

Leap of Faith: Israel's National Religious and the Israeli- Palestinian Conflict

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Table of Contents

Executive Summary.....	i
Recommendations.....	iv
I. Introduction	1
II. Religious Zionism: From Ascendance to Fragmentation	5
A. 1973: A Turning Point.....	5
B. 1980s and 1990s: Polarisation.....	7
C. The Gaza Disengagement and its Aftermath.....	11
III. Settling the Land	14
A. Bargaining with the State: The Kookists	15
B. Defying the State: The Hilltop Youth	17
IV. From the Hills to the State	22
A. Entering State Institutions: The IDF and Beyond.....	22
B. Joining the Likud.....	23
C. Reawakening the National Religious Party	27
V. “Settling in Hearts”.....	31
VI. The National Religious and the Israeli- Palestinian Conflict.....	33
A. Annexation: The National-Religious Alternative	33
B. The National Religious and the Two-State Solution	37
1. Addressing national religious core interests.....	38
2. Consultation and Ratification	41
3. Carefully preparing an evacuation	43
VII. Conclusion	45
APPENDICES	
A. Map of Israel.....	46
B. Map of Israeli Regional Councils in the Occupied Territories.....	47
C. Glossary	48
D. About the International Crisis Group	49
E. Crisis Group Reports and Briefings on the Middle East and North Africa since 2010 ...	50
F. Crisis Group Board of Trustees	52

Executive Summary

Although the landscape of Israeli-Palestinian peacemaking might bear resemblance to that of a decade past, one change is unmistakable: the right is stronger within Israel and the national religious are stronger within the right. This has consequences, some already felt, whether in politics (the rise of Naftali Bennett's Jewish Home); negotiations (Prime Minister Netanyahu's commitment to submit any putative agreement to a popular referendum); or on the ground (the rise in confrontational tactics among some young West Bank settlers). Adjusting to this reality means neither ignoring the national-religious agenda nor surrendering to it. It means acknowledging its importance and understanding ideological nuances within it. If the goal is a peace agreement that garners maximum legitimacy, including among the national religious, attention will have to be paid to the substance of the deal, the way in which it is ratified and eventually implemented.

Born in the early twentieth century, the national-religious movement represents the pairing of religion with modern political Zionism. In contrast to many religious Jews, its adherents – and notably followers of Rabbi Avraham Yitzhak HaCohen Kook, the first chief rabbi of the pre-1948 Jewish community in Mandatory Palestine – saw the emergence of a Jewish state, even a secular one, as a step in God's plan. Kookists, by far the most influential among the national religious when it comes to devising policy toward the West Bank, hold the view that full redemption will come only when the entire People of Israel live in the Land of Israel under full Jewish sovereignty. Settlement construction, it follows, forms an intrinsic part of their project.

On the face of it, these have been good years for the national religious. They enjoy unprecedented clout. Their numbers, roughly 6 to 8 per cent of the population, belie their outsized political influence. The Kookist stream in particular has invested in state institutions to mould them from within. Bennett's party registered an impressive electoral showing. The governing Likud itself increasingly is shaped by the deliberate influx of national-religious members, which helped squeeze out more liberal voices from the party's upper echelons. Kookists, again, have launched assertive campaigns to win the public's hearts and minds. All in all, they have encountered success in shaping the national agenda, whether on domestic issues or in relations with the Palestinians.

But these have been lean years as well. The greatest setback came with the 2005 disengagement from Gaza and parts of the northern West Bank, which the national religious were signally unable to prevent. The humiliating defeat had momentous consequences. It highlighted inherent tensions between the tasks of defending the Land of Israel, preserving the unity of its people and respecting the decisions of its state. In so doing, it exacerbated internal divisions over whether and to what extent one should respect – or resist – state decisions that run counter to core national-religious beliefs. The disengagement gave rise to a small albeit significant group of more radical, oftentimes violent and generally youthful settlers that condemns its elders' purported sell-out. In this sense, the effort to amass power within state bodies and mainstream political parties coupled with public campaigns to convince others of the wisdom of its positions are signs of a national-religious camp both in full swing and in crisis – one that increasingly must choose between broader influence and ideological purity.

In the view of the international community and others invested in the peace process, the national religious constitute a powerful obstacle to peacemaking. Their current electoral strength and influence in state institutions – and now within the governing coalition – are unprecedented. Their admixture of religion and politics vexes those whose sense of politics and negotiation are based in the here-and-now. What is perceived as their maximalist demands – seen by many as tantamount to a call for Palestinian surrender – and doctrinally-dictated inflexibility make them seem implacable and unwilling to compromise. Once this group was in opposition to the Israeli government because of what it saw as foot-dragging over settlement activity; later, as momentum gathered behind a two-state solution, it was cast as a spoiler; today its representatives sit around the cabinet table. What hope then for peace?

Yet viewed from within the national-religious community, the picture looks quite different. While outsiders see them as united and powerful, they themselves are acutely aware of their internal fragmentation and of having failed to convince non-observant Israeli Jews to put an end to the Oslo process. Indeed, with the disengagement followed by Prime Minister Benjamin Netanyahu's imposition of a (partial) ten-month settlement construction freeze and acceptance, albeit conditional, of a two-state solution, it sometimes seems to them that the partition of the Land of Israel is all but a done deal. National-religious figures enjoyed electoral success in 2013, but large parts of their constituency now are realising this resulted from putting forward a pragmatic face regarding matters of religion and state and allying with avowedly secular forces.

Moreover their community is not monolithic. Quite to the contrary: while all parts of it evince a strong commitment to the Land of Israel, they differ on fundamental theological, social and political issues and are beset by a sense of fragmentation. Their feeling of vulnerability has compelled some of their leading figures to revise long-held views concerning what a political end-game might look like and, for the first time, put forward concrete ideas for getting there. These, which often include full or large-scale annexation of the West Bank, are far from acceptable to the international community – much less to Palestinians – but given that they resonate with a wide swathe of Israelis, beyond the confines of the national religious community, they demand some consideration. What is more, Kookists exhibit strong deference to decisions backed by a Jewish majority and equally strong hostility to forceful resistance to the state – doctrinal elements that could prove highly relevant in the event of a breakthrough with Palestinians.

Most of all, this paradox – a national-religious camp that looks almighty from the outside yet is riven by doubt on the inside – invites reconsideration of a peace process principally advanced by the Israeli left and centre and premised on the exclusion of the religious right. If the national religious often have played the spoiler, it is no small part because their concerns have been neglected. But given that they largely shaped the conflict on the ground and now are in a position to shape its future, continuing this approach could be self-defeating. Several questions need to be asked: Are there ways to encourage Palestinian recognition of the historic link between Judaism and the Jewish people to the land between the Jordan River and the Mediterranean Sea? Can a peace agreement include visitation rights to holy sites and residency rights to some settlers in a future State of Palestine? Is it worth putting a deal to a referendum to bolster legitimacy among the national religious? Can the evacuation of settlements

be managed in a way that – unlike the Gaza precedent – is experienced by the national religious as less of a shameful defeat?

Many national religious demands undoubtedly are incompatible with those of other Israelis or of Palestinians. But one ought not rule all of them out until they are further identified, explored and engaged. In the end, the best-case scenario likely will be that parts of the national-religious community get behind a two-state agreement. At a minimum, the goal ought to be to ensure that a majority among them acquiesce in an agreement of which they do not approve but whose legitimacy they will not contest.

Recommendations

To ensure parts of Israel's national-religious community can be properly integrated in the search for and achievement of a two-state solution

To the government of Israel:

1. Convene an internal dialogue about the place of religion in peacemaking that includes religious leaders of all Jewish currents, including the national religious.
2. Prevent erosion of the rule of law vis-à-vis religiously-motivated violence by, inter alia:
 - a) boosting law enforcement efforts against religiously-motivated attacks on Palestinians and places of worship; and
 - b) subjecting religious writings to state laws on incitement to racism.

To the Palestinian Authority and the Palestine Liberation Organisation:

3. Recognise Judaism's historical ties to Palestine/the Land of Israel as the land of the three monotheistic religions, as was done in the PLO's 1988 Palestinian Declaration of Independence.
4. Refrain from denying Jewish history, including the existence of the Temple, and condemn such denials when they occur from their ranks.

To Israel's national-religious leadership:

5. Agree to abide by the results of a national referendum on a putative Israeli-Palestinian agreement.
6. Refrain from denying Palestinian national identity, history and attachment to Palestine/the Land of Israel and condemn such denials when they occur from their ranks.

To include national religious core interests in peace negotiations leading to a two-state solution

To the government of Israel:

7. Make clear that any putative agreement will be submitted to a popular referendum.
8. Initiate a dialogue with national-religious Israelis on rules of the game in the case of an eventual settlement evacuation.
9. Consider, as part of an eventual agreement, a gradual process of settlement withdrawal during which the state would provide settlements slated for evacuation only with critical services while alternative communal housing is offered to settlers relocating to Israel proper or to areas designed for annexation.

To the negotiating parties:

10. Consider, in direct negotiations or informal track II discussions, whether and how to take into account core national-religious interests in a final agreement including, inter alia:
 - a) mutual recognition of the historical links between Islam and Judaism and of both people's linkage to the land between the Jordan River and Mediterranean sea;
 - b) worship arrangements for Jews at holy sites not under Israeli sovereignty under agreed procedures;
 - c) the possibility of some settlements remaining, by agreement, under a sovereign State of Palestine;

To states and organisations funding track II initiatives:

11. Support Jewish-Muslim inter-religious dialogue on political issues related to the peace negotiations.
12. Fund track II dialogue with a focus on encouraging national-religious inclusion in a two-state peace process.

Jerusalem/Brussels, 21 November 2013

Leap of Faith: Israel's National Religious and the Israeli-Palestinian Conflict

I. Introduction

Israel's national-religious Jews,¹ who comprise 6 to 8 per cent of the population,² have gained significant political clout in recent years. The 2013 elections brought twenty national-religious representatives into the Knesset (out of a total of 120, and up from thirteen) and saw two national-religious parties (Tkuma and Jewish Home) uniting into one (Jewish Home), which grew from a total of seven to a combined twelve seats. Nearly all Zionist parties represented in the Knesset now include national-religious Knesset members (MKs).³ Within the cabinet there are four national-religious ministers (out of a total of 22) and four national-religious deputy ministers (out of eight).⁴

Politically, they evince right-wing tendencies and a strong sense of loyalty to the state. Sociologically and sartorially, they are distinctive; with men covering their heads with knitted skullcaps and women with coloured headscarves, they constitute what a religious leader called a self-conscious “public in uniform”,⁵ promoting and attending their own religious institutions, including schools, yeshivas (Jewish religious schools), youth movements and synagogues. Their community, however, is far from politically or even culturally homogenous.⁶ No small percentage would support a two-state agreement with the Palestinians under certain conditions.⁷ Some vote for

¹ Also known as “religious Zionists” or “the knitted skullcaps” (*kipot srugot*), national-religious Jews seek to live according to Jewish religious law (*Halacha*) and its orthodox interpretation, without cutting themselves off from mainstream (secular) culture as ultra-orthodox Jews do.

