

Chapter 6

Religion as a Barrier to Compromise in the Israeli-Palestinian Conflict

Yitzhak Reiter⁶⁰

A. Introduction

The significance of religion within ethnic and religious conflicts has risen steadily in recent decades, and especially so within the Israeli-Palestinian conflict. The results of the Six Day War (1967), particularly the conquest of Jerusalem and territories of Greater Israel, inspired a messianic and settlers' movement among religious Zionist Jews in Israel. Following this, the first *Intifada* (1987) turned Hamas, which had represented a social Islamic trend, into a political movement. The settlement ideology of religious Zionism has been reinforced in recent years through the support of the Shas movement and various Ultra-Orthodox and Hasidic groups and individuals. On the Palestinian side, Hamas has achieved a status of influence: victory in the 2006 elections and control of the Gaza Strip. Being a religious movement, Hamas views the problem of Palestine as a religious problem and the conflict with Israel as a religious conflict in two senses: the sanctity of Jerusalem, which graces all of Palestine, and the image of the Jew as inherently evil. Nevertheless, Hamas is prepared, in principle, to accept a temporary ceasefire (Steinberg, 2002). Hamas recognized the power of Palestinian nationalism but found a way to combine it with its own worldview and bridge Islamic identity and national identity through the slogan "love for the homeland derives from [Islamic religious] faith." Hamas understood the will of the Palestinian people to be liberated from the yoke of Israeli occupation rather than wait for the liberation of all of Palestine and, therefore, formulated a phased

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plan with interim goals identical to those of the Palestine Liberation Organization (PLO). Eventually, Hamas plans to take over the PLO through democratic means while taking advantage of its popularity throughout the Palestinian Diaspora and refugee camps. The political discourse on both sides of the Israeli-Palestinian conflict is infused with religious symbols and values that incorporate the sanctity of the land, the religious commandment to control and settle it, the holy sites, and the war, terrorism, and sacrifice undertaken for the sake of these religious ideals. As long as the religious discourse was solely within the purview of a minority, religion did not pose a real barrier to resolution of the conflict. Since the Oslo process (1993) began, however, this discourse has expanded and taken hold even among secular leaders, as well as among members of the public that are not considered religious.

The status and sanctity of the territory in dispute – the Land of Israel/Palestine, including Jerusalem – add a significant religious-cultural aspect to the national conflict. Moreover, the actions of Israeli settlers (such as *Gush Emunim*, “bloc of faithful”) – who are motivated by fundamentalist Jewish ideology (Lustick, 1988; Weisburd, 1989; Gorenberg, 2006) and whose activities the governments of Israel have supported, or at least not taken any significant steps to prevent (with the temporary exception of freezing new construction), for over four decades – also create the impression that the religious aspect (Jewish, in this case) is a central element of the Israeli-Palestinian conflict and poses an obstacle to the achievement of compromise and a solution. As for the other side, the acts of terrorism and resistance that armed Palestinian groups undertake against Israeli targets and citizens of Israel, and their religious perspective of sacrifice and martyrdom (*shahadah*), intensify the religious aspect of the national conflict for the Muslim world and among Palestinians, most of whom are Muslim. Whether the religious values are “exploited” or artificially “recruited” and whether or not they express a real sense of faith, there is no doubt that their very existence makes it much more difficult to find a solution to the conflict and might even frustrate efforts to resolve it. This chapter addresses the question of whether the religious values of Israeli Jews and Palestinian Muslims prevent the possibility of reaching a political agreement between the two sides.

For the purposes of our discussion, a religious barrier occurs when religious values and symbols prevent the possibility of negotiation and compromise towards

resolution of a territorial conflict. Religion is a barrier to conflict resolution when some or all of the following conditions exist within the societies engaged in the conflict:

1. Religious faith-based values sanctify war and the control of holy places and territories and defy negotiation or compromise;
2. A discourse about religious values has spread to the general public – including the secular and those who do not often engage in religious practice – in such a way that religious values and symbols form part of the indisputable social fabric over which members of the public will not be predisposed to negotiate or compromise;
3. The political power of religious movements that adhere to the principles of religion and work to infuse them among the general public is decisive (in its own right, in its ability to tip the scales within a turbulent political system, or in its ability to form broad political coalitions that can block others);
4. Extremist activities, which can frustrate political negotiations by means of assassination or sensationalist acts of terror, are perpetrated by individuals or groups motivated by national religious ideology; and
5. Recruitment of fervently religious “warriors” spreads around the world, beyond the territory in dispute.

Below I will examine whether these five conditions exist within each of the two parties to the Israeli-Palestinian conflict. I will start with a conceptual analysis of the role of religion in ethnic conflicts. Then I will examine religious values that have the potential to clash, as well as the extent of their acceptability within the general public. Following that, I will discuss the political power of movements with national-religious ideologies and their ability to determine or influence the outcomes of decision-making processes, and I will conclude with an analysis of the dangers posed by religious extremists who seek to prevent negotiation or compromise by any means.

B. The Role of Religion in Ethnic and National Conflicts

The modern era of nationalism is mistakenly perceived as the termination of an era of religious wars and the involvement of religious figures in determining the fate of nations and their mutual relations. In modern times it would appear that national sovereignty and concepts of nationalism based on secular values – such as freedom of religion, personal liberties, and the rights of nations to self-determination and sovereignty – have overridden the sovereignty of God. This is, however, a false impression that overlooks an important aspect of the new role of religion within the nationalist perspective. Theoreticians of nationalism have insisted that modern nations “imagine” the artifacts of their identity that are based on cultural heritage (Anderson, 1983). This cultural heritage often includes religion as an important element, or even the central element. The Zionist movement is perhaps a salient example of an ancient people – “the children of Israel” – as a prototype of Hebrew nationality; in the 19th century, the perspective of “national” continuity of the Hebrew/Jewish people was formed (Ben-Israel, 1998). Whether the Jews are an authentic nation, descendants of the ancient Hebrews, or a new nation that developed a myth of ancient continuity (Zand, 2008), there is no doubt that Judaism is a central element of the Zionist identity (Shapira, 2002: 212) and within Israel, which defines itself as a Jewish and democratic state and sees any questioning of its Jewish character (by Israeli Arab leaders and others) as a provocation and a threat to its legitimacy and rule.

The Jewish national movement grew out of a secular school of thought, but from its beginning it included religious movements and parties that saw Zionism as part of their religious mission towards redemption (in contrast to other movements and parties that believed redemption should not be speeded up by human intervention). Moreover, the leaders of the Zionist movement, like Israel’s leaders, used religious symbols to establish national identity (Abu, 2008; Dubinski, 1996; Ravitzky, 1994). A salient example of this is the effort that Zionist secular leader Chaim Weizmann invested, after World War I, to acquire the Western Wall (Reiter & Seligman, 2009).

A similar blending of modern nationalism with religious values (Shenhav, 2007) occurs in Islam as well and prevents secularization of the nationalism (Hefner, 2000). This phenomenon has been described as “religious nationalism,” which aspires to “religionization” of the political culture and an exclusive

focusing of national identity on religion (Friedland, 2001). Most Arab states also define themselves as Muslim states, and some (if not all) of them ascribe much significance to Islamic law – *shari'a* – as a source of legislation. Islam is one of the salient elements of identity among Arabs in the Middle East, including Palestinians.⁶¹

Another indication of religious belief and religion as an element of ethnic and national identity is the characterization of national conflicts as struggles between religious groups. From World War II until the start of the 21st century, a significant portion of territorial conflicts had the characteristics of struggles between groups whose identities were religious. Such conflicts were more violent than conflicts between groups that did not have religious characteristics (Pearce, 2002), and their resolution by agreement or treaty was much more difficult (Svensson, 2007). The Israeli-Arab conflict – which various jihadist groups and the Muslim Brotherhood seek to “Islamicize” (Reiter, 2005) and national-religious Jews work to “Judaize” (Lustick, 1988; Hanauer, 1995) – is not exceptional in this sense. Well-known examples include the Catholic-Protestant divide in Northern Ireland, the Shiite-Sunni split in Iraq and the Middle East generally, the tension between Hindus and Muslims in India and between the latter and Pakistan generally, and over the future of Kashmir specifically, and the war and clashes between Serbia and Bosnia, during which the Christian Orthodox Serbs and the Bosnian Muslims destroyed hundreds of churches and mosques of the other ethno-national group and the identity of Balkan groups was described as “ethno-clericalism” (Perica, 2002). Some of the conflicts in Central Asia (Georgia, Chechnya, Tajikistan) and recently in Nigeria also have a religious slant. Even pacifist religions that do not embody war and violence in their teachings, such as Buddhism and Hinduism, are used as tools for recruiting followers to engage in violence against members of the other religion when there is an ethno-national conflict between religious groups. This is the case with the conflict between Sinhalese Buddhists and Tamil Hindus in Sri Lanka.

