hawks reject the former view: to them Yesha (Yehuda, Shomron, Aza) are security outposts aimed at preventing or weakening attacks on what they consider to be Israel's heartland, the pre-1967 borders. He notes that Sharon grew up as a military man, a strategic hawk close to similar Labor strategic hawks. He has reversed some of his major commitments to infrastructure development in Yesha because he believes that the continuing intensity and toll from the intifada and the lack of a Palestinian partner requires a deal that will give Israel smaller borders backed (only) by Israel and hopefully by the US.

Alas, even if this analysis explains Sharon's reversals, including his constant financial, diplomatic, political and military support for the creation of a Palestinian state in Yehuda and Shomron, one can still question his premise that many Arabs in and out of Israel will accept anything less than the total destruction of the Jewish State.

Moreover, unilateral withdrawals embolden our enemies with the belief that they are on the way to this goal. As Jerusalem Post Editor Bret Stephens explains, "Why should the Palestinians make peace with Israel if they can get the land without making peace?" "To withdraw in the face of terror is to inspire further terror...It send the signal that it is the Palestinians who can afford to wait Israel out, not vice versa. That's not a signal that this government, or any future government, ought to send."

The serious security threat is also indicated by the danger of the most militant Islamic elements becoming even more strengthened by the prospect of an Israeli withdrawal. The Washington Post of Feb. 18, 2004 reported "US officials are especially concerned that the PA is so weakened that Hamas could emerge as the de facto ruler in Gaza in the wake of

Israel's departure."

Maj. Gen. Giora Eiland, whom Sharon appointed to head the task force on withdrawal, has identified further security problems of the first order. General Eiland has commented openly that Israel cannot abandon the so-called Philadelphia Road along the Egyptian-Gaza border. Israel's military presence there blocks some of the weapons smuggled from Egypt across the border.

Sharon has proposed that the Egyptian Army take the place of the IDF in Gaza. Recall that in the history of modern Israel, the Egyptian Army has advanced against us in every war. Such a change would place the Egyptian army only 40 miles south of Tel Aviv.

Moreover, Vice Prime Minister Ehud Olmert has signaled on behalf of Sharon that many other communities in Yehuda and Shomron are also at risk. As Yesha Council leader Pinchas Wallerstein has warned that Sharon's plans mean, "the threat hanging over Judea and Samaria is no smaller than that hanging over Gush Katif."

Meanwhile our enemies rejoice: Former PA Minister of Security Mohammed Dahlan sheltered Hamas terrorist leader Mohammed Deif after the latter masterminded eight days of the murders of sixty Jews in Jerusalem, Tel Aviv and Ashkelon. Dahlan also promoted cooperation between Fatah, Hamas and Islamic Jihad terror groups in Gaza as well as his own terror operations. Dahlan told the Palestinian daily Al Quds, "The withdrawal signals an important change. Just a year ago Sharon stated that the status of settlements like Netzarim and Gush Katif is similiar to that of Tel-Aviv and that Kfar Darom is like Ranana. He said Israel would not withdraw from these settlements especially under Palestinian attack. Today, however, Sharon's position has changed. The Israeli withdrawal is a victory for us and we must celebrate it. The withdrawal of the Israeli Army from the Gaza Strip and some West bank settlements is one of the most important achievements of the intifada." (That's not all: the US government is pushing this same Dahlan to be appointed as the military governor of Gaza when the Jews leave, G-d forbid.

Conclusion

It makes sense to conclude that the red lines which the Government of Israel should firmly draw on security grounds should include at least those of Biblical Israel, certainly not less and possibly more based on what the most prudent security experts

advise. We see that our enemies interpret our concessions as weaknesses. They are intimidated by our displays of strength, conviction and determination.