² Based on analysis of polls (by the Israeli Central Bureau of Statistics and the Guttman Institute) and Knesset voting patterns, sociologist Oz Almog estimates there are some 600,000 religious Zionists in Israel (10 per cent of the Jewish population) and that an additional 200,000 (slightly more than 3 per cent of the Jewish population) make up “a broader demographic belt”, composed primarily of formerly observant national-religious Jews. Oz Almog, “Limits and Dimensions of the National Religious Population: A Small Minority Whose Dimensions are a Mystery” (Hebrew), *Anashim Israel* (www.peopleil.org), 1 January 2011. Exact figures do not exist because Israel's Central Bureau of Statistics asks Jewish census respondents to classify themselves in one of four categories, none of which corresponds to religious Zionism: ultra-orthodox (9 per cent), religious (9 per cent), traditional (38 per cent) and non-religious/secular (43 per cent). “Statistical Abstract of Israel 2012”, CBS, p. 350.

³ Eleven of Jewish Home's twelve Knesset members are national religious. So are six of right-wing Likud-Beitenu's, two of centrist Yesh Atid's and one of centrist Hatnua's. In addition, there are five MKs who no longer are observant but were educated in national-religious institutes. Tomer Niv, “Told you so: a third of the 19th knesset is religious”, *Srugim* [national religious Hebrew website].

⁴ These are Housing and Construction Minister Uri Ariel; Religious Services, Industry, Trade, and Labour Minister Naftali Bennett; Senior Citizens Minister Uri Orbach; and Education Minister Shai Piron.

⁵ Crisis Group interview, Israel Harel, Gush Emunim co-founder, 28 June 2012.

⁶ “It is no longer possible to talk of ‘Religious Zionism’. There are ‘Religious Zionisms’”. Crisis Group interview, Prof. Asher Cohen, Religious Zionism expert, Modiin (near Tel Aviv), January 2013.

⁷ While polling data is often inconclusive, two recent polls echo Crisis Group research on the matter. A poll commissioned by the Washington-based S. Daniel Abraham Center for Middle East Peace found 53 per cent of Jewish Home voters would support a two-state agreement based on the 1967

parties in the centre of the political spectrum.⁸ Long-held consensus positions on the status of women and approaches to religious teaching are beginning to unravel in what traditionally has been, and in many ways remains, a conservative culture.

Their relatively limited numbers notwithstanding, the national religious may well pose the biggest challenge in Israel to the two-state solution. Whereas ultra-orthodoxy took root under non-Jewish rule in small Jewish communities in Europe – conditions that bred a typically passive, minoritarian, diasporic orientation⁹ – religious Zionism was born and flourished as Jews sought and exercised sovereignty in the Holy Land. Their theology emphasises the sacredness of the State of Israel, a central element of their religious identity and practice. A prominent and influential subset of religious Zionists – roughly one third to one half of the total¹⁰ – insists that the State of Israel's territory should correspond precisely to that of the Land of Israel (in its contemporary definition as the land between the Jordan River and Mediterranean Sea). This appears distinctly incompatible with a two-state solution. Concerns about national-religious soldiers disobeying orders, and national-religious settlers using violence, to obstruct the implementation of a putative two-state agreement further feed this sense of potential conflict.

Religious Zionism was born in the early twentieth century with the founding of the political party HaMizrachi (a Hebrew abbreviation for “Spiritual Centre”). Its initial motivation was pragmatic: creating a Jewish nation-state as an answer to European anti-Semitism. The doctrinal underpinnings of this stream's messianism crystallised when Rabbi Avraham Yitzhak HaCohen Kook – the first chief rabbi of the *Yishuv*, the pre-1948 Jewish community in Palestine – argued that the Jewish national movement was a divine agent, a step in God's plan for redemption.¹¹ This established the theological grounds for the now century-old cooperation between the religious and secular wings of the Zionist movement.¹²

Kook's followers – referred to by academics and pundits as “Kookists” – believe full redemption will come only when the entire People of Israel come to live in the Land of Israel under Jewish sovereignty. They believe it is up to them to be proactive in this

lines with land exchanges of equal sizes, a partition of Jerusalem according to the Clinton Parameters (Jewish neighbourhoods falling under Israeli sovereignty and Arab neighbourhoods becoming part of the Palestinian state) and Israel retaining the large so-called settlement blocks. Barak Ravid, “Poll: Most rightist Israelis would support Palestinian state, dividing Jerusalem”, *Haaretz*, 31 December 2012. According to a December 2012 poll commissioned by the pro-two state organisation Blue and White Future, 24 per cent of those intending to vote for the Jewish Home party supported the principle of “two states for two peoples”. www.bluewhitefuture.org.il/wp-content/uploads/2012/12/poll-bwf.pdf.

⁸ Crisis Group interview, Prof. Asher Cohen, Religious Zionism expert, Modiin, January 2013.

⁹ Ultra-orthodox Jews traditionally believe that modern Jewish statehood should come only upon the arrival of the messiah and that working to bring about a state before that time is a transgression of Jewish law.

¹⁰ Rabbi Yuval Sherlo estimated that over 30 per cent of religious Zionists belong to currents explicitly following a redemptory theology that sanctifies the State of Israel while another 35 per cent is deeply marked by this approach even if their commitment to it is less total. Yuval Sherlo, “The New National-Religious Elites”, in “New Elites in Israel”, Bialik Institute, Jerusalem, 2007, pp. 334-354.

¹¹ Judaism traditionally rejected efforts to establish Jewish sovereignty in the Land of Israel because it was understood as an attempt to hasten the arrival of the messiah. Kook saw Zionism as the fulfilment of the twelfth century Jewish scholar Maimonides's view that the coming of the messiah would be preceded by the ingathering of all Jews in the Holy Land under Jewish sovereignty.

¹² Unhappy with religion's minor role in Zionist institutions and thought, Kook did not formally join them, instead forming a parallel organisation called Degel Yerushalayim (Jerusalem's Flag).

divine drama, most notably by advancing the settlement project in order to ensure continued Jewish control from the Jordan River to the Mediterranean Sea.¹³ In the words of a Kookist rabbi, “any sign of Palestinian sovereignty over this land goes against God’s will and I will do all I can to thwart it”.¹⁴ Kook’s redemptory messianism reinforced the traditional halachic (the adjectival form of halacha, the Hebrew term for Jewish law) commandments to conquer and inhabit the land. Not all national-religious Jews follow Kook’s teachings, but his followers today are by far the most influential on matters concerning Israel’s policy toward what the international community calls the West Bank,¹⁵ to which most Israeli Jews refer by its biblical names, Judea and Samaria.¹⁶

While Kookist influence has grown markedly, it has not gone unchallenged within Israel itself. Indeed, its vision of an expansive Israel under Jewish law suffered occasional setbacks over the past decades, particularly in the twenty years since the signing of the Oslo Accords. The settlement project, as Kookists see it, has reached a ceiling: hardly any new settlements have been established since the 1990s, even if those in existence continue to expand; more traumatically, the settlements in the Gaza Strip were evacuated in 2005.¹⁷ Gaza disengagement, a particularly heavy blow, spurred them to devise new strategies. Because establishing “facts on the ground” – that is, settlements and the infrastructure that supports them – had not carried the day, religious Zionists since 2005 have focused on amassing power within state bodies and mainstream political parties as well as on public campaigns to convince others of their political positions. When confronted, against the expectations of many, their activism, within Israel and among Jews at least, by and large has been non-violent.¹⁸

This is the paradox of national-religious power today: appearing at the zenith of their strength, yet facing the prospect of seeing a large part of their enterprise fun-

¹³ For Rabbi Avraham Kook, the movement of the Jewish people and the Land of Israel toward redemption was not constant but fluctuating. By contrast, for his son Tzvi Yehuda Kook – who assumed the mantle as head of the religious Zionist movement after his father’s death in 1935 – history was mono-directional, which led to a rigidity among his disciples that encouraged them to combat any move, particularly relinquishing sovereignty, that seemed to contradict what they saw as the divine will. Crisis Group interview, Prof. Joseph Shilav, Bar Ilan University, Jerusalem, March 2012.

¹⁴ Crisis Group interview, Jerusalem, February 2013.

¹⁵ Kookist influence can be seen in public “rabbinic letters” that settle *halachic* issues. Of the five national-religious rabbis whose signatures are needed to publish what the public will consider an authoritative ruling, four are Kookist (Yaacov Ariel, Haim Druckman, Dov Lior, Zalman Melamed). The other (Aharon Lichtenstein) is a disciple of Rabbi Joseph Soloveitchik (1903-1993), a U.S. citizen known for bringing together Jewish religious with Western scholars and is regarded as a seminal figure in Modern Orthodox Judaism. Akiva Novik, “The last word”, *Yedioth Ahronoth*, p. 62.

¹⁶ This report uses the term “West Bank” in conformity with established international practice.

¹⁷ Until 2012 the Central Bureau of Statistics did not add any new West Bank settlements to its list of places of residences (*yishuvim*). It did record new construction, including of new neighbourhoods, within existing settlements. In 2013 the settlements of Sansara, Bruchin and Rechelim were added to the CBS list. Crisis Group interview, Hagit Ofran, Peace Now, July 2013. Summary of decisions of the interior ministry’s Localities Committee, interior ministry website (tinyurl.com/p3rcmsj).

¹⁸ As scholar Anat Roth explains, much of the scholarly work on Kook’s followers assumes an inherent tension between religion and state, which leads researchers to infer a propensity on the part of activists motivated by the former to use violence against the latter. In missing Kookism’s sanctification of the state, such studies overstate the degree to which they will employ violence against the state. Anat Roth, “Theories of Fundamentalism Tested against Reality: The Torani Stream of Religious-Zionism and its Struggles against the Disengagement Plan and the Destruction of Houses in Amona”, PhD dissertation, Bar Ilan University, August 2011.

damentally undermined. This paradox opens up a series of questions that this report explores in depth. What do different national-religious groups believe is at stake in deliberations over the future of the West Bank? What are the trade-offs that they would demand for participation in a peace process or, at a minimum, what should an agreement include and how should it be negotiated so that they acquiesce to a deal negotiated by others? While theology is not infinitely plastic, how flexible are the religious doctrines behind their political positions? What sorts of solutions do their views of Judaism thwart and what approaches might they facilitate? How should an eventual agreement be ratified and implemented so they would abide by it and only minimally resist it?

II. Religious Zionism: From Ascendance to Fragmentation

When Israel emerged victorious from the 1967 War, after weeks of public panic due to threats by Arab leaders, many in the country – including devout secularists – saw a divine hand at work. They began to speak about returning to and redeeming their ancestral lands. With victory so sweeping and messianism so prevalent, Kook's theology did not stand out and attract new adherents. His disciples were among the first settlement activists, but their numbers were small.¹⁹

A. 1973: A Turning Point

The 1973 War, with its thousands of Israeli casualties and substantial setbacks early in the fighting, was a trauma for the country. It damaged faith in the government, rekindled a sense of regional vulnerability and triggered fears of withdrawals from the occupied territories.²⁰ It was this crisis, not the heady victory of 1967, that prompted young national-religious leaders – mainly former members of religious youth movements and students from religious Zionism's flagship yeshiva, Merkaz Harav – to establish the extra-parliamentary Gush Emunim ("Bloc of the Faithful").²¹

Gush Emunim called on national-religious youth to "stand tall" (*zkifut koma*) – that is, assume leadership of the country in reaction to the failure of secular Zionism and the lethargy of religious Zionism,²² consolidate the gains of 1967 and, by building settlements, prevent their reversal.²³ Emphasising not only land but religion, Gush Emunim and its supporters adopted the label *Torani* (the adjectival form of "Torah", meaning that they act in accordance with the Holy Scriptures).²⁴ They adopted a conservative stance toward Israel's integration into a modernising global society and grew more obedient to rabbinic authority. A new kind of national-religious Judaism was born: sociologically Haredi (ultra-orthodox; literally, "trembling before God") while politically committed to the state.