Jonathan Fox analyzed the theories that deal with ethnic and national conflicts in which religion is a central factor (Fox, 1999). He classified the theories into

⁶¹ An interesting example of this is the position of Israeli Arab personalities who are not practicing – in the religious sense – and even among Christian Arabs who, after the Al Qsa *Intifada* broke out, said that for them the Al-Qsa Mosque is a symbol of national identity and that protecting it from Israeli takeover justifies a struggle (Luz, 2004).

four principal models and juxtaposed them to an empirical survey of conflicts using the data of Ted Robert Gurr (1993, 2001) on ethnic conflicts. Fox posited four roles that religion can play in a conflict between groups. First, religion provides an ideological framework for understanding the world, and thus a group of believers will use the tools of confrontation to resist any effort to challenge this framework. Secondly, religion defines codes of behavior that link the faithful and their activities to that framework; these codes of behavior will usually be interpreted as instructions to engage in a holy war or confrontation. The third role of religion is to link the individual to an all-encompassing story and at times even to create the institutions that organize and recruit individuals towards realization of these goals. It follows that every group that has a claim against another group can invoke these religious institutions in service of its goals unless the leaders of the religious institutions have a political interest in maintaining the status quo. Finally, religion provides legitimacy for activities and institutions in pursuit of these goals. An empirical examination, according to Fox, indicates that religious frameworks can be used to justify political recruitment even when the source of the conflict is not at all religious. In other words, the history of the ethnic and national conflicts of our time reveals that religion and religious institutions are exploited for political purposes that did not originally have a religious basis. Fox concludes by saying that religion is one of the aspects of ethnicity, although the dominance of the religious element in ethnicity varies from one case to another. Religion becomes a significant element when one of the groups claims the existence of such an element. Thus, for example, in the Bosnian conflict of 1992-1995, Russia supported the Serbs (Christian Orthodox), while Saudi Arabia, Turkey, Iran, and Libya supported the Bosnians (Muslims), not on the grounds of prior interests but because of religious-cultural affiliation. The West refrained from aiding the Bosnian Muslims, but also from condemning the atrocities of the Croats (Catholic).

An examination of the Israeli-Palestinian conflict reveals that Fox's analysis is missing two important aspects of the role of religion in the conflict. The first is the "demarcating" of holy sites and holy spaces and the spreading of the belief that they require the sacrifice of lives, must not be relinquished, and are protected and sacred values not subject to negotiation, concession, or compromise (Tetlock et al., 2000; Ginges et al., 2007; Atran et al., 2007, 2008). The second aspect missing in the above analysis is the potential recruitment of ethno-religious groups

from beyond the region of the dispute (the Muslim world, the Jewish world, and interested groups in the Christian world) that can strengthen or contribute to the national group within the arena of the struggle in the Land of Israel/Palestine. These aspects explain why a population that is mostly secular, whose national identity rather than its religious identity is the salient elements of its nationality, needs the regionalization of the conflict.

We will next examine the weight of religious values in the Israeli-Palestinian conflict and their potential to block the possibility of reconciliation and compromise in accordance with the conditions defined above. First, we will discuss the existence of conflicting religious values between Israeli Jews and Palestinian Muslims on the following issues: the calls for war, terrorism, sacrifice of life, and rejection of negotiation and compromise; the sanctity of the territory and the religious obligation to conquer or liberate it, control it, and settle in it; and the focus of religious faith on holy places, foremost among which is the Temple Mount/Al-Haram Al-Sharif. For each of these three issues, we will examine whether these values are only within the purview of political and religious movements, or whether they have also come within the purview of the secular public. Then we will examine the political power of religious movements and their ability to influence political negotiations or prevent them. Finally, we will explore the potential of extremist acts by fanatic religious individuals and groups to frustrate political negotiations.

C. Parallel and Clashing Religious Values and Their Manifestation in the Israeli-Palestinian Conflict

Judaism and Islam have three central and parallel elements of religious faith that represent conflicting values and are therefore used in specific contexts to reinforce the religious aspect of the Israeli-Palestinian conflict. The first are the laws of war and peace, primarily regarding the question of whether it is permissible to settle a conflict through compromise with members of another religion. The second is related to the status of the territory of the Land of Israel/Palestine and the question of whether control over it must be exclusive or may be shared with members of another nation and religion. The third element is related to the status of Jerusalem and the Temple Mount/Al-Haram Al-Sharif and to the question of

whether any rights may be granted to members of the other religion at this holy site in this holy city.

C.1 War, Peace, and Occupation

In the holy writings of the monotheistic religions and religious faiths generally, one can often find internal contradiction. The laws of war in the Quran are quite reminiscent of the biblical laws of war (Deuteronomy 20:10). The Torah commands the People of Israel to “blot out the remembrance of ‘Amaleq’ in the cruelest way possible (Deuteronomy 25:17) and to fight the seven peoples that were in the Land in order to attain full control.⁶² On the other hand, one can cite the Bible regarding the vision of peace of Isaiah (5:1-5). The question of which of these two approaches will be accepted by religious scholars depends on the historical context and outlook. I will present the opinions of three rabbis, ruling on matters of state, who have opposing opinions regarding resolution of the conflict and territorial compromise. When Rabbi Amos Sharki, who belongs to the national-religious movement,⁶³ was asked whether we have a religious duty to defend the State of Israel from enemies that surround it and to recapture Gaza and Sinai, he replied, “There is a religious duty to conquer all of Greater Israel.”⁶⁴ Rabbi Eliezer Melamed, former head of the *hesder yeshiva* (school for religious study in combination with army service) in Har Bracha (which was at the center of a public controversy in December 2009, after calling on his students and soldiers to refuse orders to assist evacuating illegal Jewish outpost-settlements), addressed the question of a possible compromise and wrote, “in any concession, however small, to the enemy, there is a great danger that the power of deterrence

⁶² In addition, it is a religious duty to fight a defensive war against an enemy that attacks Israel (Maimonides, The Laws of Kings 5:1-2). The People of Israel were forbidden to wage war or conquer lands of nations beyond the Promised Land. Thus, for example, in the book of Deuteronomy, Moses was not permitted to provoke the people of Moab because their land was not part of the heritage promised to the children of Israel (Deuteronomy 2:8-9). In addition, there is permissible war intended to “expand the border of Israel and enhance its greatness and reputation.” Hebrew law from the time of Sanhedrin (from the days of the Second Temple until the year 425) held that the king, when deciding whether to engage in permissible war, must consult with supreme religious legal institution comprising 71 judges – the Sanhedrin.

⁶³ Born in Algeria and raised in France, he immigrated to Israel in 1973 and was among the students of Rabbi Tzvi Yehuda HaCohen Kook and Machon Meir (the Meir Institute). Today he serves as the rabbi of the “Beit Yehuda” congregation in Kiryat Moshe in Jerusalem.