Foundations of a Political Messianic Trend in Israel
written by

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1

This study sets out to present a critical analysis, based on primary sources, of a political messianic trend in Jewish religious nationalism in Israel. The basic premise underlying the dogma held by this trend maintains that since the beginning of the Zionist enterprise, and particularly since Israel's victory in the Six-Day War, the country has lived in a political reality which is transcendental. Accordingly, the military conquest in the Six-Day War is evidence of the state of metaphysical transformation in which the political reality finds itself—to a degree that the holiness of the Land of Israel, as stated by Rabbi Shmaryahu Arieli in *The Law of War*, extends even to conquered foreign lands, including the Sinai Desert, Sharm el-Sheikh and the eastern shore of the Suez Canal. This is not the beginning, but rather the midst of a messianic era, in which the Land of Israel is liberated not only from political adversaries, but also—as put by Rabbi E. Hadaya in the collection of sources "Inherited Land"—from the *sitra ahra* (the "other side," the "devil's camp"), i.e., from a mystical force which embodies evil, defilement and moral corruption, and we are thus entering an era in which absolute sanctity rules over corporeality. By virtue of the war, the Divine Presence (*Shekhina*), which has rested upon the Zionist enterprise from its inception, arises from the dust, and is saved from the existential exile in which the Jew languished. Having raised the *Shekhina* from its debasement, the return—according to this view—of even an inch of land, would be a surrender to the rule of the "*kliṭpa*," the concept of Jewish mysticism which symbolizes the forces of evil in the cosmos. Then, the *sitra ahra* would regain sovereignty.

2

In a similar vein, some of the leading spokesmen of the messianic trend express themselves in *Nekuda*, organ of the Jewish settlements in the occupied territories. In accordance with this basic premise, the "Peace for Galilee" war was another sanctified war, i.e., a war of religious duty, and Israel's military presence in Lebanon confirmed the validity of the

biblical promise in Deuteronomy 11:24: "Every place on which the sole of your foot treads shall be yours; our border shall be from the wilderness and the Lebanon, from the river, the River Euphrates, to the Western Sea."

3

The dogma is applied on two levels: time and place. With regard to the level of time, the present is defined metaphysically, as a process of redemption. This imbues the actual lived-in time (and not time as an abstract concept) with two degrees of messianic sacredness, in accordance with two interpretive explanations of the difference between this world and the messianic era.

4

The first degree follows the view of the Talmudic sage, Mar Shmuel, who asserts (in *Berakhot* 34b) that there is no distinction between this world and the Messiah's time except that in the former there is "political subjugation" or the subjugation of the exiles. Consequently, the messianic era finds its empirical expression in the concrete political change Israel has wrought, the essence of which is the abolition of political subjugation, or exile. The messianic era, according to this interpretation, does not yet enter the realm of cosmic transformation, where changes in the natural order occur. Therefore, when the prophets prophesied cosmic changes and drastic alteration in the natural order ("The wolf shall dwell with the lamb, and the leopard shall lie down with the kid"), they were referring not to the messianic era which, as we have seen, does exist politically in our time—but rather to the world to come.

5

Rabbi Shlomo Goren, in his article "The Redemption of Israel in Light of the *Halakha*" (in "*Torat ha-Mo'adim*"), cites the authority of Maimonides in this instance: "The messianic age is this world, and things remain as they are" (*Hilekhot Tshuva* 9:2), the only difference between them being that in messianic times "the Kingdom will return to Israel." Hence, Rabbi Goren concludes, we can and must attribute absolute holiness to this world, not to the world to come, or to abstract mysticism. It is in concrete reality that the redemptive time, according to this doctrine of messianic-political realism, is actualized. Similarly,

Maimonides states that "one should not suppose that in the messianic age anything will be changed in the way of the world, or that there will be a renewed Creation" (*Hilekhot Melachim* 12:1). Hence, Rabbi Goren stresses, there is no need to search for cosmic transformations in the Creation, in order to believe that the present constitutes a messianic reality of liberation from the subjugation of the exiles.

6

Messianic times thus constitute a period of political change, realized by force of Israel's arms and the particular aid of heavenly assistance, whereas the prophecies of peace, such as Isaiah's "and they shall beat their swords into ploughshares," refer to the world to come. They are not to be fulfilled in this world, or in the messianic era which is now dawning.

7

The second degree of the sacredness of time—a more mystical approach which is becoming increasingly acceptable to *Gush Emunim*—is based on Rabbi Hiyya Bar-Abba's view, who said in the name of Rabbi Yochanan (*Berakhot* 34b): "All the prophets prophesied only concerning the days of the Messiah, but as for the world to come, 'Eye hath not seen, O God, beside Thee.'" Three conclusions are drawn from this interpretation of redemptive time: (a) the prophecies about the future, concerning drastic changes in the cosmic order, the nature of Creation and the process of the world, are relevant and are realized in practice in this world, in the current messianic reality; (b) the prophecies are interpreted literally, and when referring to transformations in the order of Creation, they are in fact referring to the Zionist enterprise; and thus, (c) the world to come cannot be brought about by man, yet in this world we have reached that actual prophetic-messianic age, not merely a political-messianic one.