Over the next decades, the national-religious would fragment. First and foremost, they did so with respect to the degree of what is known as "statism" (in Hebrew *mamlachtiut*; from kingdom, *mamlacha*), meaning the sanctification of the state (that is, whether the state is holy). Secondly, they also would fragment over the degree of religious conservatism (that is, how "haredi", or ultra-orthodox, their practice would

¹⁹ Akiva Eldar and Idit Zartal, *Lords of the Land: The War Over Israel's Settlements in the Occupied Territories, 1967-2007* (Nation Books, 2007).

²⁰ The 1974 Israel-Syria ceasefire negotiations led to Israel's withdrawal from Syrian territory captured in 1973, which many feared would be a precedent for further withdrawals.

²¹ Crisis Group interview, Israel Harel, Gush Emunim co-founder, Ofra, 28 June 2012. In parallel, the National-Religious Party – in a sea change from Israel's early decades, when it often sided with the left, especially on foreign policy issues – positioned itself firmly to the right of the Likud with regard to the West Bank and Gaza.

²² Once the role of religion in the state had been normalised, religious Zionism seemed to have exhausted its political calling. On the religious front, high rates of secularisation among its youth made it appear as a failure to many of its own leaders.

²³ For a history of the settlement project, see Eldar and Zartal, *op. cit.*

²⁴ Those outside the national-religious community tend to use the term *hardal* in place of *Torani*. The term is an abbreviation of *haredi-leumi*, meaning the "national ultra-orthodox", a reference to the fact that their religious observance tends to reflect that of the ultra-orthodox even as their politics and dress reflect that of the national religious.

be).²⁵ These two factors determine obedience to the State of Israel. Attitudes and conduct toward Palestinians, by contrast, also are determined by a third factor: a group's position on the doctrine of *achdut hahapachim* ("unity of opposites") according to which all people, including Arabs, are creations of the divine.²⁶ The attachment of Kook's heirs to the unity of opposites doctrine – even though it has waned over time²⁷ – meant, as an expert on religious Zionism affirmed, that wanton violence against civilians, though manifest on occasion, never became normative within the national-religious community.²⁸

The role of rabbis also would emerge as a key difference. In Torani circles (that is, where national-religious Jews adopted ultra-orthodox religious practices), rabbis have come to play outsized roles, both religiously and politically. The Torani – who wear large skullcaps to demonstrate their high level of observance – seek rabbinical guidance (*da'at torah*) on a large number of issues and demonstrate greater obedience to such rulings, including on political matters. In contrast, the national-religious mainstream tend to consult their rabbis only on matters of personal religious observance such as Jewish dietary laws and on these too their degree of obedience is limited.

Even so, rabbinical influence on the national religious mainstream should not be underestimated. Rabbis often hold key positions in national-religious educational state institutions and youth movements. Their role as educators was and remains crucial to spreading Kookist ideals within national-religious society. The national-religious who conduct their lives at some remove from the rabbinical hierarchy have no clear representatives.²⁹ Moreover, the small current of more liberal national-religious rabbis typically embraces individual autonomy and therefore neither demands nor commands the same allegiance as do *hardal* rabbis.³⁰ By the end of the 1970s, Kook's followers were becoming increasingly Torani³¹ and religious Zionism was changing rapidly.³²

²⁵ Annex 2 presents a map of national-religious fragmentation along two axes: degree of statism (running from anti-statist to highly statist) and degree of religious conservativeness (very conservative to liberal). See Annex 2: Map of National Religious Currents.

²⁶ Avinoam Rosenak, *Cracks: Unity of Opposites, the Political and Rabbi Kook's Disciples*, (Resling, 2013), pp. 91-100. For this same reason, this doctrine means all Jews, including the most secular, contain a "divine spark" regardless of how abominable others may consider their views. A Tkuma rabbi said, "we reject the term 'secular Jew'. All Jews are holy". Crisis Group interview, Jerusalem, March 2013.

²⁷ Kook *père* believed that violence would not be necessary for "the return of the Jewish people to its Land". Rosenak, *Cracks: Unity of Opposites*, op. cit., pp. 154-156.

²⁸ *Ibid*, p. 214.

²⁹ An expert described the more liberal stream as less ideological and more individualistic. Its adherents base their religious identity, he said, on "what feels right" and, thus it often lacks ideological consistency. Crisis Group interview, Yair Sheleg, Jerusalem, July 2012. Asked which rabbis represent this individualistic, liberal national-religious stream, an expert quipped, "the shopping mall rabbi, the McDonald's rabbi and the Zara rabbi". Crisis Group interview, Prof. Asher Cohen, religious Zionism expert, Modiin, January 2013.

³⁰ This more permissive group includes disciples of Rabbi Soloveitchik, as well as those of hassidic and modern-orthodox rabbis like, respectively, the late Rabbi Menachem Fruman and Rabbi Benny Lau. Rabbi Yuval Sherlo, a liberal national-religious rabbi, estimates that the more liberal streams make up some 8 per cent of religious Zionists. Yuval Sherlo, "The New National-Religious Elites", op. cit.

³¹ Under the sway of Gush Emunim, no small number of religious Zionists became sociologically closer to the ultra-orthodox: larger numbers opted for yeshiva high school education (at the expense of national-religious schools in which less time is given to religious courses); more served in *hesder* yeshivas, a five-year program combining military service with religious study in military units with

Over the course of the next three decades, differences among national-religious Zionists would become even more pronounced. The lack of a single clear successor to Rabbi Zvi Yehuda Kook (who died in 1982), as well as the growing number of U.S. Jews (who tend to look to different rabbinical authorities) moving to Israel,³³ were among the reasons. More important were war fighting and peacemaking, which produced currents of religious Zionism with different attitudes to the state.

B. 1980s and 1990s: Polarisation

Against the backdrop of two decades' worth of political developments, these different orientations gave rise to new political formations within the national-religious community, simultaneously more dovish and more radical than their forerunners.

Some of the radical versions emerged from the challenge peacemaking posed to the Kookist worldview. The 1979 Israeli-Egyptian peace agreement and Israel's withdrawal from Sinai challenged Gush Emunim's conviction that history was moving inexorably in accordance with Kook's messianist convictions. The vast majority of Gush Emunim maintained that the setback was only temporary but a small fraction, numbering several hundred at first and several thousand today, adopted a more radical view: they replaced Kook's notion of redemption through settlement-building – which they saw as having failed – with rebuilding the Temple on the Holy Esplanade.³⁴ This opened a new front in the conflict that today constitutes one of its most dangerous flashpoints.

few non-observant soldiers; and the separation of men and women in national-religious institutes became more common.

³² The shift was very rapid: members of youth movements and high school students who answered Gush Emunim's call to go to the West Bank's hills quickly adopted the Torani lifestyle. Rabbi Yuval Sherlo, who joined Gush Emunim's campaign in 1974, the year he graduated from high school, recently looked at results of the educational shift: "The 1974 graduates of my school are different than the graduates of 1975: the former produced five IDF (Israeli Defence Forces) generals ... while the latter produced five yeshiva heads". Rabbi Yuval Sherlo, "What is happening to Religious Zionism", Lecture at the Haifa Technion, 21 May 2012. tinyurl.com/cug5cvh.

³³ "When American Jews say 'the Rabbi' they mean Rabbi Soloveitchik, when we say 'the Rabbi' we are talking about Rabbi Kook". Crisis Group interview, Bnei Akiva (Zionist youth movement) alumnus, Tel Aviv, July 2012. Disciples of Soloveitchik have a positive religious attitude to the State of Israel but do not see it as a step in the process of redemption. For example, a prominent Soloveitchik disciple, Rabbi Shlomo Riskin, the rabbi of the Efrat settlement, argues Israel could give up sovereignty in Arab areas of the West Bank that do not have particular Jewish historic or religious importance. Crisis Group interview, Dan Diker, secretary general of the World Jewish Congress, Jerusalem, March 2012. Rabbi Aharon Lichtenstein, the most prominent Israeli rabbi following Soloveitchik, teaches his pupils never to disobey orders when serving in the IDF.

³⁴ According to this view, which Motti Inbari refers to as "Natural Messianism", the Temple will not miraculously materialise thanks to a divine act (which is the traditional Jewish belief) but rather has to be built. *Jewish Fundamentalism and the Temple Mount* (Albany, 2009), pp. 31-50. Rabbi Israel Ariel, the municipal rabbi of the then-Yamit settlement in Sinai, argued that Israel's decision to withdraw from Sinai demonstrates that "the struggle should not be over parts of the body [pieces of land] but over the heart – the Temple Mount". Crisis Group interview, Temple Mount Institute activist, Jerusalem, November 2011. Natural Messianists, in abandoning Kookism, also abandoned the Unity of Opposites doctrine and with it, its discouragement of wanton violence. For details on Temple Mount activism and its rapidly increasing popularity among national-religious Jews, see Crisis Group Middle East Report N°134, *Extreme Makeover? (I): Israel's Politics of Land and Faith in East Jerusalem*, 20 December 2012, pp. 22-26.

Similarly, the Oslo I and II Accords caused severe strains in the national-religious camp. Some pursued lawful opposition to the deal – as advocated by the majority of pro-settler groups, including the Yesha Council, an umbrella organisation of Israeli municipal councils in the West Bank and Gaza established in 1980 to represent settler interests vis-à-vis the state. Other groups, by contrast, chose civil disobedience, most notably blocking traffic arteries, as proposed by Zu Artzenu (This is our land), a right-wing protest movement led by and composed mainly of national religious, established in 1993 to oppose Oslo's land-for-peace formula. The protests brought tens of thousands into the streets, drew massive public attention and created a dilemma for religious Zionists about whether they should work cooperatively with the state – even when they oppose its actions – or confront it. At the time, the majority stuck with the Yesha Council's strategy, but the split augured a growing cleavage that continues to divide the national-religious community today.

The First Lebanon War (1982-1985), by contrast, brought about a more dovish national-religious current. The late Rabbi Yehuda Amital, a Gush Emunim co-founder, explicitly declared the primacy of the State of Israel over the Land of Israel, thus establishing a pro-two state theological current that found broad support in the religious kibbutzim. In 1988 it was incarnated politically in the Meimad (a Hebrew abbreviation for "Jewish State, Democratic State") Party.³⁵

Beyond explicitly dovish groups, the Oslo Process led several prominent authorities – led by Rabbi Yoel Bin Nun, a Gush Emunim co-founder and pupil of Rabbi Amital – to formulate a political theology premised on the imperative of acting by consensus and avoiding strife among the People of Israel. When Yigal Amir, a national-religious student at Bar Ilan University, assassinated Prime Minister Yitzhak Rabin in 1995, religious Zionism was thrown on the defensive.³⁶ In the soul-searching that followed, hundreds of rabbis formed Tzohar (Window), a group dedicated to reaching out to secular Israelis to prevent what they feared could be the breakdown of society and even civil war. The group continued to grow and today is highly influential, with more than 800 rabbis. They generally do not expect Israel's leaders to seek their advice on foreign policy issues, including the Arab-Israeli conflict; in contrast to other Kookist rabbis, they believe the need for *daat torah* (rabbinic guidance) is fairly narrow.