⁶⁴ <http://ravsharki.org/content/view/748/741>.

will be undermined.” Melamed interprets the verse “They shall not dwell in thy land” (Exodus 25:33) as “an obligation to expel the Arabs from the Land.” He is certain that “any agreement [with the Palestinians] based on uprooting Jews from their homes is prohibited.” According to him, withdrawal from the [Palestinian-populated] territories is akin to desecrating the name of the Lord, forbidden under any circumstances – even at the cost of one’s life – because the Arabs are waging a religious war against Israel (“a war by those who hate us against our religion”). Regarding the validity of a government decision on withdrawal from the territories, Melamed is certain that decisions of the government and Knesset are obligatory only with respect to matters of tax payments, traffic regulations, construction, and trade, but not with respect to laws that conflict with the Torah (Melamed, undated). Rabbi Yaakov Zisberg (1996) provides an interpretation that goes even further and sees the Palestinians as ‘Amaleqites who must be uprooted’.⁶⁵ In contrast, there are rabbis who support compromise on the grounds of the religious duty to save lives, fear of war, moral reasons, or so as not to provoke the *goyim* (gentiles). Rabbi Yehuda Amital, one of the founders of the political party Meimad, supported territorial compromise. Rabbi Eliezer Menachem Shach, who was leader of the Lithuanian Ultra-Orthodox, stated after the Six Day War that the territories must be returned if doing so can prevent a war. He was also certain that the *goyim* must not be provoked and that peace and security are matters of state (Brown, 2002: 315).⁶⁶ His basic position did not change, but he opposed leftist governments because of their attitude towards religion. Rabbi Ovadia Yosef ruled in the 1980s that for the sake of saving lives, it is permissible to return territories (see below). It follows from the above that the Jewish religion allows these opposing interpretations.

Classical Islam is reminiscent of the biblical position, although it differs in geographic scope and the intensity of its calls for war against nations that adhere to other faiths. Surah 8 of the Quran has two consecutive verses, 60 and 61, the first

⁶⁵ According to him, the Palestinians of today are the Philistines. Rabbi Shmuel Ben-Meir held that Abraham committed a sin when he sealed an oath with Avimelekh and relinquished the land of the Philistines, which is part of Land of Israel. He was therefore punished, as were his sons over the generations that followed. According to Rabbi Ben-Meir, the religious command “no soul shall reside” holds not only for the seven peoples but for all the peoples that were in the Land of Israel at the time of the conquest, including the Philistines.

⁶⁶ Since 1990, however, he opposed joining a government headed by the Labor party because of the latter’s attitude to religion, not because of its position on peace. Nevertheless, the religious public’s identification with the political right, which had been dormant until then, received legitimacy.

of which calls for war and the second of which says to reach out in peace (Reiter, 2008). Islam does not specifically address a defined territory, as Judaism does with the “promised land.” Rather, it calls for spreading the religion throughout the world by war, among other means. The classic Islamic doctrine holds that Islam is a political entity that is constantly expanding and does not legitimize coexistence with non-Muslim communities unless they accept its protection (if they belong to religions of People of the Book – Christians and Jews, as well as Zoroastrians and Sabians) and if they agree to abide by its political and legal framework.⁶⁷

At the time of Islam’s expansion, legal scholars of Islam defined the non-Muslim world as “the abode of war” (*dar al-harb*), that is, a region that Muslims who belong to “the abode of Islam” (*dar al-Islam*) should fight in order to bring under the rule of Islam, after first calling on the infidels to convert to Islam and, if they do not acquiesce, to convert them by force of the sword. It should be emphasized that this division of the world into two is the interpretation of legal scholars from the early medieval times and does not appear in the Quran or *hadith* (traditions that form part of the *shari’a* and are attributed to the Prophet and his close followers). Despite this, the Hamas Charter (Article 15) defines Palestine as part of *dar al-Islam* that must be liberated through “defensive *jihad*.” The classic doctrine of *jihad* holds that war is an ongoing means that may only be temporarily suspended for purposes of reinforcement towards resumption of fighting when possible. It follows that the Islamic entity cannot *a priori* agree to a permanent peace treaty. Therefore, a pact of non-belligerence or an agreement not to engage in war may only be of a temporary nature and only in circumstances of inferior strength in relation to the enemy camp. If the Muslim ruler concludes that a quick victory over enemies is not achievable, then he may – for the purpose of enabling the Muslims to gather strength and renew the *jihad* later – pursue an agreement with the infidels not to attack (*hudna*), (Reiter, 2008; Herrera & Kerssel, 2009). The answer to the question of when to fight and when to strike a ceasefire or peace agreement is a matter of interpretation, and here too there is a dichotomy between two schools of thought: a radical trend and a pragmatic trend. Commentators from the radical trend support the use of military force and “resistance” in the name of “liberation” of Palestine if political approaches do not work. Pragmatic

⁶⁷ Khadduri, 1995: 60.

commentators rely on historical precedents in which compromise agreements with far-reaching implications were forged with enemies of Islam.

The preamble to the Hamas Charter quotes Sheikh Hassan Al-Banna, a founder of the Muslim Brotherhood: “Israel will rise and will remain erect until Islam eliminates it as it had eliminated its predecessors.” On the other side is Sheikh Jamal Al-Bawatneh, who was the Palestinian *mufti* in 2005 and was later appointed to the position of Palestinian Authority Minister of the *Waqf*. When asked whether it was permissible to disrupt Israel’s disengagement from the Gaza Strip in 2005 through acts of violence or to conduct negotiations over Palestinians territories, his response was, “Although all of Palestine is *Waqf* land, it is permissible to liberate Palestine by negotiations as well.” He added that, “The president of the Palestinian Authority should be respected” (*Haaretz*, 8 August 2005). From the context of his answer, it is clear that the *mufti* supported the position of Mahmoud Abbas and the two-state solution.

Which of these two schools of thought does the general public accept? The historical narrative of most Palestinians sees the Jews as a foreign implant in a land that was always Arab-owned (Reiter, 2008). In addition, *jihad* and *istishhad* (sacrifice of life) serve Hamas and the Palestinian Islamic Jihad, as well as Fatah groups at times, in their confrontation with Israel.⁶⁸ Nevertheless, the actions of the PLO – the organization representing most Palestinians – in signing a Declaration of Principles for Peace with Israel (1993), and of the president of the Palestinian Authority, Mahmoud Abbas, in conducting negotiations on a compromise with Israel, indicate a differentiation between religious faith-based mythology and political pragmatism.

On the Israeli side, the radical interpretation has not penetrated the non-religious-nationalistic public. The notion of a religious war (*milchemet mitzvah*) is not familiar to most Israelis as a concrete concept. Most of the Israeli public, including many on the political right, are prepared to compromise over division of the land between two states – Israel and a Palestinian state. Today (2010) the public debate focuses on the settlements and on mistrust of the Palestinians’ will

⁶⁸ The Palestinians more often use the modern term “*moqawama*” (resistance) to indicate acts of violence (terrorism) against Israel. This term was coined during World War II in the context of the French resistance against the German occupation. The use of this term, borrowed from the lexicon of international relations, is indeed intended to bestow international legitimacy on acts of violence against Israel, but it also indicates an appreciation of political realism.

and ability to compromise and abide by their commitments, rather than on the need to undertake negotiations and make territorial compromises in Judea and Samaria for the sake of a peace agreement.

C.2 The Sanctity of the Land of Greater Israel/Palestine and the Duty to Settle and Exercise Sovereignty over It

A widespread theological outlook among Israeli Jews and Palestinian Muslims holds that the entire Land of Israel/Palestine is a holy land – the “Promised Land” for one side, the Waqf (pious endowment) for the other – and therefore, religious faith forbids conceding any control over the land. From a Jewish perspective, it is even a religious duty to settle in all parts of the land. The concept of the holiness of the land in its entirety derives from two parallel processes – a traditional one and a modern one. The traditional process is based on a conservative reading of holy writings. The modern process is related to the formulation of the right of self-determination in sacred national territory, a formulation that encourages willingness to sacrifice in order to defend the land.

Hedva Ben-Israel has identified the way in which territory comes to be defined as holy as a factor in the formation of nationalism in the modern era, looking at this process as it has taken shape primarily in Europe and in its transition to a perspective that God granted the “national” land to the people or nation (Ben-Israel, 1998). The national land is sanctified through the religion or history of the people and is intertwined with the history of the adherents of this religion. In the Land of Israel/Palestine, the conflict is over territory that was the cradle of Judaism and Christianity and has great significance for Sunni Islam. At least since the Crusader period, the land has been known as the “Holy Land” or “Terra Sancta.”