8

Here we have a more poetic, lyrical notion, according to which the return to the soil, life within nature, the agricultural achievements, the secular creativity (which, according to Rabbi Abraham I. Kook, serves the coming of messianic redemption even inadvertently and unwillingly), the Zionist activity, the military victories upon the holy soil, the blood spilt on this soil and for its sake—are all interpreted as evidence on a cosmic scale, not just

a political one, of the metaphysical time in which corporeality and empirical reality (including political reality) are situated. A prominent advocate and mentor of this trend is Rabbi Zvi Yehuda Kook, followed by leaders of *Gush Emunim* whom Kook inspired and who sprang from his Mercaz ha-Rav *yeshiva*. Kook defines the State of Israel as the Kingdom of Israel, and the Kingdom of Israel as the Kingdom of Heaven on earth; and consequently, total holiness envelops every human being, every action, every phenomenon, including secularism which will one day be engulfed by sacredness, by redemption.

9

A salient expression of the spiritual yearning and concrete policy of the political-messianic stream, appears in an article entitled, "On the Significance of the Yom Kippur War," by Rabbi Yehuda Amital, published in his collection of sermons, *ha-Ma'alot mi-Ma'ama-kim*. (Amital supposedly changed his position slightly following the Lebanese war, but the core of his views has not changed: In the past, the unity and uniformity of the land served as the basis of his argument, whereas now the unity and uniformity of the people do, so even if the stress in content has been altered, the structure of his approach remains intact.) Amital states that "it is forbidden to view this war in the manner we viewed misfortunes in the days of exile. We should recognize the greatness of the moment in its biblical dimension, and it can only be seen within its messianic perspective...only through a messianic light." The war broke out against the background of the revival of the Kingdom of Israel, he says, which, in its metaphysical (not only symbolic) status, is evidence of the decline of the spirit of defilement in the Western world. Therefore, Amital claims, this is the focus of the Yom Kippur War: "The gentiles are fighting for their mere survival as gentiles, as the ritually unclean. Iniquity is fighting its battle for survival. It knows that in the Wars of God, there will neither be a place for the Satan, nor for the spirit of defilement," nor for the remains of Western culture, the proponents of which are, as it were, the secular Jews. The participation (direct or indirect) of all the oil-consuming countries in the struggle in the Middle East, he says, indeed, reinforces the messianic dimension of the war.

10

The modern secular world, according to this approach, is struggling for survival, and thus our war is directed against the impurity of Western culture and against rationality as such.

It follows that the alien culture has to be eradicated because all foreignness draws us closer to the alien, and the alien causes alienation, as is the position of those who still adhere to Western culture and who attempt to fuse Judaism with rationalist, empiricist and democratic culture. According to Amital's approach, the Yom Kippur War has to be comprehended in its messianic dimension: a struggle against Western civilization in its entirety.

11

Finally, Amital asks, what, then, is the point of all the affliction; why do the wars continue, if the Messiah has already come, and if the Kingdom of Israel has already been established? There can only be one reason, Amital replies: the war initiates the process of purification, of refinement, "the purifying and cleansing of the congregation of Israel." We thus learn that there is only one explanation of the wars, namely that the Lord performed an act of grace in giving us wars, because they refine and purify the soul. And as impurity will be removed, the soul of Israel—by virtue of the war—will as such be refined. We have already conquered the lands, and all that now remains is to conquer impurity.

12

The second level in which the basic premise of the political-messianic trend (namely, the metaphysical conception of political reality) finds expression, is the level of the place where we live. Here again, in analyzing the approach of the main spokesmen of this trend, we must relate to the primary sources, as we are talking about a section of society for whom the logos constitutes concrete political reality: they do not quote one verse or another merely in order to justify ideology, but on the contrary, political reality itself is actually molded by the logos. Indeed, historical experience has taught us—in the twentieth century as well—how great is the strength of the logos, of ideology, not only as justification for political interests, but rather as an active factor which motivates the emergence of political, military and economic interests.