With the collapse of the 2000 Camp David summit and subsequent Taba talks, and the eruption of the second intifada, the fortunes of the right in general, and the national religious in particular, improved. However, this rising tide did not benefit all components equally. As public opinion shifted, so too did the religious community's. Meimad paid the price for supporting Oslo and virtually disappeared, while the National Religious Party, representing religious Zionism in the Knesset since 1956, repeatedly fractured and shrank as voters opted for more hawkish parties.

Perhaps even more significant than polarisation within the national-religious camp as a whole was fragmentation among Kookists themselves, since they were, and remain, the dominant force when it comes to the West Bank. In reaction to Oslo's religious

³⁵ Crisis Group interview, former Meimad Knesset candidate, Jerusalem, July 2012. He explained that Amital, during the first Lebanon War and specifically after the massacres of Palestinians by Israeli-allied Christian Phalangists in the Sabra and Shatila refugee camps, came to understand that "some of the ideological views within religious Zionism were dangerous". In 2009, Meimad failed to cross the electoral threshold and all but disappeared when it ran jointly with the Green Movement.

³⁶ This, despite the fact that Amir was schooled in Haredi institutes, which enabled religious Zionists to claim that he was a product of the ultra-orthodox, not the national-religious, educational system. Rosenak, *Cracks: Unity of Opposites*, op. cit., p. 67.

and political challenge, three distinct sub-currents had crystallised by the eve of the Gaza disengagement, each of which embraced a different attitude toward cooperation with the state.³⁷ The difference was less about the sanctity of the state per se, in which they all continued to believe; rather, it had to do with how they understood the State of Israel and the People of Israel, given that the majority of the country's Jews are non-observant.

At one end of the spectrum were those who believed in the total sanctity of the state and the imperative of positive cooperation with it. This position, associated with Yeshivat Har HaMor and its founder Rabbi Zvi Tau, holds that since Israel itself is a reflection of the divine, any decision made by a majority of its citizens – that is, a majority that includes non-Jewish citizens of Israel³⁸ – is sacred and must be respected.³⁹ In addition, because Jews – even the non-observant – are a reflection of the divine, Yeshivot HaKav (Yeshivot of the Line), which is how those who teach this approach are referred to, hold that religious Zionists ought to deal with them in a cooperative spirit. Authorities subscribing to this line are highly influential and carry significant weight in political debates.⁴⁰

At the other end of the spectrum are those who look askance on non-observant Jews in Israel, whom they consider, as an Israeli scholar put it, as “Hebrew-speaking goyim [non-Jews]”.⁴¹ The state is sacred, they hold, but not necessarily its government and therefore every decision it makes should not automatically be considered infallible.⁴² Crucially, this meant abandoning the statist (*mamlachti*) approach, which posits the holiness of the government, not only of the state. This position initially was identified with the Tkuma (Rebirth) Party, which today constitutes a third of the Jewish Home Knesset list, and its leading rabbinic figures Rabbi Dov Lior and Rabbi Zalman

³⁷ For a description of the three sub-currents of Kookist theology, see Anat Roth, “Theories of Fundamentalism Tested against Reality: The Torani Stream of Religious-Zionism and its Struggles against the Disengagement Plan and the Destruction of Houses in Amona”, PhD Thesis, Bar Ilan University, August 2011.

³⁸ That said, some HaKav Rabbis argue Supreme Court decisions should not automatically be accepted because one of the justices is an Arab Israeli, making it, in their view, a “gentile court”.

³⁹ Crisis Group interview, Yeshivot HaKav rabbi, Jerusalem, February 2013. Because they see the state as inviolable, Yeshivot HaKav rabbis encourage military service and condemn disobeying a settlement evacuation order, calling on soldiers instead to speak quietly with their commanders to avoid participating in an eviction. Crisis Group interview, Dr Anat Roth, Jerusalem, March 2012.

⁴⁰ “The teachings of Rabbi Tau affect the entire spectrum of Kook's followers today. It is like a light shining over everyone”. Crisis Group interview, Kookist rabbi, southern Israel, February 2012. His followers include senior military figures, for instance the head of the IDF's religious preparatory academies and IDF's chief rabbi.

⁴¹ Crisis Group interview, Jerusalem, March 2013.

⁴² For a critique of those he considers overly invested in statism, see Tkuma's Rabbi Dov Lior's lecture. “Mamlukim”, *Srugim*, 27 April 2010.

Melamed.⁴³ Since they do not believe that decisions taken by the government necessarily reflect God's will, they are willing to challenge the state, albeit non-violently.⁴⁴

Finally the centrist current – by far the largest, associated with the majority of the Yesha Council's political leadership, the highly influential line of Yeshivat Merkaz HaRav and prominent rabbis such as Haim Druckman and Yaacov Ariel⁴⁵ – combines elements of both approaches. Like Tau, its adherents respect majority decisions taken by the state's citizens and thus consider themselves statist, but like Tkuma, they are willing to confront the state non-violently.⁴⁶

While the differences between these streams ought not be overstated⁴⁷ and their adherents can pass from one to another depending on political circumstances, the discrepancies among them shaped their respective reactions to the Gaza disengagement and continue to influence how each relates to the state and general public. This applies, in particular, to the following issues:

- resisting settlement evacuation: reflecting different levels of concern regarding potential social strife, those who follow Rabbi Tau's line tend to pack their own bags and comply, whereas members of the other two currents – notably if the evacuation is done without the agreement of their rabbinic leaders – may have to be dragged out. Tkuma would go a step further than centrists by allowing civil disobedience, blocking roads and throwing objects not risking the lives of evacuating forces (like vegetables, water, paint and flour);⁴⁸
- army service: graduates of yeshivas that follow Tau's line – Yeshivot HaKav – and soldiers of the centrist stream demonstrate very high motivation and obedience, which manifests itself in a high number of officers. Those in the Tkuma stream,

⁴³ "Rabbis Melamed and Lior criticize Tau's approach as overly cautious, particularly in taking excessive responsibility over the people and state's entirety and focussing on the secular public's positive aspects. They believe his approach leads to assimilation rather than integration. They share the statist worldview which considers the state of Israel a sacred religious value but do not fear confronting it when it harms other values they consider sacred. They too see themselves as responsible for the people and state's entirety and thus oppose any manifestation of violence, even in reaction to violence against them. But for them the responsibility for this is also the state's and it too has to consider its actions". Crisis Group interview, Dr Anat Roth, Jerusalem, March 2012.

⁴⁴ Crisis Group interview, Tkuma rabbi, Jerusalem, March 2013. Some Tkuma-affiliated rabbis called for disobeying settlement evacuation orders.

⁴⁵ Crisis Group interview, Yesha Council leader, Jerusalem, June 2013. "The central current combines elements of both approaches. Their sense of responsibility for harming the entirety of people and state is similar to that of Rabbi Tau, but in practice they believe Rabbi Tau takes this responsibility too far and they support a more firm struggle. On the one hand they oppose verbal violence but on the other do not rule out tactical use of verbal violence to create deterrence". Crisis Group interview, Dr Anat Roth, Jerusalem, March 2012.

⁴⁶ For instance, centrist rabbis (like Tau's disciples) condemn disobeying a settlement evacuation order. Thus far, they have been willing to challenge the state only to influence a future decision, not to undermine one that already has been taken, as Tkuma has done.

⁴⁷ All these (Kookist) groups embrace the Unity of Opposites (*achdut hahaphachim*) albeit to differing degrees. An expert in religious Zionism said, "the real gap is not between the statist and the non-statist but rather between those thinking in terms of Unity of Opposites and those who don't. The former believe that the Jew in front of me is a Jew – maybe a Jew who is wrong but a Jew nevertheless – so I have a basic desire not to tear the [living] tissue [of the Jewish people] apart". Crisis Group interview, Dr Avinoam Rosenak, Jerusalem, May 2012. A follower of Rabbi Lior echoed the categorical rejection of any form of violence against the army for this reason. Crisis Group interview, Hebron, November 2012.

⁴⁸ Crisis Group interview, Dr Anat Roth, Jerusalem, June 2013.

who do not accord the same holiness to all government decisions (notably army evacuation of settlements), tend to be less interested in career military service, which means their officer presence is less – though it still is proportionately higher than that of the secular mainstream;

- unity of opposites: ever since Kook *père* died in 1935, the delicate balance that he established among the three pillars of religious Zionism – the Land of Israel, the People of Israel and the Torah of Israel – has eroded as his different heirs have pulled in different theological and political directions. As a result, the restraint that the unity of opposites doctrine traditionally implied has become ever more tenuous. While the Yeshivot HaKav and the centrist stream, in the main, have remained committed to the doctrine, Tkuma's attachment has attenuated as the importance of the Land of Israel in its theological outlook has grown.⁴⁹
- entering the Holy Esplanade's surroundings: Yeshivot HaKav oppose this, since they believe sustainable change occurs when supported by the majority of the Jewish people and that for now the high ratio of non-observant Jews means the required level of piousness has not been attained. Tkuma – seeing themselves as pioneers setting the road for the rest of the people and fearing non-observant Israeli leaders might agree to compromise over the status of the site in negotiations with Palestinians – have handed down a new halachic ruling permitting entry. Most centrist authorities gradually have joined Tkuma on this issue.

C. *The Gaza Disengagement and its Aftermath*

Disengagement, in the view of most of Israel's national religious, was their most difficult test.⁵⁰ It brought tensions between religious Zionism's basic elements to the fore, forcing its adherents to choose between two dearly held values: on the one hand, traditional teachings about the Land of Israel, and on the other, the unity of the People of Israel and the well-being of their state.⁵¹ This contest accentuated internal divisions more than ever before. It also offered a preview of what might be expected in any future evacuation.

After months of demonstrations, and contrary to predictions,⁵² the evacuation of Gaza's settlers passed fairly smoothly. Most explanations attribute this to the functioning of governmental agencies as well as the large number and professionalism of soldiers and police officers and their deterrent effect.⁵³ That said, religious considerations

⁴⁹ Rosenak, *Cracks: Unity of Opposites*, op. cit., p. 117

⁵⁰ Many national-religious media outlets and columnists do not use the term "disengagement" and speak of *girush*, expulsion. So do most national-religious settlers.

⁵¹ Anat Roth, "Religious Zionism in the Test of State Responsibility: From Kfar Maimon to Amona, The Disengagement Plan – An Idea Shattered", Jerusalem Institute for Israel Studies, 2009, p. 35.

⁵² "When preparing for the disengagement, the Shin Bet (General Security Agency) and IDF intelligence said we needed to prepare for use of arms by the evacuees". Crisis Group interview, Yonatan Bassie, former Disengagement Authority head, December 2012. Then-Prime Minister Ariel Sharon himself argued "these are people willing to do everything". On the virtually wall-to-wall predictions of violence, see Anat Roth, "Religious Zionism Faces the Test of State Responsibility", op. cit., p. 36-38.