In present-day religious interpretive discourse, religious and political actors and commentators on Jewish *halacha* and Muslim *shari'a* are influenced by the modern discourse and incorporate the modern concept of “sovereignty” in their commentary (Funk & Said, 2009). As in the matter of religious war, here too we find both conservative-radical and pragmatic approaches on both sides regarding all aspects of the question of sanctity of the territory in dispute in the Land of Israel/Palestine.

The Land of Israel has special status in Jewish writings. The modern term “national territory” appears often in discussions of the link between the children of Israel and the land of Canaan, the name of which was changed to “the Land of Israel.” According to the biblical approach, God is the supreme sovereign over the earth and it is He who delineated the land (Canaan) and promised it to the descendents of Abraham, who are the children of Israel. The Land – the maximal borders of which are in dispute – must be settled and must not be abandoned. The commandment to settle the land is composed of two parts: a general commandment that calls on the whole nation of Israel to conquer and settle the Land of Israel and a personal commandment that obliges each and every person to live in the Land of Israel. There is a dispute in the Gemara (111:2) as to whether this commandment applies today. The source of the commandment to settle the Land of Israel is the verse, “and you shall possess it and dwell in it” (Deuteronomy 11:31), that is, first you possess and then you settle it.

A historical analysis of religious sages’ perspectives on the duty to settle the land reveals a change of interpretation in accordance with changing political developments (Malachi, 1994).⁶⁹ In other words, the commandment to settle the Land depends on historical context. Rabbi Haim Druckman (former Knesset member for *Ma’afdal* – the religious-nationalist party – and later head of the State Conversion Authority) held that the commandment to settle the Land is fulfilled by exercising sovereignty over it, rather than by actual settlement of it. Although he objected to transferring possession of lands to Arabs, Druckman was convinced that those already possessing lands should be allowed to continue holding them, but that new properties must not be sold to them (Sheleg, 2006).

Religious Jews who believe in the Greater Israel rely on the commentaries of Maimonides and Nachmanides. Maimonides added the following saying to the

⁶⁹ The *Tannaim*, sages of the Land of Israel during the second and third centuries, stressed the centrality of the duty to settle the Land of Israel and even saw it as a commandment with the weight of biblical commandments. This was because of the severe crisis that afflicted the Jewish community after the Bar-Kokhva rebellion; the *Tannaim* sought to halt the flow of emigrants from the Land. The *Amora'im*, who lived in the Land during the third and fourth centuries, maintained this approach, but their counterparts in Babylon took a different stance, justifying Babylon’s having replaced the Land of Israel as a spiritual center, which therefore must not be abandoned for the sake of immigration to the Land of Israel. Medieval sages argued that the commandment to settle the Land cannot be fulfilled under foreign rule. Their position was that anyone immigrating to the Land of Israel would likely be punished for disobeying these commandments, and it was therefore forbidden to do so at that time.

commandment to conquer the Land: “We will not abandon it to the other nations or to bareness.” Even so, he did not count the commandment to settle the Land of Israel among the 613 commandments that comprise Mosaic Law because he believed that this commandment is not valid in the Diaspora, where the People are subject to the rule of other nations. In contrast, Nachmanides added the commandment to settle the Land of Israel to the list of those commandments that Maimonides had, in his opinion, unjustifiably neglected (Navon, 2006).⁷⁰

We turn now to interpretations from our times: the radical stance of *Gush Emunim* (“Bloc of the Faithful”) presents a Gordian knot linking five concepts: The God of Israel, the People of Israel, the Torah of Israel, the Land of Israel, and the State of Israel. The land is the Promised Land that must be conquered, settled, and brought under sovereign rule because God promised it to the People of Israel. No part of the Land is more important or holier than any other part. The entire Land is sacred (Weisburd, 1989).⁷¹ Rabbi Yoel Bin-Nun (Alon-Shvut and Ofra) is exceptional among the founders of *Gush Emunim* in having supported attainment of the maximal gains possible during negotiations with the Palestinians and opposing the perspective of “not one step [to be relinquished].” In this spirit he openly called for support for Yitzhak Rabin over Yitzhak Shamir on the eve of the 1992 elections (Sheleg, 2006).

Rabbi Tzvi Yehuda Kook (1891-1982, of the Mercaz HaRav Yeshiva in Jerusalem) was the most salient among religious leaders who proposed a radical

⁷⁰ The differences between these two biblical sages are a result of the historical circumstances under which each one produced his writings. Approximately 70 years separate them; during the days of Maimonides, the Land of Israel was in the hands of Crusaders, whereas Nachmanides was banished from Spain under pressure from Pope Clement IV and spent his final years in the Land of Israel.

⁷¹ The Haredi interpretation is close to the above interpretation (Rakhlevsky, 1998; Greenfield, 2001). The Lubavitch position is interesting. The Lubavitcher Rebbe held that protection of human life requires acceptance of the positions of military leaders regarding anything to do with the fate of the territories captured in 1967. It follows from his words, however, as relayed by Rabbi Eliyahu Taggar, that he was asserting expertise in security matters when he declared that returning the territories would endanger security (http://www.he.chabad.org/library/article_cdo/aid/497495). The heads of Lithuanian *yeshivas* and Hasidic movements (Satmar, Belz) have always adopted a position opposing violence and bloodshed and supporting any activities that reject them, including peace agreements. But there are also non-Zionist Hasidic movements (Gur) for whom the relationship to the Land of Israel and access to holy places are very important, and it is hard to predict what their stance will be if and when a proposal for territorial compromise becomes practicable.

nationalistic interpretation to address the question of the Land of Israel. He held that the Land of Israel is a single organic unity infused with holiness and linked to the People of Israel, and therefore, no one has the right to concede any part of it because it does not belong to any single group (Ravitzky, 1993: 122). His students and followers took his interpretation to further extremes. Rabbi Eliezer Melamed (mentioned above) applied the commandment to settle the land to “the *entire* land in practice” (emphasis added), in accordance with the borders mentioned in God’s promise within the following verse: “To thy seed I have given this land, from the river of Egypt to the great river, the river Perat” (Genesis 15:18).⁷² In his words, “The commandment is not fulfilled by conquest of the Land alone; the second part must be fulfilled: settlement of Greater Israel in practice, in a way that leaves no part barren.... Every Jew living in the Land of Israel participates to some extent in settlement of the Land, which reinforces our national hold on the Land. Those who reside in relatively barren places, such as the Negev or the Arava, are participating more actively in fulfilling the commandment to settle the Land, by which it becomes settled and not abandoned to bareness. Those who settle in Judea and Samaria fulfill an even greater commandment in doing so because this act of settlement makes a twofold contribution, including reinforcement of Israeli rule over places that the Arabs want to usurp from us” (Melamed, undated). Rabbi Mordechai Eliyahu, who was Israel’s chief rabbi during the years 1983-1993 and is highly venerated among the Sephardic national-religious public, issued a religious decree stating that Jews are permitted to pick the olives of their [Arab] neighbors in the territories of Judea and Samaria (*Haaretz*, 25 October 2002).

Rabbi Ovadia Yosef had a different interpretation. In his opinion, Israelis are not obliged to occupy lands over which they do not have full control, despite what Maimonides held, because one cannot do all of what they want to do there. He believes that the commandment to settle the Land cannot be fulfilled in those places where the rule is weak, the foreigners cannot be expelled from their homes and cities, and false religions cannot be expunged (Yosef, 1989).⁷³

⁷² Yehuda Moriel (1977), for example, adds that according to the promise given Joshua (1:3) – “Every place that the sole of your foot shall tread upon, that have I given to you, as I said to Moses” – ownership of the Land depends on the actions of the People, whose foot must tread on every part promised to them by God.

⁷³ Rabbi Shaul Yisraeli, who was head of the Mercaz HaRav Yeshiva, in the 1980s in his book of responsa *Amud HaYemini* provided a detailed answer to the question of why the policy of “not one step” cannot be supported and why residents of Israel cannot be burdened with the responsibility

On the religious left, Prof. Uriel Simon (Meimad political party) drew a distinction between the holiness of the Land at the ceremonial and symbolic level and the applicable significance of this holiness. In his opinion, causing harm to non-Jews living in the Land contradicts the rules of the Torah and therefore is not only forbidden, but also interferes with faith-based living and thus impinges on the holiness of the Land as well (Simon, 1992).