13

The essence of the dimension of place, in a parallel manner to that of time, lies in the total sacredness ascribed to every clod and grain of earth on which our feet tread. Rather

than sacredness replacing corporeality, corporeality itself becomes increasingly refined to the point of total sanctity, until there is no refuge for man, and every place in the Holy Land on which a Jew treads is deemed holy. Historical symbols are transformed into substance: man is not holy, but rather place is, and not place as a symbol of holiness but the actual physical localities, the trees and the stones, the graves and the walls, are all holy in themselves. The concept of sanctity, when applied to place, has thus acquired a meaning contrary to that which symbolics attaches to it, because symbolics distinguishes between an object and the meaning attributed to it, between corporeality and the significance it may reflect. In this manner, the holiness which was meant to be symbolized by physical localities, has become ascribed to the localities themselves.

14

Thus, the concept of the holiness of the Land acquired a completely different meaning than it previously had in Jewish tradition. The main significance of the holiness of the Land was a *Halakhic* matter: according to the *Mishna*, "The Land of Israel is holier than any other land. Wherein lies its holiness? In that from it they may bring the *omer* and the First Fruits..." (*Kelim* 1:6). That is to say, the holiness of the Land is due to the possibility of fulfilling the commandments which depend on the land: this is the meaning of saying that the land is holy. Yet, in the sources under discussion, physical locality becomes sanctified in place of its historical importance, and holiness is not related, as it originally was, to the fulfillment of a religious—in this case agricultural—practice, such as giving the tithe, *leket*, *pe'ah*, and other commandments dependent on the Land, but rather to concrete political corporeality itself.

15

The primary source of this approach, often cited in the literature we are dealing with, is Nachmanides' notes to the fourth positive commandment in Maimonides' enumeration of the commandments (*Sefer ha-Mitzvot*). Nachmanides writes: "We are commanded to take possession of the land given by the Lord to our forefathers, to Abraham, Isaac and Jacob, and we will not leave it in the hands of any other people or allow it to lie waste. And he said unto them (Numbers 33:53): 'You must take possession of the land and settle there, for to you I have given the land to occupy.'" This commandment, Nachmanides continues, was specified for us in its particular boundaries: "and go to the mount of the Amorites, and unto all its neighboring places, in the plain, in the hills, and in the vale and in the

south, and by the seaside, to the land of the Canaanites, and unto Lebanon, unto the great river, the River Euphrates" (Deuteronomy 1:7), and this, Nachmanides claims, "lest you yield from any place." Place is sanctified by total holiness, and that is why we were commanded to kill those nations, the seven peoples and Amalek—in order not to place the Land in their hands.

16

From this point of departure an explicit policy is now entailed: relying on these sources, the Chief Rabbinate issued *Halakhic* rulings concerning the holiness of the territories—and due to this, the sanctity of their borders and of the political sovereignty over them which proclaim the existence of a religious duty, to be put into effect by political action. The Chief Rabbinate's decision of 22 *Adar* 5736 (1976), for example, states the following: "The Temple Mount is Mt. Moriah, the site of the Temple and of the Holy of Holies, the place where the Lord God of Israel chose to house His Name, which was sanctified by ten holy blessings by David, King of Israel: the Jewish people's right to the Temple Mount and the site of the Temple is an eternal and inalienable divine right, over which there can be no concessions." In light of this sacredness, there is no room for any compromise: neither with regard to time, i.e., concessions at least for the time being, for a year or a generation, nor with regard to place.

17

Another decision concerning the prohibition of handing over an part of the Land of Israel to the gentiles, dated 21 *Iyyar*, 5739 (1979), forbids the transfer of any territory, including that which was conceded to Egypt in return for peace: "According to our holy *Torah* and the clear and authoritative law, there is a strict ban on transferring ownership to the gentiles" of any single part of the Land of Israel, because it is sanctified by the sacredness of the biblical "Covenant between the Pieces." This invocation of the Covenant of Abraham elucidates how an archaic and primordial symbol of the slaughtering of animals, used by primeval tribes as evidence of political union, becomes a source of authority for contemporary political policy. Returning the territories, the chief Rabbinate ruled, would constitute a violation of the commandment, "and though shalt not show mercy unto them" (Deuteronomy 7:2): the gentiles should not be given the right of encampment on the soil of the Land of Israel, "and no argument of the saving of lives (*pikuach nefesh*) can invalidate this severe prohibition."