⁵³ Consistent coordination among and within the protesting groups, government agencies and the security establishment – and particularly coordination between the mainstream national-religious leadership and more radical groups – had what scholar Eitan Alimi called a "de-radicalising effect". Eitan Alimi, *Between Engagement and Disengagement Politics: The Settlers' Struggle against the Disengagement Plan and its Consequences* (Resling Publishing, 2013).

should not be underestimated, as evidenced at a march held one month before the evacuation of the bloc of settlements known as Gush Katif. With the support of almost all prominent national-religious rabbis,⁵⁴ tens of thousands of protesters assembled to march from Netivot, on the Israeli side of the border, to Gush Katif, where they aimed to hunker down and prevent the evacuation. The marchers wound up encircled by tens of thousands of soldiers and policemen while still on the Israeli side. March leaders – the Yesha Council's leadership and a committee of rabbis – had two options: confrontation or dispersal.⁵⁵ For both religious and practical reasons, they chose the latter.⁵⁶ Radical and youth groups believe that, in so doing, they sealed Gush Katif's fate.

If the withdrawal itself was much less dramatic than many predicted, its implications for the national-religious movement arguably were greater. The military sealed off access to Gaza weeks in advance and those who managed to sneak in largely confined themselves to passive resistance, forcing soldiers to drag them away.⁵⁷ Settlement blocks of over 9,000 – 8,600 in Gush Katif and 680 in the northern West Bank – were peacefully evacuated in five days.⁵⁸ The virtual absence of violence notwithstanding, disengagement was a trauma for the national-religious camp. It came as a public humiliation, a demonstration of impotence,⁵⁹ and a theological setback for those who believed a divine hand was driving the Land of Israel's destiny.⁶⁰

⁵⁴ Most Tkuma rabbis refused to join; Tkuma Rabbi Eliezer Melamed was one of several who argued that such a passive protest was bound to fail and that active civil disobedience – including the blocking of roads across the country – would be a better strategy. Roth, "Religious Zionism Faces the Test of State Responsibility", op. cit., p. 52.

⁵⁵ Shaul Goldstein, then-Yesha Council deputy head, said, "the truth is that when we stood with the rabbis and the Knesset members at the head of the parade, I felt that if we told the public to go to the gate and march the 35,000 protesters would have trampled the fence, which was as feeble as reeds, and no power in the world would have stopped them. The tremendous energy that was there really tempted us – yalla, let's show the prime minister! But this was not our goal. We did not come to defeat the army and the police". Quoted in Roth, "Religious Zionism Faces the Test of State Responsibility", op. cit., p. 57.

⁵⁶ During formal and informal discussions over the preceding months, the national-religious leadership had explored the halachic question of what to do when faced with a choice between the unity of the Land of Israel and the unity of the People and State of Israel. The vast majority – with the exception of the leaders of a few small settlements in the north of the West Bank – declared that it was not permissible to create a situation that could tear apart the army or cause a rift among the people. Practical considerations about how violence could turn public opinion against the settlers played a role as well. Roth, "Religious Zionism Faces the Test of State Responsibility", op. cit., pp. 55-56.

⁵⁷ The officer overseeing the evacuation described the decisive moment. "We were four: two lieutenant colonels, a colonel and me. Around us were about 100 people who simply surrounded us and acted as if in ecstasy. They pushed us, hit us. Tore our clothes. Threw chairs, threw prayer book stands. And there were weapons there. There was a potential for severe violence. But very quietly, I don't know how, we managed to push the rabbi through the masses of students, outside. We demanded that he evacuate. That was the breaking point Within an hour, the yeshiva evacuated voluntarily, and thus made it clear to all the people in Gush Katif that there was no alternative of violent rebellion. That they had to bow their heads before the military power and accept the authority of the State of Israel". Ari Shavit, "They considered me a Cossack", *Haaretz*, 16 September 2005.

⁵⁸ A Gaza evacuee said, "we thought we would be rewarded for the non-violent path we chose; instead we were simply trampled upon". Crisis Group interview, southern Israel, April 2012.

⁵⁹ Crisis Group interview, Yesha Council leader, Binyamin (the southern region of the northern West Bank), February 2012.

⁶⁰ Crisis Group interview, Gush Katif evacuee, southern Israel, March 2012.

Thereafter, religious Zionism tilted towards confrontational strategies, advocated, in different ways, by the Tkuma stream.⁶¹ Having been unable to prevent the disengagement, the Yesha Council came under the kind of criticism nearly unheard of until that year; Tkuma's more combative stance, by contrast, boosted its popularity.⁶² In parallel, the youth – especially in the West Bank – demonstrated a new predilection for confrontation, seeing their struggle in Manichean terms, pious defenders of the land standing against a sacrilegious government. They launched unprecedented criticism of the statist's cooperative approach;⁶³ by contrast devoted statist, with some success, reasserted their faith in the role of the state and of each and every government in spite of the blow of disengagement.⁶⁴ But they clearly had lost ground to Tkuma, which today enjoys more influence than Yeshivot HaKav over the centrist current, which represents the vast majority of national religious.

With the strengthening of more radical voices, attempts to unify national-religious forces within a single party failed in the next national elections, held in 2009. The Jewish Home party, which won three seats, sought to “work from within” and convince non-national-religious Israelis of their cause by promoting dialogue and cooperation. In contrast, the National Union Party – composed of the Tkuma faction (two MKs), the secular far-right Tehia (revival) Party (one MK) and the extreme religious non-Kookist Eretz Israel Shelanu Party (one MK) – won four seats. It sought to challenge the political mainstream by presenting a clear alternative, with more hardline rhetoric and a stronger emphasis on ideology over pragmatism, on major policy decisions facing Israel, especially those affecting the future of the West Bank.⁶⁵

⁶¹ Arguing that cooperative attempts to reform the system from within had failed, Tkuma leaders proposed a new, three-part strategy for religious Zionism: “internal empowerment; open criticism of the government and the relationship of the elites to them; and preparing alternative governmental and societal systems in Israel”. Rabbi Eliezer Melamed, “Taking a New Road”, BeSheva, 29 September 2005.

⁶² Crisis Group interview, Yair Sheleg, expert on Israel's national religious, Jerusalem, July 2012.

⁶³ Rosenak commented that Gaza's disengagement crystallised the division between those who subscribe to the doctrine of the Unity of Opposites and those who do not: “There is a difference between Tkuma and the crises they trigger, on the one hand, and physically hitting people to convince them not to give up on Eretz Israel. Active adherents of the latter view today number in the hundreds, with several thousand passive supporters”. Crisis Group interview, Dr Avinoam Rosenak, religious Zionism expert, Jerusalem, May 2012.

⁶⁴ Eitan Alimi, *op. cit.*, p. 31.

⁶⁵ Generally speaking, the Jewish Home party brought together the statist currents and the modern orthodox, while the National Union united the non-statists with the non-Kookists. Crisis Group interview, religious Zionism analyst, Tel Aviv, April 2013.

III. Settling the Land

Even as Palestinians and the international community condemn settlement expansion, Israel's national religious are more concerned by the constraints that it has faced over the past two decades. Existing settlements have continued to grow, but only a few new official settlements have been established since 1996.⁶⁶ While over 100 outposts – that is, settlements deemed illegal under Israeli law⁶⁷ – have been created since 1996, facilitated in many ways by state agencies,⁶⁸ their illegality and illegitimacy in Israel has put settlement advocates on the defensive. Their concern was heightened when Prime Minister Sharon, in accepting the Quartet's 2003 Roadmap for Israeli-Palestinian Peace, agreed in principle to dismantle all outposts built since March 2001.⁶⁹

These developments have produced important shifts in generational attitudes. Veteran national-religious settlers, who established core settlements such as Ofra, Beit El, Kiryat Arba and Karnei Shomron, continue to consolidate them and build on their achievements.⁷⁰ In contrast, many of their children chafe at what they perceive as the “bourgeois” lifestyle of their parents, one lacking in religious zeal and national mission; feel humiliated by the Gaza disengagement;⁷¹ and resent the even harder line against the outposts adopted by the government in 2005.⁷² Emulating their parents three and four decades ago, some have been at the forefront of the effort to shape reality on the ground and force the government to adapt its policy and laws accordingly. An older settler and former government official commented on the allure that working outside of legal channels has for the younger generation:

They have heard our pioneer-like stories – of settling empty hills in shacks and tents, enduring difficult weather, struggling against the Arabs, and more. They by

⁶⁶ An exception came in 2012, when Israel legalised the outposts of Bruchin, Sansana and Rechelim, which were established after 1996; Israel also has established settlements in Har Homa and Ramat Shlomo in East Jerusalem in 1996, though it does not consider these as such.

⁶⁷ According to Adv. Talia Sasson, former head of the Special Tasks Division in the state attorney's office, a settlement is illegal according to Israeli law if it does not fulfil one or more of the following four conditions: establishment by government decision; proper land allocation, not on private Palestinian land; an approved and valid construction plan; or a location within the area of jurisdiction established by the order of the GOC Central Command. Talia Sasson, Opinion (Interim) Concerning Unauthorized Outposts [“Sasson Report”], 10 March 2005.

⁶⁸ “Migron [an outpost created in 1999 and evacuated in 2012] had a construction plan. [The national religious party's] Effi Eitam was housing and construction minister and authorised it. The prime minister authorised it. So the people of Migron thought it was okay even if not everything was in order bureaucratically”. Crisis Group interview, Binyamin rabbi, March 2012.

⁶⁹ In accepting the roadmap, Israel committed to dismantle “unauthorized outposts which were established since March 2001” when Ariel Sharon became prime minister. The number of outposts built since March 2001 is contested: the defence ministry argues it is 26 whereas Peace Now, using satellite images, puts the number at 46. Peace Now website, tinyurl.com/avjv9x7.

⁷⁰ Crisis Group interview, former Yesha Council leader, Jerusalem, June 2012.

⁷¹ “After 30 years of work, people were thrown out of their homes with no residential solutions and were then cruelly tortured by state bureaucracy for years. We lost a struggle that we conducted in a very restrained manner, which we thought would win us some empathy. Instead we felt trampled by a bulldozer”. Crisis Group interview, Gush Katif evacuee, Jerusalem, March 2012.

⁷² “There was silent governmental consent to build since the first Netanyahu government (1996-1999). In spite of U.S. objections, there was tacit approval and assurance that everything would be fine. Suddenly under Sharon, IDF officers forbid us from going to certain hills and the Sasson Report applied retroactively”. Crisis Group interview, national-religious rabbi, Binyamin, March 2012.

contrast were born into comfortable stone houses, with gardens, parks, shops, proper schools, etc. They were born into the success of their parents, even as they were taught the utmost importance of settling the Land of Israel and of acting accordingly. So for them it's only natural and normal to go to empty hills and settle them.⁷³

A. Bargaining with the State: The Kookists

The Yesha Council never regained its footing after failing to prevent disengagement. Settler leaders can boast of what some would consider significant achievements,⁷⁴ yet notable setbacks during this period reinforced their sense of isolation.⁷⁵ The Supreme Court in 2012 and 2013 ordered evacuation of several outposts constructed on private Palestinian land.⁷⁶ With thousands of settler homes, including within veteran settlements, built on private Palestinian property, this precedent galvanised the national-religious settlers.⁷⁷ What many in Israel saw as a minor affair, deciding the fate of a few tiny outposts, became for a large number within the national-religious community and its settler component in particular, “the main national issue on the Eretz Israel [Land of Israel] agenda”.⁷⁸

The unfavourable court rulings presented the national-religious settlers with two dilemmas: whether pragmatic compromises advancing the settlement project – such as relocating a settlement and legalising it according to Israeli law – could be justified on political and theological grounds; and whether, as well as how, national-religious activists should resist the state if and when it evacuates outposts.