The radical Palestinian interpretation also regards all of the Land of Israel/Palestine as holy. The Hamas Charter asserts the sanctity of the entire land of Palestine because it was conquered by the Prophet Muhammad's followers, who gave their lives in the process. These lands, from the moment they were captured by the Muslim army, became Muslim lands. After being conquered by foreigners, they must be liberated through *jihad*, and it is the personal duty of every Muslim everywhere to act towards this end. Furthermore, the Holy Land contains holy sites, foremost among them the Al-Aqsa Mosque, which is connected to the sacred mosque in Mecca by way of the Prophet Muhammad's Night Journey (Quran 17:1). Article 11 of the Hamas Charter of 1988 holds that all of Palestine is holy *Waqf* land that Allah granted to his believers, and no one has the authority to concede it or any part of it. As I have demonstrated elsewhere, Hamas's argument on this issue is an invention that relies on a (wrong) interpretation of sources (Reiter, 2007). On the day that Yasser Arafat rejected U.S. President Bill Clinton's proposal, during the Camp David peace talks (22 July 2000), the Palestinian Grand Mufti Sheikh Ikrima Sabri issued a religious decree (*fatwa*) according to which it is forbidden for Muslims in Palestine to accept compensation in exchange for land conquered by the Zionists for the establishment of the State of Israel in 1948. The decree states, "Acceptance of compensation for Palestinian lands is akin to the selling of land, and both are completely prohibited by the *shari'a*. Anyone who receives compensation for his property is subject to the *fatwa* of the *ulama* (sages) of Palestine from the 1930s, which utterly prohibits this because the lands of Palestine are not a

of living in a reality of continuous war. In the 1990s he retracted this position (and was among the foremost rabbis opposing the Oslo Accords). He published an article in which he took issue with the ruling of Rabbi Ovadia Yosef (Yisraeli, 1992: 94-106). Rabbi Moshe Zemer of the Movement for Progressive Judaism wrote that peacemaking is the greatest act of courage, more so than possessing all territories of the Land of Israel.

commodity to be exchanged, but holy and blessed *Waqf* land.”⁷⁴ Sabri relied on a *fatwa* from 1935 signed by 249 *ulama*, including *muftis*, *qadis* (judges), and other officials of Palestine, according to which, “These holy lands are the first *qibla* (direction of prayer), the third mosque, the destination of the *isra’* and the *mi’raj* (the Prophet Muhammad’s nighttime journey to the Al-Aqsa Mosque as per the Quran (17:1) and the story of his ascent to Heaven) of your Prophet, and the earth that is drenched with the blood of righteous Muslim warriors and the prophets, holy men, martyrs and righteous forefathers, and every step of these lands embodies all the glorified holy endowment deeds that survived over the generations, and they are what determine the Islamic nature of the Land, for there is no God but Allah and Muhammad is his Messenger. The Holy Land, which embodies all of the above is the deposit (*amana*) of Allah and his Messenger and entails a duty for all Muslims. Therefore, the sale of any piece to the Zionists is a betrayal of Allah and his Messenger and all Muslims, and its [significance] is extinguishment of the light that shines from the Holy Land, and [in addition, such a sale] promotes the expulsion of Muslims from their lands.” An additional *fatwa* directed against land speculators defined the whole territory of Palestine as “a holy Islamic land” (Reiter, 2007). In issuing this *fatwa*, the Mufti Sabri sought to confront the Islamic opposition within Hamas leadership and prevent it from claiming that the Fatah/PLO were trading in Palestinian lands, but had consciously or subconsciously adopted (and spread) the Hamas perspective.

The pragmatic school of thought was heard only after the death of Yasser Arafat and was voiced by Palestinian Mufti Jamal Al-Bawatneh, whose stance was discussed above and who was appointed to this position by Mahmoud Abbas, Arafat’s successor as PLO chairman and head of the Palestinian Authority.

C.3 The Holy Sites in Jerusalem and Foremost Among Them – The Temple Mount/Al-Haram Al-Sharif

The Old City of Jerusalem, particularly the site of the Temple Mount/Al-Haram Al-Sharif (or as it is frequently termed these days, the Al-Aqsa compound), as well as holy sites outside of Jerusalem, such as Rachel’s tomb, Joseph’s tomb

⁷⁴ “Muslim Authorities Reiterate Islamic Stance on Palestine, Jerusalem, Refugees.” (2000). *Palestine Times*, 110, available at <http://www.palestinetimes.net/issue110/index0.htm>.

in Nablus, and the Cave of the Machpela/Al-Masjid Al-Ibrahimi (burial site of Abraham, Isaac, Jacob, Sara, Rebecca, and Leah), are anchors for the national-religious and historical identity of a vast population, which includes people who are not necessarily religious or observant. The February 2010 decision of the Netanyahu government to include Rachel's tomb and the Cave of the Machpela among heritage sites intended for development led to an outbreak of violence and the threat of a religious war on the part of Palestinian leaders. This serves as a practical example of the highly charged nature of holy sites as symbols of religion and nationality. The Old City and the Temple Mount are perceived on both sides of the Israeli-Palestinian conflict as a protected value over which each side claims sovereignty that cannot be relinquished to the other side exclusively, although Israeli representatives did agree to relinquish sovereignty over the Temple Mount at the Bolling talks (December 2000). The proposed compromises being presented these days are suspension of sovereignty, transfer of authority to a third party, and international oversight. The cognitive changes taking place over the course of the last generation on both sides of the conflict are further polarizing the parties' positions on Jerusalem and the holy sites, making the search for a compromise that would be acceptable to the leaders and general public, including the religious and traditional, very difficult.

The first cognitive process taking place on both sides is the formation of a historical ethos that presents control of Jerusalem and the holy sites as a historical right of the national-religious people and as part of its identity. Jews regard Jerusalem in the context of Mount Moriah, site of the near-sacrifice of Isaac, which is associated with the site of the Temple. According to the biblical narrative, King David bought this place from the Jebusites over 3,000 years ago and made it the capital of his Kingdom. For Jews, Jerusalem is the place of residence of the *shekhina* (presence of God) within the First and Second Temples, which were the successive centers of Jewish ritual for approximately 1,000 years and are therefore also the focal point of Jewish experience. The destruction of the Temple on the ninth day of the month of Av has since been a national trauma and a day of fasting. From the perspective of Israeli Jews, one of the names of Jerusalem – “Zion” – is one of the sources of inspiration for Zionism and for the concept of “Return to Zion,” a concept that is stressed in Jewish liturgy.

The Muslim Arabs, on the other hand, associate the antiquity of the Al-Aqsa Mosque with the creation of the world and assert a 5000-year Arab link to Jerusalem, based on the claim that the Jebusites and Canaanites were early Arab tribes. In their view, Jerusalem is the first direction of prayer within Islam, the desired destination of the Prophet Muhammad during his Night Journey mentioned in the Quran (17:1), and the place from which the Prophet ascended to heaven, according to Muslim tradition. From the Palestinian perspective, Al-Quds (“the holy” – Jerusalem) symbolizes the holiness of the entire Land because the “surroundings” of the Al-Aqsa Mosque were blessed by Allah (Quran, 17:1). The traditional story regarding Muhammad’s Journey holds that the Angel Gabriel tied his magical horse, Al-Buraq, to the entrance of the Al-Aqsa Mosque, which Muslims today identify as the site of the Western Wall. As a consequence, Palestinian Muslims argue that the Western Wall, which is also a wall of the Al-Aqsa site, is holy to Muslims. In addition, the grounds (plaza) of the Western Wall are *Waqf* property (consecrated by the 14th century Mughrabi pilgrim Abu Midyan al-Ghawt). According to the Muslims, the Islamic character of Jerusalem derives from a continuous 1,400-year political rule over Al-Quds (excepting 90 years of Crusader rule, between 1099 and 1187), as evidenced by some 1,000 monuments, institutions, and holy sites created by caliphs, sultans, and Muslim rulers of the city (Reiter, 2009).