From everything said so far, the concrete implications of the political messianic outlook concerning human rights can be discerned: If time and place are categories of existential totality, then there cannot possibly be a place for gentiles here. As we have seen, we are not dealing with a band of crazy prophets, nor with an extreme minority on the fringe of society, but with a dogmatic school of thought and methodical doctrine, which inevitably leads to a policy which cannot tolerate the concept of human and civil rights, because the conception of the totality of the dimensions of time and place leaves no room for tolerance. It is a movement which possesses great inner powers of mystical belief, and in light of the analysis of its ideological foundations, we find ourselves confronted with a structure familiar to us from twentieth-century political messianism. There is as yet no place for comparison of content, but with regard to the structure of the conception—as distinct from its content—it is impossible not to notice an analogy to totalitarian movements of this century.

The conclusion which follows from the epistemological structure of the dimensions of time and place as described above, emerges in the form of three positions concerning the question of the non-Jew's human and civil rights, somewhat like three possible degrees of a solution: the restriction of rights; the denial of rights; and in the most extreme case—the call for genocide based on the Torah. Every one of these positions has been expressed in the sources under discussion.

The first degree is still relatively moderate: it states that equality of the rights of citizen and man is nothing but a foreign democratic principle, alien and European, which existentially alienates us from the Holy Land. Therefore, the principle of equal rights is not binding in our dealings with the Arab residents of the country, and their status can only be that of foreigners (*gerim*). Of the two kinds of *gerim*—the righteous proselyte (*ger tzedek*) and the sojourner (*ger toshav*)—only the latter is meant: namely, the non-Jew who has renounced paganism and observes the seven Noachian laws. Such a person has partial rights and

duties. e.g., the duty of observing the dietary laws does not apply to him, yet he is forbidden to consume blood (Leviticus 17:13,25:35), or according to Maimonides he is permitted to work for himself in public on the Sabbath, yet if he is employed by a Jew he cannot work for him on the Sabbath.

21

The second position already leads to the denial of human rights, because the actualization of our existence in the Land of Israel depends on the Arabs' emigration from it. This matter has frequently been discussed in *Nekuda*, to the point that some people within the movement have said that as the *Torah* speaks in communicable language, and one should not "utter the unhearable," i.e., as the issue would shock the public at the moment, one should try to refrain, as a temporary measure, from explicitly talking about the expulsion of the Arabs; yet the attitude in principle is that there is no place for Arabs in the land. Therefore, the differentiation in time of war between citizen and soldier, as accepted in enlightened countries, is unacceptable because both of them, the citizen and the soldier, belong to the category of population which *a priori* has no right to be here; both of them are enemies of Israel, The commandment to conquer the land "is above the human and moral considerations of the national rights of the gentiles to our land," as Rabbi Shlomo Aviner claims in his article, "The Messianic Realism" (*Morasha*, Vol. 9). Indeed, Israel was commanded in the *Torah* that "thou shalt be holy," but we were not commanded to be moral; and the general principles of morality which have been accepted by mankind, in principle at least, do not commit the Jew, for he was chosen to be beyond them (*Nekuda*, No.43).

22

The third position concerning the question of the non-Jew's human rights is based upon the positive commandment from the *Torah* of the eradication of any trace of Amalek, i.e., actual genocide. This solution was suggested by Rabbi Israel Hess in his article, "The Commandment of Genocide in the Torah" (*Bat Kol*, the student journal of Bar Ilan University, Feb. 26, 1980), and apart from several colleagues such as Uriel Simon and other members of *Oz ve-Shalom* (the dovish religious group), we do not know of any dissenting reaction on behalf of the rabbinical teachers of this trend. Their silence is particularly significant in this instance, as we are dealing with a community for whom, because of its political structure, its leadership is not just the guide but also the one who

grants absolution, because according to their outlook, the function of the Chief Rabbinate and heads of the *yeshivot* is to react to reality and to demonstrate to man the error of his ways (the rabbis in the *yeshivot* are thus called *mashgichim*—"supervisors"). Rabbi Hess proclaims that "the day will come when we will all be called to fulfill the commandment of this religiously commanded war, of annihilating Amalek"—the commandment of genocide. The manner of carrying this out is described in I Samuel 15:3: "Go now, attack Amalek, and deal with him and all that he has under the ban. Do not spare him but kill man and woman, child and infant, ox and sheep, camel and ass."