In the end, the pragmatists won out, though at first it did not seem they would. The Yesha Council argued that the Supreme Court decision ultimately would carry the day and tried to make the best of it;⁷⁹ under this interpretation, even passive resistance – beyond the implications of confronting a state they believed religiously sanctioned – would have precluded state compensation, in particular the legalisation of some

⁷³ Crisis Group interview, former education ministry official, Karnei Shomron, November 2011.

⁷⁴ During Olmert's 2006-2008 and Netanyahu's 2009-2012 governments, tenders for the construction of over 4,100 and 5,300 housing units respectively were issued – an average of 1,300 per year in spite of increasing international pressures. “Settlements and the Netanyahu Government”, Peace Now website, 16 January 2013.

⁷⁵ Declared tenders aside, actual settlement construction outside of East Jerusalem has been steadily declining from 1,826 units a year under Sharon (2001-2006), to 1,741 under Olmert (2006-2008) and 1,168 under Netanyahu (2009-2012). Central Bureau of statistics compiled by Channel 10 News, tinyurl.com/ndcbx7e. The evacuation of nine buildings in the Amona outpost in 2006 led to more casualties than the entire Gaza disengagement.

⁷⁶ The Supreme Court demanded the demolition of several outposts in accordance with lawsuits filed by Peace Now, launched on 5 April 2006, and a separate petition filed in September 2006 regarding the Migron outpost. Ultimately the court issued final evictions for Migron, Givat HaUlpana (an outpost of the edge of Beit El, north of Ramallah), Givat Assaf (north of Ramallah) and Amona (near Ofra).

⁷⁷ “According to Peace Now there are over 9,000 homes on private lands in places like Ofra and Beit El. They would be next!” Crisis Group interview, Yesha Council official, Migron, January 2012. Settlers believed the precedent could lead to the forceful evacuation of entire inhabited settlements (rather than tiny shacks and isolated, uninhabited buildings) as a result of legal proceedings rather than a political decision.

⁷⁸ Crisis Group interview, Ofra settler, Ofra, December 2011.

⁷⁹ Shlomo Piotrovsky, “Migron residents: We will not agree to uprooting”, *Arutz 7*, 11 August 2008. The position was also based on Rabbi Zvi Kook's repeated insistence that his disciples respect Arab private property rights.

outposts in exchange for consent to their relocation.⁸⁰ In response to the Yesha Council's agreement with the government regarding relocation of Migron, two action committees ideologically close to Tkuma⁸¹ were established outside the framework of the council in order to oppose its conciliatory position.⁸² Those rejecting compromise held that religious principle forbade giving up even a centimetre of land,⁸³ that the government of Israel does not have the right to remove people from their homes⁸⁴ and that such a compromise would legitimise concessions in general and endanger the thousands of settler homes that watchdogs argue are built on private land.⁸⁵ Ultimately, pressures by Tkuma-inspired activists – not least the campaigns of the action committees – helped foil implementation of the relocation agreement.

Yet, despite the fiery rhetoric of those opposing compromise,⁸⁶ their widespread support among the national-religious rabbinic establishment⁸⁷ and enormous pressure on the government to legalise the outposts en masse, the efforts failed. As a 2012 deadline set by the Supreme Court approached, many of those who had opposed the compromise drifted to the pragmatist camp and opted for consensual relocation, “the same position they [had] recently criticised so forcefully”, said a veteran settler.⁸⁸

⁸⁰ “After Amona both the government and our leaders wanted to avoid a clash. That could have weakened the important cooperation with the government”. Crisis Group interview, settler activist, Jerusalem, October 2012. In 2007, the Yesha Council consented to relocate the outposts so ordered by the court and negotiated with the government toward that end, agreeing to move to West Bank land the government claimed was not privately owned by Palestinians. In 2008, defence ministry advisers and the Yesha Council concluded the “Adam agreement”, which was to relocate Migron's residents to a hill near the Adam settlement (east of Ramallah) into which it was to be incorporated. The agreement also allowed construction of additional residential units in Adam, beyond those necessary for Migron's 45 families. “The Migron Petition”, Peace Now website, peacenow.org.il/eng/content/migron-petition.

⁸¹ According to Benny Katsover, a Gush Emunim founder, Tkuma member, and the first chairperson of the Binyamin Action Committee, the establishment of the action committees was based on a lesson of the Gaza withdrawal: that the regional councils making up the Yesha Council cannot “fight with all [their] strength” since they are part of the governmental establishment. Shalom Baer Krombi, “Indicting people for espionage fits Russia”, *Beit Mashiach* (Chabad journal), 4 January 2012.

⁸² Tkuma's prominent rabbis rejected the agreement even if that meant foregoing the settlement established in Migron's stead. Daniella Weiss, “Between Kfar Maimon and Migron”, *NRG-Ma'ariv*, 20 August 2008.

⁸³ Crisis Group interview, Binyamin action committee member, Beit El, January 2012.

⁸⁴ “Put religion aside. For years we have been arguing that in a democracy the government does not have the right to evict a citizen who owns private property. It would have been inconceivable to evict someone who bought a house in Tel Aviv”. Crisis Group interview, Tkuma Rabbi, Hebron, January 2012.

⁸⁵ Crisis Group interview, Migron settler, Migron, January 2012. Crisis Group interview, Binyamin rabbi, Givat Assaf, October 2011.

⁸⁶ A Tkuma rabbi declared, “we should not fear a confrontation with the government. God will be on our side. Modest beginnings in Jewish history became tremendous successes”. Crisis Group interview, Tkuma Rabbi, Jerusalem, March 2013.

⁸⁷ Rabbinic calls against giving up even “one centimetre” gathered hundreds of signatures and were published and posted around the West Bank. Crisis Group observation, January 2012. By 2012 even the majority of Binyamin rabbis – a rabbinic council advising the head of the Binyamin Regional Council who had supported a deal in 2008 – no longer publicly advocated it. Crisis Group interview, Binyamin settler, January 2012.

⁸⁸ Crisis Group interview, veteran settler activist, Ofra, May 2012. All deals were scorned by activists of a younger rebellious generation. Hilltop youth shouted “Shame on you” and “Offence to the Torah” at Givat Haulpana's residents as they packed their belongings before the evacuation. Crisis Group observation, Beit El, 26 June 2012.

The deals suggested the primacy of pragmatism over non-negotiable religious ideology. On 24 June 2012, four days after Rabbi Zalman Melamed eventually agreed to the relocation of the five buildings that formed Givat Haulpana into the neighbouring Beit El settlement, former Yesha Council chairperson Danny Dayan declared a victory of sorts:

We pragmatists, who are willing to see a step backwards for two or four forward, will no longer accept being told we are less loyal to Israel. Condemnations, doubt of our loyalty to the cause – we will no longer be silent before it. We are no less loyal to *Eretz Israel* than the activist who is on the roof. We can choose another way but we will not accept doubts about our loyalty.⁸⁹

Given their last minute acceptance of compensation deals, the credibility of those categorically rejecting compromise took a hit. The broader national-religious community overwhelmingly had consented to evacuation in exchange for substantial gains elsewhere.

But while, in the words of an Israeli analyst, “theology met reality and reality won”,⁹⁰ the deals increased generational tensions, aggravating the mistrust of some young pro-settler, national-religious toward their leaders. Several hundred youth, mostly those involved in establishing outposts on hilltops, took the last-minute compromises as proof that Tkuma was no less tainted by pragmatism than the Yesha Council. This pushed them further away from the rabbinic establishment, rendering them susceptible to recruitment by various radical groups, including those engaged in “price-tag” attacks against Palestinian civilians and places of worship.⁹¹

The experience seemed to settle the argument about whether, in response to the disengagement, Kookist settlers would reverse their opposition to violent resistance. They did not. The vast majority of the statist leadership – both those opposing and supporting a deal – came out against it: “It is hard to overestimate the degree to which statist theology rules out violence against state institutions like the army”.⁹² Even Rabbi Dov Lior, who as noted above vehemently objected to all deals, maintained his fidelity to the statist line and rejected violence against the army.⁹³

B. *Defying the State: The Hilltop Youth*

The “hilltop youth” (*nearei hagvaot*), small bands of youngsters who pursue wildcat settlement activities in the West Bank hills, can be divided generationally.⁹⁴ The first wave, in the 1990s, was on a spiritual quest to rediscover what they saw as Judaism’s original essence. More recently, since the Gaza disengagement, a second wave has taken on a more defined political role as the defiant challenger of governmental con-

⁸⁹ Speech at an Amana support rally for Zambish, Ofra, www.youtube.com/watch?NR=1&v=u-7eJbVh5rw.

⁹⁰ Crisis Group interview, Israeli analyst, Jerusalem, August 2012.

⁹¹ Crisis Group interview, Tkuma rabbi, northern West Bank, March 2013. “Price tag” attacks, as further described below, are attacks against religious sites, Palestinian civilian facilities and Israeli military and police forces, intended as measures of revenge, intimidation and deterrence.

⁹² Crisis Group interview, Israeli analyst, Tel Aviv, October 2012.

⁹³ See footnote 47 above.

⁹⁴ Until recent years the hilltop youth themselves avoided use of the term. A young outpost resident said he belongs to the *givonim* (people of the Hills). Crisis Group interview, Mount Hebron, September 2012.

straints on the settlement project.⁹⁵ Even together, their numbers are relatively few; estimates range from many hundreds⁹⁶ to a few thousand families.⁹⁷ The outposts they establish are very simple⁹⁸ but the political issues they provoke are considerably more complex.

The views of the first wave of hilltop youth are nearly as varied as there are conceptions of Judaism – indeed, national-religious Israelis refer to them as *Chavakook*, a Hebrew neologism combining the names Chabad, Breslev and Kook,⁹⁹ the three main elements of the hilltop youth's new-agey, eclectic, anarchic theology. A former resident of the Yizhar hills said, “for some, being an authentic Jew is attacking an Arab village; for others, it is composing a new hassidic *piut* [religious poem] about love”.¹⁰⁰ What unites them doctrinally is the central premise that there is a sharp qualitative difference between Gentiles and Jews.¹⁰¹ A particularly enticing theology for these young rebels was that of Chabad's Rabbi Yitzhak Ginsburg, who sees neither the state nor non-observant Jews as intrinsically holy.¹⁰² One of their basic premises – an exaggeration of Ginsburg's anti-statist theology according to some – is the moral difference between Jews and Gentiles and justification of Jewish violence against, and indeed in some situations murder of, Gentiles and their expulsion from the Land of Israel.¹⁰³

The other major, though less significant, influence on the hilltop youth is the late Rabbi Meir Kahana, a former Knesset member who saw the State of Israel as a vehicle for forcefully reasserting Jewish dignity vis-à-vis Gentiles after the Holocaust and previous suffering. His teachings focus neither on the Jewish people nor on redemption of the soil but rather on what he conceives as the inherently conflictual Jewish relationship with Gentiles.¹⁰⁴ While prominent statisticians argue that Kahanists are “not true religious Zionists” and often speak of them with contempt,¹⁰⁵ for the hilltop youth

⁹⁵ “It is wrong to talk about ‘the Hilltop Youth’. It isn't one group”. Crisis Group interview, veteran settler, Karnei Shomron, November 2011.