The second cognitive process, a product of the creation of a national-religious ethos about Jerusalem by both parties to the conflict, is denial by religious Muslims and many others of the historical link of Jews to the Temple Mount, the Western Wall, and the city in general, and on the Jewish side, non-recognition of the importance of Jerusalem to Muslims prior to the emergence of Zionism (Reiter, 2005).

The third cognitive process taking place is the widespread public acceptance of the national-religious ethos and its dissemination among the general public since June 1967. On the Jewish-Israeli side, the Ninth of Av represents the destruction of the Temple and is an optional holiday on the official Israeli work calendar, a day that has increasingly become a chosen holiday among public workplaces. In 1968, the Chief Rabbinate decided to mark the 28th of Iyar as a holiday – “Jerusalem Day” – as did the Knesset, which passed a special law in this regard in 1988. The government of Israel and Municipality of Jerusalem

made “Jerusalem Day” celebrations a national event.⁷⁵ Since the Oslo Accords, more and more rabbis who believe in Greater Israel have permitted entrance to the site of the Temple Mount or rituals around it in demonstration of the Jews’ strong attachment to the site, in contrast to the position of the Chief Rabbinate in 1967. These activities have increased in recent years (Ramon, 1995; Inbari, 2008; Taub & Holander, 2010).

On the Palestinian-Muslim side, the setting of a fire in Al-Aqsa Mosque in August 1969 by a messianic Christian Australian generated the claim that “Al-Aqsa is in danger” because it is held captive by the Zionists and must be liberated through *jihad*. Massive numbers of Muslims visited the Al-Aqsa compound during the month of Ramadan in the 1990s (approximately 400,000 people, according to police reports) because of political motives as well as religious belief in the power of prayer at Al-Aqsa. Since the eruption of the Al-Aqsa *Intifada*, however, entry to the site has been restricted for security reasons, with admittance based on the criteria of age and place of residence. Today the Muslim world is engaged in an intensive discursive and symbolic political ritual surrounding Al-Aqsa and Al-Quds, expressed through special gatherings. Under the heading “Al-Quds Day” or “Al-Aqsa Week,” many mosques throughout the world offer special sermons, thereby infusing the public discourse with an array of writings and speeches. These generate a ritual of admiration and sanctification, blurring the lines between the realms of politics and religion.

These three cognitive processes cause large sectors of the population on both sides – including the secular and traditional – to develop unyielding, inflexible attitudes regarding all aspects of the future of Jerusalem’s Old City and holy sites. Religious values have permeated the non-religious public and have been marketed as a contemporary national ethos, shaping public opinion on every matter relating to negotiation and compromise. Thus, for example, after Yasser Arafat denied

⁷⁵ A state ceremony with state and military leaders attending takes place on this day at the site of Ammunition Hill (a Jordanian fort heroically captured during the Six Day War by IDF soldiers and transformed into a symbol of bravery) to mark the liberation and reunification of Jerusalem in 1967. Later a march takes place in the (western) center of town, followed by a large demonstration at the Mercaz HaRav Yeshiva, the main institution for religious certification of national-religious Zionists. After that, national-religious groups undertake a dancing march with Israel’s flags that begins in the city center, circumscribes the walls of the Old City, and concludes in the square by the Western Wall. On the eve of Jerusalem Day, national-religious synagogues tend to recite the “Hallel” prayer (six psalms recited on festivals, among other occasions).

that the Temple had actually been in Jerusalem, during the second Camp David Summit (July 2000), a public opinion survey showed that only 9% of Jews were willing to agree to exclusive Palestinian sovereignty over the Temple Mount/Al-Haram Al-Sharif, whereas 51% supported exclusive Israeli sovereignty.⁷⁶ This was despite the Israeli government's recognition, in June 1967, of *Waqf* control over the Haram (with certain restrictions). The issues surrounding this holy site were among the principal factors that led to the failure of the second Camp David talks (Ben-Ami, 2004).⁷⁷ Positions on the Palestinian side are even more inflexible. For example, while Yasser Arafat was conducting peace talks at Camp David in July 2000, Palestinian Mufti Ikrima Sabri, who had been appointed by Arafat, wrote, "There is no room for compromise on our right to Jerusalem because our presence there is a decision of God, not a human decision."⁷⁸ A survey of the International Peace Institute, headed by Terje Larsen and assisted by a Palestinian research center, found that 52% of Palestinians in the West Bank (including East Jerusalem) and Gaza Strip opposed a solution to the problem of Jerusalem that would be based on the principle of "Arab neighborhoods for Arabs and Jewish neighborhoods for Jews" (including the Old City) (*Haaretz*, 24 September 2009).

Uncompromising positions on the parts of Israelis and Palestinians regarding holy sites reinforce the arguments of social and political psychology researchers who claim that holy sites such as those in Jerusalem are "protected values" or "sacred values" not subject to concession, negotiation, compromise, or exchange (Tetlock et al., 2000; Ginges et al., 2007; Atran et al., 2007).

The centrality of the Temple Mount/Al-Haram Al-Sharif as a symbol of identity served to increase awareness – among those favoring an end to the conflict – that

⁷⁶ Shragai, N. (2005). "Survey: 91% of Jews are Not Willing to Relinquish the Western Wall for Peace." *Haaretz*, March 10.

⁷⁷ There are also pragmatic positions. In advance of the Camp David Summit, Sephardic Chief Rabbi Bakshi Doron supported a compromise when he wrote, "We must preserve and honor the current sacred status of the holy Temple Mount, known to others as the site of the Al-Aqsa Mosque.... Rather than defile the sanctity of the holy sites through endless fighting and discussion, we must honor and accept the status quo of all holy sites..." (*Haaretz*, 28 June 2000). Prof. Sari Nusseibeh, president of Al-Quds University, though not religious, is well versed in Islamic faith and tradition. At the time, Nusseibeh proposed dividing and sharing Jerusalem between Israel and the Palestinians, while regarding Jerusalem as a global city with two political capitals and a shared overall municipality under international supervision (PASSIA).

⁷⁸ *Al-Isra'*, April-May 2001, 116.

a possible compromise depends on relinquishing sovereignty and exchanging it for a special regime involving international oversight in the heart of the Old City of Jerusalem (Jerusalem Institute, 2000; Bell & Kurtzer, 2009) or, alternatively, division of the Old City so that the Western Wall and Jewish Quarter remain under Israeli control while the Temple Mount and other parts of the Old City (with the possible exception of the Armenian Quarter) come under Palestinian control (Reiter, 2008). The question we will try to clarify below is whether the abovementioned religious values can prevent negotiation and compromise on the problem of Jerusalem in the Israeli-Palestinian conflict.

D. The Influence of Religious Values on Politics

Can the clergy prevent negotiation and political compromise? In order to do so, they must have political power in their own right or as a result of political alliances with other forces over shared interests. Tepe (2008), who studied Islamic political parties in Turkey and Jewish religious political parties in Israel, argues that the popularity of religious parties results from the permeable borders between national, secular values and religious, sacred values. Religious parties can therefore merge relatively easily with secular parties in political alliances, thereby increasing their relative power. The electoral process and governmental coalition-building system in Israel give religious parties decisive power. As for the Palestinian Authority, Hamas has been the ruling body in the Gaza Strip since 2007 and has the ability to prevent the implementation of any agreement that does not accord with its values.

It is difficult to assess the extent to which religious values influence decision makers in the political sphere. First, as we pointed out in the above discussion, religious values regarding territorial issues have permeated the general public. Second, the secular versus religious character of Israeli society is a complex issue. A 2008 survey by the Guttman Institute found that most Israeli Jews (51%) define themselves as secular; 30% define themselves as traditional (with 12% traditional-religious); 10% as religious; and 9% as *Haredi*. A survey of the Central Bureau of Statistics, however, found that 83% of Jews in Israel are at least minimally observant in the religious sense. On the Palestinian side, a survey by Fafo (Institute for Applied International Studies) conducted in 1992 among

Palestinian residents of the West Bank and Gaza Strip found a relatively low level, 20-25%, who define themselves as “secular” (Heiberg & Øvensen, 1993). Researchers claim that religion is a fundamental aspect of Muslim societies – including Palestinian – that affects all areas of Muslims’ lives and cannot be separated from the state (Yadlin, 2006).