23

This duty of carrying out the annihilation of Amalek is based, according to Rabbi Hess, on two arguments: the one concerning racial purity, and the other concerning war. The racial justification is as follows: according to Genesis 36:12, Amalek is the son of Timna, who was Eliphaz's concubine. Yet according to I Chronicles 1:36, the same Timna was the daughter of Eliphaz and thus Amalek's sister. Rabbi Hess thus concludes that Eliphaz cohabited with his wife (who herself was somebody else's wife), begat his daughter Timna by her, took his daughter as a concubine, cohabited with her, and thus Amalek was born. Thus, the rabbi tells us, it is impure blood which flows in Amalek's veins and in the veins of Amalek's descendants for all time. And as for the second argument—Amalek is the enemy who fought against Israel in a particularly cruel manner, Hess says, personifying boundless evil, because when the Children of Israel were walking along their way, exhausted, Amalek attacked and killed them, man, woman and child. According to this conception, in the opposition between Israel and Amalek there appears the opposition between light and darkness, between purity and contamination, between the people of God and the forces of evil, and this opposition continues to exist with respect to the descendants of Amalek for all time. And who are his descendants for all time? These are the Arab nations.

24

The last section of our discussion may serve as a summary, by means of a structural analysis, following the method of social phenomenologists such as Peter Berger, Thomas Luckmann, Alfred Schuetz and others, concerning the concept of *Lebenswelt*, i.e., the world, the daily reality into which all experiential aspects are integrated, a sort of complete and encompassing web of life; and what this means with respect to one's actual way of life.

As we have seen, we are confronted with an all-encompassing *Weltanschauung*, structured as a unity in which sacredness and secularism, religion and politics, heaven and earth, rights and obligations are assimilated. This unity creates what the sources under discussion call "a mystical realism," forming a unity of a dual structure: the attribution of holiness and mysticalness to empirical reality, and therefore also to rationality and pragmatism (as this movement is not devoid of pragmatic considerations), to the extent that rationality and pragmatism are absorbed by holiness; yet rather than disappear, they are united with the mysticism and help to shape it to the same extent that they are shaped by it.

25

According to this dual structure, one can point out additional typological distinctions which characterize this messianic "mystical realism," as follows: sentimentality—which is not devoid of coming to one's senses; enthusiasm—which does not lack self-restraint; spirituality—not devoid of materialism; a great light which illuminates the whole being—yet not without darker moments, difficulties, obstacles, delays on the path to fulfillment, and the admission that in light of existing political reality and the lack of faith on behalf of the secular, time is not yet ripe for the vessels to absorb the great light; mysticism is tangible in reality—and at the same time reality encompasses all mysticalness; man's existential dimension consists of the joy of total normative commitment—yet, because this is absolute and all-encompassing dedication, it also includes movements of doubt, faintheartedness and sorrow. (Not by chance, a few of these people intended to establish a party called *Orot*—"Lights," as light is perhaps the most tangible of symbols, drawn upon to fill the existential vacuum, spark by spark, and all that has to be done is to gather the sparks, purify sanctity from any defilement, and raise the light back to its source).

26

Additional expressions of this dual structure are: we are in an age of miracles—yet these miracles are empirical facts, they are part of the natural order, of technology and pragmatism; nationality is cosmic to such an extent that it also absorbs and includes individuality, and thus the individual cannot attain his complete personality unless he is part of the social body, of the entire national organism; this is a yearning for greatness, for "the wide open spaces," for penetration into the hidden secrets of the universe—to the extent that every square inch of land, every particle of earth is conceived as being part of the wide universe, and the everyday life conducted at each specific location constitutes an

inseparable part of it.

27

Further, the conquest of the Land also implies conquering the mundane and its refinement: what is at stake is purifying the Land of all alienness, of all impurity—a purgation which is so encompassing and total that it also absorbs the personal self-purification of the individual, and as the purified land is redeemed from the aliens, the purified personality is redeemed from alienness. Paradoxically, political ecstasy is seen as the way in which the settler (*mitnahel*) settles not only his land, but also his mind, and the reality in which we are situated is one of liberation from existential alienation within the Zionist enterprise, now actualized in the concrete political reality.

28

In conclusion, we are presented with a political messianism in which the individual, the people and the land arrive at an organic union, bestowed with absolute holiness. It is based on a metaphysical comprehension of political reality, which is expressed by a conception of the totality of time and place. The danger of this totalistic outlook lies in its leading to a totalitarian conception of political reality—because it leaves neither time nor place for the human and civil rights of the non-Jew.