⁹⁶ Crisis Group interview, centrist current rabbi, Binyamin, March 2013.

⁹⁷ Hilltop youth leader Meir Bartler on “Who are the Hilltop Youth?”, Channel 2, 26 December 2011.

⁹⁸ They are tents and modest wooden shacks, sometimes including a few prefabricated caravans. There is no running water or sewage and electricity, should it be available, is powered by generators. Crisis Group observations, West Bank outposts, January 2012–April 2013.

⁹⁹ Chabad is a Hasidic movement established in the late eighteenth century to answer criticism of Hasidism as anti-intellectual. It emphasises reason over emotion. Breslev is a branch of Hasidism. Crisis Group interview, Prof. Menachem Klein, expert on religion and politics in Israel, Jerusalem, June 2012.

¹⁰⁰ Crisis Group interview, former resident of Yizhar hills, Jerusalem, March 2013.

¹⁰¹ Crisis Group interview, former resident of Yizhar, April 2013. Many first-wave hilltop youth settlers took the disengagement as a sign that Israel was being led by *erev rav* (non-Jews who joined the Jewish people) who had to be deterred from pursuing an un- or anti-Jewish policy.

¹⁰² “Ginsburg is a penetrating anti-Zionist Chabadnik. Chabad's main achievement in Gush Katif was ‘to help’ Religious Zionism sober up from the idea that the State of Israel is the beginning of redemption. The state [for them] is a source of power but no value is attached to it; it is not seen in the context of a process of national revival”. Crisis Group interview, Gush Katif evacuee, March 2012.

¹⁰³ Ginsburg wrote *Baruch HaGever* (a double entendre meaning both “Baruch the Man” and “Blessed be the Man”), a booklet praising Baruch Goldstein who in 1994 killed 29 Palestinian Muslims in Hebron. Ginsburg also endorsed *Torat Hamelech* (the King's Torah) a book explaining the halachic provisions for killing Gentiles. Incitement charges were filed post-facto against Ginsburg for supporting Goldstein; the case ended in a plea bargain. Kookist Rabbi Dov Lior endorsed the book as well, suggesting how variable commitment to the Unity of Opposites doctrine is among Kookists.

¹⁰⁴ Avi Ravitzky, *Kahanism as an Ideological and Political Phenomenon*, Publications of the President's Residence Group for the Study of the People of Israel, 1985.

¹⁰⁵ Crisis Group interview, Jewish Home Knesset member, Jerusalem, November 2012.

they appear to be partners in the same struggle: “I don’t agree with everything they say, but we are certainly fighting the same fight against the Arabs”.¹⁰⁶

The second hilltop wave appeared after the withdrawal from Gaza as a symptom of post-disengagement generational tensions. Its participants’ world view was shaped by the forcible eviction of their communities. Their outposts have been met with repeated eviction; serial reconstruction has been the youth’s answer. This cat-and-mouse game challenges and distracts the government; the outposts, given their proximity to Palestinian villages, also serve as a launch pad for violent attacks.¹⁰⁷

Indeed, some, albeit by no means all of the hilltop youth, engage in violence against Palestinians, places of worship and the Israeli army, in what has come to be known as “price-tag” actions.¹⁰⁸ These attacks, which include the uprooting of olive trees, vandalism and the desecration (via graffiti and other means) of both religious and civil facilities, are intended as measures of revenge, intimidation and deterrence. Though settler violence against Arabs in various forms predates the inception of price-tag terminology in 2011, it has grown steeply in recent years. From 2007 to 2011, according to one estimate, the number of these attacks more than tripled.¹⁰⁹ Virtually all parts of Israeli officialdom have condemned such acts, which occasionally have targeted soldiers and threaten to trigger wider escalation.¹¹⁰

The statist community has a complex relationship with these activists: they oppose their violence but avoid full-throated condemnation when Arabs are the victims;¹¹¹

¹⁰⁶ Crisis Group interview, former resident of Yitzhar, April 2013. A Kookist rabbi explained that “as long as Kach [Kahane’s movement] existed as an independent movement, Kahane’s followers were separate from Gush Emunim. When Kach was outlawed they did not disappear but were swallowed within the National Union Party: both objected to the state”. Crisis Group interview, centrist current rabbi, Binyamin, March 2013. Settlers in the West Bank’s southern outposts such as Havat Maon get on well with the Kahanist activists in Hebron and the nearby settlement of Bat Ayn. Crisis Group interview, Hebron settler, Jerusalem, January 2013.

¹⁰⁷ Crisis Group interview, former Civil Administration official, Tel Aviv, December 2012.

¹⁰⁸ Hilltop youth who perpetrate such actions tend to refer to them as acts of *arvut hadadit* (mutual responsibility), acts of solidarity with Jews in an outpost that has been evicted. Crisis Group interview, former resident of Yitzhar, April 2013. Over 100 “Price Tag” incidents took place between September 2011 and February 2013, with the number of incidents more than doubling every year. The increase, perpetrators claim, came in reaction to evictions of outposts. “Tag Meir: Light instead of Terror”, a report on Hate Crimes and Racism, Tag Meir Forum, April 2013.

¹⁰⁹ Yousef Munayyer, “When Settlers Attack”, The Palestine Center, 2012.

¹¹⁰ Particularly notable was a December 2012 incident in which some 50 young pro-settlement activists broke into and defaced the IDF’s Efraim Brigade headquarters. Amos Gilad, the defence ministry’s director for policy and political-military affairs, said, “‘Price Tag’ is murder; it is heinous terror that aims to drag us to a national-religious Armageddon war”. Gili Cohen, “Top official: ‘Price tag’ attacks are acts of terror meant to drag Israel into religious war”, *Haaretz*, 10 September 2012.

¹¹¹ After Gush Emunim co-founder Zeev Hever’s property was vandalised, then-Yesha Council Chairperson Danny Dayan criticised the settler community for not denouncing settler violence. He added that the Yesha Council secretariat refused his request to condemn the recent attack on the grounds that “we do not condemn harming Arabs”. He concluded that “this is the only danger to Jewish settlement in Judea and Samaria – not Netanyahu, not Obama and not Ehud Barak. We may drown under it”. Speech at an Amana support rally for [settler leader] Zambish, Ofra, www.youtube.com/watch?NR=1&v=u-7eJbVh5rw. Others condemn such acts while downplaying them: “I am very unhappy with these activities. They harm the image of the *hityashvut* in Israel and are immoral. But let’s take things in proportion. Fortunately they do not lead to deaths. These essentially are young frustrated kids”. Crisis Group interview, northern Samaria (northern West Bank) rabbi, Jerusalem, April 2013.

they oppose lawlessness but hesitate to side with the state against friends;¹¹² advise respect for state authority¹¹³ but use young violent outpost residents tactically to advance their own goals. Since 2011, the national-religious community has been changing its attitude towards these activists: social workers pay more attention to them¹¹⁴ and many settler leaders, who at first ignored their violence,¹¹⁵ since mid-2012 have begun to denounce them publicly – in no small part because violence came to be aimed at them.

Until 2013, and despite its verbal condemnations, the state had yet to fully mobilise in response. Arrests grew but convictions remained rare.¹¹⁶ With the Israeli Security Agency (Shin Bet) having trouble penetrating the fragmented and insular groups,¹¹⁷ authorities resorted to restraining orders to keep the youth out of the West Bank. The tactic had limited success, as both the judiciary and public expressed reservations about the constraints and, more importantly, the restraining orders did not deal with the problem's root causes: those prevented from entering the West Bank shifted their activities to East Jerusalem and Israel proper.¹¹⁸

On June 2013 the cabinet authorised the defence minister to declare any group engaging in price-tag activities an “illegal association” on the basis of the 1945 mandatory emergency defence regulations.¹¹⁹ In addition, a special police force was established to deal with price-tag attacks and resources devoted to this issue are high: according to a senior IDF (Israel Defence Forces) officer, “today, a third of the IDF's

¹¹² Instead, said a statist rabbi living in a Samaria settlement, he directs lawbreakers to a rabbi who often is sceptical of the state but does not condone illegality: “This way they have an institutional framework and responsible rabbinic guidance”. Crisis Group interview, March 2012.

¹¹³ A rabbi said that educators in national-religious yeshivas tell their pupils that price-tag activities are “not smart, nor moral”. He added that the IDF's Central Command has addressed the issues with West Bank educators regularly since 2010. Rabbis say their main challenge is striking a balance between condemning the activity and maintaining legitimacy in the eyes of their pupils. Crisis Group interview, Rabbi teaching in a high school yeshiva in northern Samaria, Jerusalem, April 2013.

¹¹⁴ Crisis Group interview, Itay Hemo, social worker, Migron, January 2012.

¹¹⁵ Crisis Group interview, Yesha Council leader, Jerusalem, March 2012.

¹¹⁶ Youth typically are detained for only hours or days, few are charged with crimes and most brought to trial are exonerated due to lack of evidence. Rabbis who publicly support them have been detained for questioning then released without charge. The attorney general controversially ruled that religious writings were protected free speech and the police failed to come up with evidence proving their involvement in the attacks. Israel Democracy Institute legal experts argue such rabbinic rulings should be subject to Israeli laws against incitement (Section 144A of the Penal Law). Mordechai Kremnitzer and Shiri Krebs, “Rabbis Are Allowed: Incitement to Racism and with Permission of the Attorney General”, Israel Democracy Institute, 3 December 2011.

¹¹⁷ Sympathetic national-religious soldiers on occasion have tipped off settlers in outposts about upcoming operations. As a result, some officers do not share such information with national-religious soldiers, especially those living in settlements, until the last minute. Crisis Group interview, IDF infantry officer, October 2012. Former General Security Services head Carmi Gilon argued “the government's policy is a failure ... I don't see people prosecuted”. Ovda, Channel 2 TV, 5 June 2013. Kahanist activists parry Shin Bet efforts by exposing their methods (for instance by publishing taped phone calls) and harassing Shin Bet Jewish Division officers who live in settlements.

¹¹⁸ Yishai Friedman, “Following the anti-Arab march: Neriah Ofan restricted from Pisgat Zeev”, *Srugim*, 24 May 2010.

¹¹⁹ The decision was controversial because the provision usually attaches to a group, not a tactic. The move was a compromise, after some officials proposed declaring price-taggers as terrorists so that law enforcement agencies could avail themselves of more legal tools. The prime minister and others, however, found the comparison between suicide bombings and graffiti spraying “excessive”. Crisis Group interview, Israeli defence official, Tel Aviv, July 2013.

presence in the territories is aimed at Jewish terror".¹²⁰ The efforts have yielded results; according to the foreign ministry, as of November 2013 "165 files related to 'price-tag' actions were opened, 76 people were arrested, and 31 indictments were submitted".¹²¹ Still, for price-taggers and those providing them theological guidance, the attention they are receiving, albeit negative, might not be all bad. An expert on these groups said:

They assume that they will grow stronger the more they are shouted at and the more they are excluded. Baruch HaGever and the books coming out of Yitzhar now are just a promotion. This is only the beginning.¹²²

¹²⁰ "Who are the Hilltop Youth?", Channel 2, 26 December 2011.

¹²¹ "Review of the economic situation in Judea, Samaria and the Gaza Strip, and update on positive Israeli measures towards the PA – November 2013", Israel foreign ministry website, 4 November 2013, tinyurl.com/pgxgl6.