The third aspect of the religious/secular duality is the political influence of representatives of the “religious barrier” to resolution of the conflict.

Israel has, on the one hand, a government that is mostly secular. The percentage of religious Knesset members is 25%, and they are split among various political parties. On the other hand, the religious parties carry great weight within the government and thus their positions carry weight, especially that of Shas (11 Knesset seats in the 2009 elections). During the period of the Olmert government and during the coalition negotiations between Shas and Kadima leader Tzipi Livni in November 2008, Shas made its continued participation in the government conditional on there being no negotiations with the Palestinians regarding Jerusalem. This was also their stance in 2009. In the 2009 elections, Shas, most of whose voters are traditional and *Haredi*, was an important player in the coalition government; after these elections it changed its internal guidelines, joined the World Zionist Organization, and affiliated itself with the World Likud Movement (*Haaretz*, 19 January 2010). The ideological radicalization of Shas regarding the conflict’s issues occurred in part because a significant portion of Shas voters live in West Bank settlements today (Avirma Golan, “It’s Not Ishai,” *Haaretz*, 10 June 2009) and apparently also because the religious, traditional, and Sephardic public has right-wing positions resulting from religious values and ethnic impressions. It follows that the influence of ideological religious players is much greater than their relative power because of the political system of coalition-building as practiced in Israel. It also follows that economic interests (cheap and available housing beyond the Green Line) therefore contribute to changes in political and ideological positions within the *Haredi* population.

On the Palestinian side, Abu Mazen (Mahmoud Abbas, “the secular”) of Fatah won a 62% majority during the January 2005 elections to Palestinian Authority presidency, but Hamas had not put forward its own representative during these elections. In the January 2006 elections to the Palestinian Legislative Council, however, Hamas earned 42.9% of the votes and a 56% majority of Council seats.

Later Hamas won the position of presidency of the Palestinian unity government. After taking the Gaza Strip over by force, Hamas today has enough power to set the political agenda in those areas that it controls. A September 2009 survey conducted by the International Peace Institute found that 45% of Palestinians expressed support for Fatah, as opposed to only 24% who supported Hamas, and that 52% supported Abu Mazen for president, 22% supported Ismail Haniyeh, and the rest were undecided. The survey also found that 55% of Palestinians supported a two-state solution, but their specific responses regarding this solution indicate a substantive gap between the Palestinian and Israeli positions on the issues of Jerusalem and the refugees (*Haaretz*, 24 September 2009).

Religious personalities, when they comprise part of the security forces, are able to influence the political process. On the Palestinian side, the military forces in the Gaza Strip are completely under Hamas control, whereas the current (2010) security apparatus in the West Bank is under Fatah control. In Israel, the number of representatives of religious Zionism in IDF fighting units, positions of command, personnel, and the Military Rabbinate is indeed small but is visibly rising, and the proportion of national religious within elite units of the IDF is greater than within the general population. At the end of the 1990s, some 30% of non-commissioned officers and petty officers were observant and identified with the national-religious stream, as were 11% of flight school graduates (while the percentage of graduates from *kibbutzim* dropped from 19% to 12%). In 1999 there were one major-general and five brigadier-generals from the religiously observant community in the General Staff (out of a total of 40 within the IDF) (Cohen, 2002: 237-8). During the “Cast Lead” operation (December 2008 – January 2009), this group stood out among the fighters, as did the motivational influence of the Military Rabbinate, whose representatives used radical religious discourse when addressing soldiers in the field (*Haaretz*, 26 January 2009). This is only one example of the growing influence of the national religious on the conflict. We can also mention the fifty *hesder* yeshivas, which have thousands of students from the national-religious movement serving in the IDF within each graduating class. The students are infused with the radical interpretation of religious and Zionist values, and some of their rabbis have even expressed support for those who refuse to follow orders to vacate settlements.

The influential power of religious representatives in the Israeli-Palestinian conflict is not unequivocal and is subject to change. Although religious parties (particularly Shas) are an important cornerstone in the formation of government coalitions, it is not clear how much of a “barrier” they pose to a peace agreement. Doron and Rosenthal (2009) argue that political parties representing the settlers (the extreme right) did not succeed in “tipping the scales” of coalitions, and thus their exercise of political power did not usually enable them to redirect policies and resources towards their own ends. Yet these researchers did not take into account all of the religious parties and their supporters, who have a decisive “swinging” role in Israeli politics. Past public opinion surveys have found a clear majority of Israeli Jews who support forging a peace agreement with the Palestinians on the basis of the formula of two states for two people, thereby granting leaders the freedom to negotiate. Erosion of the Jewish majority supporting an arrangement with the Palestinians, as reflected in the outcome of the 2009 Knesset elections, was not the result of “religious” factors but primarily of security considerations and loss of confidence in the intentions of the Palestinian side (the split within the Palestinian Authority, the continuation of terrorist acts emanating from Gaza, and uncertainty regarding the Palestinian ability to implement an agreement, if signed). Yet shortly after the elections, Benjamin Netanyahu was compelled to accept the two-state formula after being pressured by the U.S. president. On the Palestinian side, the president of the Palestinian Authority had significant freedom of maneuverability during the Annapolis process in 2008. Religious movements do not prevent the process of negotiations, but the possibility of religious values influencing both the outcome of negotiations and the chances of implementing an agreement, if and when the parties achieve one, cannot be dismissed.

E. Terrorism and Assassination on Religious Grounds as Barriers to Negotiation and Compromise

Religious extremists can frustrate political negotiation and compromise processes by means of provocation and terrorism as well as, in extreme cases, political assassination. The salient examples of political assassination on religious and ideological grounds in the context of political compromise are the assassinations of Egyptian President Anwar Sadat in 1981 by a jihadist group operating on the

basis of a religious manifesto (Jansen, 1986) and the assassination of Israeli Prime Minister Yitzhak Rabin in 1995 by an orthodox religious man operating on the basis of a religious decree (“the law of the pursuer” – permitting extrajudicial killings) provided to him by rabbis (Karpin & Friedman, 1999; Ben-Yehuda, 2004; Sheleg, 2006).

Political assassination based on religious values is liable to repeat itself. In March 2008, Rabbi Hershel Schachter, head of the rabbinical seminary at Yeshiva University in New York, was quoted as saying, “If the government of Israel indeed concedes Jerusalem, then the prime minister should be shot.” After the publication of these words, Rabbi Schachter issued an apology and expressed regret for his statement (*Haaretz* 9 March 2008). In early 2010, Ehud Barak, then defense minister in Netanyahu’s government, received letters with death threats following his strict enforcement of a freeze on settlement construction in Judea and Samaria. Political assassination is even more likely on the Palestinian side. In recent years it was revealed that Hamas had intended to assassinate the president of the Palestinian Authority, Mahmoud Abbas, using a booby-trapped tunnel that had been dug under the route of his commute.

A second type of violence used to undermine political negotiations is terrorism motivated by religious ideology and, in particular, attacks on sacred symbols of identity and holy sites. Examples include the following: many actions of Hamas and the Islamic Jihad, including the murder of Hebron *yeshiva* students as they were exiting from prayers (1980), and a murderous assault on the Mercaz HaRav Yeshiva in Jerusalem in 2008; the Jewish Underground’s plan to blow up the Dome of the Rock and Al-Aqsa Mosque in the 1980s (which received the authorization of three rabbis);⁷⁹ the attack on the Islamic College in Hebron in 1986; and the murder of worshippers at the Ibrahimi Mosque (the Muslim site within the Cave of the Patriarchs) in Hebron in February 1994. These acts intensify hostility towards the other side among moderates as well, and that is the source of their negative effect on resolution of the conflict (Hanauer, 1995). Terrorism leads to calls for revenge and acts of vengeance on both sides.⁸⁰

⁷⁹ Shragai, N. “We Have Authorization to Demolish It; What Does the Rabbi Think?” *Haaretz*, <http://www.haaretz.co.il/hasite/pages/ShArt.jhtml?more=1&itemNo=865572&contrassID=2&subContrassID=4&sbSubContrassID=0> (Hebrew).

⁸⁰ For example, following the attack against Mercaz HaRav Yeshiva in Jerusalem (2008), several rabbis called for revenge. Rabbi Israel Rosen, head of the Tzomet Institute, declared that the

Religious leaders also intervene with the political process through the indoctrination of military forces on both sides. On the Palestinian side, defense of Al-Aqsa is an inalienable asset of Fatah, not only of the Islamic movements (Frisch, 2006). On the Israeli side, religious intervention is expressed through the calls of senior clergy to IDF soldiers, especially to national-religious ones, to refuse military orders to vacate settlers. These calls triggered counter-reactions of moderate religious leaders, who declared that rabbis should not be obeyed as authorities on matters of state (interview with Prof. Moshe Kaveh, president of Bar-Ilan University, *Haaretz* supplement, 23 September 2005).⁸¹

In sum, religious fanaticism on the part of individuals and groups can aggravate conflict and escalate violence. Likewise, sensationalist terrorist acts focused on symbols of religion and identity, as well as political assassinations of moderate leaders by ideological religious extremists, can delay negotiations and frustrate compromise.

Palestinians are the ‘Amaleqites of our generation (meaning that they must be uprooted). The Rabbi of Safed, Shmuel Eliyahu, and Rabbi Dov Lior shared this view. An entity called “New Sanhedrin” published a call for personal revenge by Jews because the government was not fulfilling its obligation (*Haaretz*, 23 March 2008). Rabbi Daniel Shilo, who at the time headed the Council of Rabbis of Judea, Samaria, and Gaza, called for government revenge against those who had sent the murderers. The rabbis’ proclamation was also signed by Rabbi Yosef; Rabbi Daniel Stavski; Rabbi Yitzhak Shapira of Yitzhar; Rabbi David Druckman of the “*Pikuakh Nefesh*” (saving of life) rabbis; Rabbi Ido Elba, who was sentenced to imprisonment for racial incitement; Rabbi Gadi Ben Zimra, head of the ulpana in Ma’ale-Levona; Rabbi Shmuel Yaniv; Rabbi Uzi Sharbat of Hebron, who participated in the murder at the Islamic College in Hebron; Rabbi Yigal Shadorfi of Nahliel; and Rabbi Yehuda Kreuzer, head of the Yeshiva of the Jewish Idea and identified with “Kach.” There were also rabbis who expressed opposition to this stance, such as Rabbi Elazar Aharonson, head of the *hesder* yeshiva in Holon. (Shragai, N. & Etinger, Y. (2008). “Rabbis and Right-Wing Organizations Published Calls for Revenge and Attacks Against Families of the Terrorist.” *Haaretz*, March 13; Shragai, N. (2008). “From Babe to Nursing Infant?” *Haaretz*, March 25.) The editorial board of *Haaretz* published an editorial opposing “rabbinical *fatwas*” on 21 March 2008.

⁸¹ A few months prior to the assassination of Prime Minister Yitzhak Rabin, a group of 15 rabbis from the national-religious camp (four of whom were linked to *hesder* yeshivas) publicly called on soldiers to refuse any order to dismantle Jewish settlements in the Land of Israel (*Hatzofeh*, 23 June 1995, cited in Cohen, 2002: 237-238). It is appropriate to note here that one of the rabbis (Menachem Felix) described the Rabin government as “a government that rules by grace of Israel’s haters,” referring to Arab Knesset members (Ravitzky, 2002: 266).

F. Summary and Recommendations for Neutralizing the Barrier Effect of Religious Values and Extremists

The Israeli and Palestinian public arenas are not infrequently influenced by values and ideas that originate in the national-religious sector and are guided by actors from that sector. A clear link and a mutual influence that cannot be dismissed exist between the individual's attitude towards religion and the formation of his political views generally and in relation to a solution to the conflict specifically. For this reason, religious values and the political players who represent them have significant potential to prevent the possibility of resolution of the Israeli-Palestinian conflict. This results primarily from the framing of Jerusalem and the Temple Mount/Al-Haram Al-Sharif as a key and symbolic focal point in the sense of a "protected value" over which the general public on each side of the conflict refuses to compromise. The "barrier" potential is based on a number of capabilities, as discussed in this chapter:

1. Success in infusing the general public, which does not define itself as "religious," with religious values as symbols of their national identity;
2. The significant political power of political religious movements, such as Hamas (on the Palestinian side) and religious political parties, which can increase their power by merging with governmental coalitions and military forces and by forging alliances with other political forces (on the Israeli side); and
3. The use of terrorism by fanatic religious actors.

The status of religious values and the potential influence of religious actors are more salient in Palestinian society than in Israeli society because the former is less secular and because of the power of Hamas, which rests on military strength and widespread public support.

One of the ways to circumvent the principal religious-value-based obstacle – Jerusalem and the Temple Mount/Al-Haram Al-Sharif – is through temporary (not permanent) arrangements that would include a special regime in the Old City and nearby surroundings, with international oversight. These arrangements would be based on the situation existing since 1967 (sometimes described as the "status quo"), in which Al-Haram Al-Sharif/Temple Mount is under *Waqf* control

(but non-Muslim visitors may enter at designated times), but the Western Wall is under Israeli control. This sort of temporary arrangement would allow the leadership on both sides greater flexibility because they would not be accused of historic concession of essential long-term interests or of trading protected and sacred values. This temporary arrangement might be extended in the event that the parties cannot reach a permanent compromise. This formula could be acceptable to the secular leadership on both sides and could overcome the obstacles posed by religious players but only if political circumstances within both Palestinian and Israeli societies make it possible for moderate, non-religious actors to win an electoral majority and form a government. The moderate Palestinian side could accept such a temporary arrangement because this is actually the system that currently governs Al-Haram Al-Sharif in practice.

There are those who believe that the clergy must be involved in managing and resolving territorial disputes with a religious dimension. According to this view, religious leaders can re-delineate the sacredness of spaces within the conflict, just as they had provided uncompromising commentary on political problems earlier (Funk & Said, 2009: 269; Hassner, 2009). This is a complex issue because radical leaders do not tend to change their position, which derives from a theological as well as political perspective. Nevertheless, moderate religious leaders have an important role to play even if the public that supports them directly is not particularly large in number. They can provide moderate commentary on religious sources with respect to problems linked to the national and territorial conflict, and they can pave the way to compromise using religious sources. Their influence as moderate commentators will not sway the national-religious public but will primarily affect traditional or more moderate religious populations, and these constitute a large group in both Israeli and Palestinian societies. Given that a significant portion of both societies base their opinions on a range of considerations, moderate clerical leaders have the potential to remove emotionally charged elements from religious values and provide an alternative religious interpretation to that of radical rabbis and sheikhs. In a war over the hearts and minds of the public, moderate and alternative interpretations have an important role to play in recruiting support for an agreement based on compromise. Moderate religious leaders can weaken religiously-based opposition to compromise by isolating extremist circles on both sides and stressing that the latter's commentary on religious sources is akin to the "time of the desert" and has

not progressed with time. Their role is to provide public relations services to the secular, traditional, moderately religious (including some *Haredi* within Israel's Jewish society), and general public. Governments and organizations interested in compromise can use the media to highlight the interpretive commentary of moderate rabbis and sheikhs. Governments have tremendous potential to market moderate and peace-oriented religious commentary, but for some reason they have not yet been particularly interested in doing so.

Another way to neutralize the harmful influence of those who represent uncompromising positions is through proactive and strict enforcement of the laws against the use of religious texts and values for the purpose of inciting violence. The imprisonment of Sheikh Ra'id Salah (Head of the Northern Islamic Movement) in Israel in 2010 for activities carried out in 2007 in the Mughrabi Ramp incident is an example of measures that governments can take against clergy who incite the public (he was sentenced to nine months of imprisonment following his trial). If those with the power to enforce the law would take action to prosecute clergy who inflame the public, and if every indictment were accompanied by an expert opinion explaining how extremist statements provide a "near certainty" of violence and bloodshed, then there would be a high likelihood of instigators being found guilty and accountable for their deeds.

In conclusion, we note that demographic data indicate that the natural growth rate of religious groups is high, and their political power is therefore likely to increase substantially. This means that as long as the process of conflict resolution is postponed, religious values will have an increasingly greater potential to prevent the possible resolution of the conflict through peace and compromise.

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