¹²² Crisis Group interview, Dr Avinoam Rosenak, religious Zionism expert, Jerusalem, May 2012.

IV. From the Hills to the State

Gaza disengagement demonstrated to the national-religious elites that facts on the ground can be reversed. An evacuee lamented the apathy of the broader public to their fate: “While we were evacuated from our homes, hundreds of thousands of Israelis went on summer vacations abroad”.¹²³ The national-religious leadership – political, rabbinic and educational – adjusted its approach, endeavouring to penetrate government decision-making and convince the broader public of their goals. Naftali Bennett, leader of the Jewish Home Party, put it forthrightly: “For the sake of the Land of Israel we need first to change the people and the state of Israel”.¹²⁴

A. *Entering State Institutions: The IDF and Beyond*

As detailed by Crisis Group,¹²⁵ national-religious Israelis have become prominent in IDF infantry units, which has led to what many refer to as the army’s “religiousisation” [*hadata*]. From 2000 to 2012 alone, representation of the national religious in the officer training courses rose from 15 to 43 per cent.¹²⁶ In addition, the IDF’s chief rabbinate today has come to play a prominent role, establishing, among other halachic rules, those for the conduct of war.¹²⁷ Among the national religious, Rabbi Tau’s Yeshivot HaKav has consolidated its presence, particularly in IDF preparatory courses (*mechina kdam tsvait*) that produce future officers and the IDF’s chief rabbinate.

For Kookists, the army’s sacredness is an extension of the state’s sanctity. Indeed, Rabbi Zvi Yehuda Kook taught that the army is an integral part of the state, endowed with its sanctity, and that harming it is tantamount to harming the state itself. For those who follow these theological lines, IDF service is a divine act. By contrast, those who reject Kook’s doctrine and do not sanctify the state – and thus easily could disobey an order to evacuate a settlement – ascend the army’s hierarchy less frequently (often times dodging the draft altogether) and so have considerably less influence within it.¹²⁸

National-religious leaders also have begun to encourage their youth to enlist in other state institutions including the police, for which preparatory programs similar to those for the military have been established.¹²⁹

¹²³ Crisis Group interview, Gush Katif evacuee, northern Israel, March 2013.

¹²⁴ Briefing, Tel Aviv, 7 January 2013.

¹²⁵ Crisis Group Middle East Report N°89, *Israel’s Religious Right and the Question of Settlements*, 20 July 2009.

¹²⁶ Reuven Gal (ed.), *Between the Yarmulke and the Beret: Religion, Politics and the Military in Israel* (Modan, 2012).

¹²⁷ Not surprisingly this has created tensions with the army. The IDF’s chief rabbinate, for instance, has clashed with its ethics office and controversy regularly erupts about limitations on women’s roles. Crisis Group interview, military analyst, Tel Aviv, October 2012.

¹²⁸ “Why should I serve in an army that separates Jews from their land?” Crisis Group interview, young settler, Beit El, March 2013.

¹²⁹ This began after the violent dismantlement of the Amona outpost in 2006, when police clashed with settlers. Organised efforts to insert national religious into the attorney general’s office – another controversial body in the pro-settler community – are planned as a “next stage”. Crisis Group interview, David Shayan, national-religious Likud activist, Jerusalem, 27 March 2012. While many interpret efforts to penetrate state institutions as an attempt to take them over from inside, the involved rabbis, often from Yeshivot Hakav, see the move from the opposite perspective: as a way to deradicalise a population that has grown alienated from its state.

B. *Joining the Likud*

Until the early 21st century, national-religious Knesset members representing the Likud were very rare. It was only in reaction to Prime Minister Sharon's declared support for Palestinian statehood in 2001 – and later, to the separation barrier and Gaza disengagement¹³⁰ – that the settler leadership, which largely had abstained from intervening in internal Likud politics, reached out to party members, and particularly the national religious among them, to establish political alliances.¹³¹

The way Sharon, as Likud leader, dealt with internal opposition to disengagement had major ramifications for the party. After he was twice defeated within the Likud – first in a vote of the entire membership and a second time in its Central Committee – he ultimately prevailed in the cabinet by invoking coalition discipline.¹³² When he subsequently split with Likud, taking thirteen of its MKs but very few national-religious party members with him to form Kadima, the Likud was left with a membership that was particularly hawkish and proportionately more national religious than ever before;¹³³ for this reason, many in the national-religious community saw the rump Likud as their natural home. Whereas the National Religious Party had failed to prevent the withdrawal – leading to its diminution and consequent merger within the Jewish Home in 2008 – the Likud leaders who stayed behind when Sharon exited for Kadima demonstrated their ideological bona fides.

The pro-settler camp concluded that it needed to augment its power both from above and below: from above, because Sharon had prevailed upon ministers to circumvent the predominance of pro-settler, anti-disengagement voices within the party's rank and file; from below because, as Gershon Mesika, head of the Samaria Regional Council and leader of a Likud bloc called Halikud Sheli (My Likud), explained: "The real playing field where the fate of Eretz Israel is determined is that of politics and the media and this is why we are making incredible efforts".¹³⁴

During Olmert's premiership (2006-2009), the Likud saw an influx of national religious not only because it voiced uncompromising commitment to the Land of Israel but because religious Zionists increasingly saw the value of advancing their positions from within whatever party dominates the coalition and therefore the government (*miflegat hashilton*), irrespective of its nominal ideology or religiosity. The person most identified with this approach in the Likud is Moshe Feiglin, a veteran activist who came to prominence by leading a popular struggle against the Oslo Accords.¹³⁵ His systematic criticism of the inherent limitations of national-religious parties and

¹³⁰ Anat Roth, "The Secret of its Strength: The Yesha Council and its Campaign Against the Security Fence and the Disengagement Plan", Israel Democracy Institute, Policy Paper No. 61, (2005), pp. 150-151, 161-248.

¹³¹ Crisis Group interview, national-religious Likud activist, Jerusalem, August 2012.

¹³² He fired three ministers for voting against the plan, two of whom were national religious politicians.

¹³³ Crisis Group interview, Likud member who moved to Kadima with Sharon, Tel Aviv, 10 July 2012.

¹³⁴ Moshe Meirsdorf, *Maaynei Hayeshua* [The Fountains of Redemption], May 2010. myim.co.il/main.php?mod=newsOpen&articleID=986.

¹³⁵ In 1994 Feiglin co-founded Zu Arzeinu (This is our land), a protest movement that organised mass demonstrations and large-scale civil disobedience, famously blocking dozens of crossroads to protest the Oslo Accords. As the accords were implemented, including by Netanyahu's first government (1996-1999), the leaders of Zu Arzeinu gave up on popular protest and concluded that change could only be effective from within the corridors of power. This was the genesis of Jewish Leadership, the bloc that entered the Likud in 2000 and sought to directly influence policymaking.

his advocacy for working instead within the mainstream Likud, coupled with recruitment and organising, made him a symbol of this strategy.¹³⁶

Nearly all national-religious rabbis at first opposed the effort, arguing for fidelity to national-religious parties on the grounds that only they fully support the implementation of religious law.¹³⁷ But many national religious disregarded their reservations, registering with the Likud and voting in the party's internal institutions, but then voting for national-religious parties in parliamentary elections.¹³⁸ As time passed, the rabbis came around.¹³⁹ As national-religious Likud members became more common, so too did national-religious Knesset members and ministers.¹⁴⁰

Within the Likud, four new national-religious blocs were established that included thousands of newly recruited members. Each boasts 3,000 to 9,000 members – large compared with other Likud blocs that typically are based on geographic (not ideological) proximity¹⁴¹ and normally number roughly 1,000-2,000 members.¹⁴² A month before the February 2009 elections, former national-religious Minister Effie Eitam led Achi [literally, “my brother”, a Hebrew abbreviation of “Eretz Israel, Society and Judaism”], a party that had been part of the National Union list, into the Likud.¹⁴³ Achi and Likud signed an agreement called “The Promotion of Religious Zionism”,¹⁴⁴ which signalled, according to Netanyahu, the changing character of the Likud:

It was once customary to say that a Likudnik is he who walks with a kipa [skullcap] in his pocket, but here there is a group of Likudnikim who walk with a kipa on their heads. We have to be proud of them. It is not chance, because the gaps between the national-religious camp and the Likud are disappearing.¹⁴⁵

¹³⁶ “Feiglin is the one who created consciousness among the national-religious that they should join the Likud. In spite of all the criticism against him, no one can take this away from him. Today the top five [MKs] in the Likud were supported by Feiglin”. Crisis Group interview, David Shayan, former adviser to Minister Yossi Peled, Jerusalem, 27 March 2012.

¹³⁷ Crisis Group interview, national-religious rabbi, Binyamin, 11 March 2012.

¹³⁸ According to the 2011 Likud membership file, 34 settlements had more Likud members than Likud voters. Chaim Levinson, “Israeli settlers make up 30 percent of new Likud members”, *Haaretz*, 27 January 2012.

¹³⁹ The registration of Shulamit Melamed, wife of leading Tkuma Rabbi Zalman Melamed, was interpreted by many as formal support by the rabbi. Crisis Group interview, Likud Central Committee member, Tel Aviv, 15 July 2012.

¹⁴⁰ Before Gaza disengagement, national-religious MKs in the Likud were few and far between. The 2006 primaries brought a national-religious MK (Yuli Edelstein) into the small twelve-member Likud party; the 2009 primaries brought an unprecedented five into the Knesset (Zeev Elkin, Yuli Edelstein, Lea Ness, Tzion Finian and Tzipi Hotovely). Knesset Website, knesset.gov.il/main/eng/home.asp.

¹⁴¹ That said, two Likud blocs dwarf the rest, the pro-settler lobby included. MK Israel Katz and MK Haim Katz, head of the Israel Aviation Industries employees' union, each command the loyalty of about 10,000 (some put the numbers higher, at 15,000 each), though they typically wield it for issues of domestic and personal concerns (eg. employment conditions for aviation employees, wheeling and dealing in governmental jobs) rather than foreign policy. Crisis Group interview, Likud Central Committee member, Tel Aviv, 15 July 2012.

¹⁴² Mayors affiliated with the Likud tend to direct the votes of the 1,000 or so Likud members affiliated with their branch to reward ministers who support their community. Crisis Group interview, Likud Central Committee member, Tel Aviv, 15 July 2012.

¹⁴³ Crisis Group interview, adviser to national-religious Likud MK, Jerusalem, 9 January 2013. MK Zeev Elkin leads the bloc in the Knesset.

¹⁴⁴ Achi brought about 3,500 members to the Likud, in return for which the party committed to promote issues of concern to the national religious.

¹⁴⁵ Kobi Nahshoni, “Netanyahu: ‘a Likudnik no longer walks with a Kipa in his pockets’”, *YNET*, 26 January 2009.

In November 2009, HaLikud Sheli began recruiting pro-settlement members to the Likud in reaction to the ten-month settlement moratorium to which Netanyahu had agreed.¹⁴⁶ It soon numbered thousands of members, mostly national religious.¹⁴⁷ These two new blocs joined the veteran Mateh Leumi and Moshe Feiglin's Jewish Leadership, which is the only of the four that is not Kookist.¹⁴⁸ By late 2012–early 2013, the four pro-settlement blocs accounted for 14–20 per cent of the Likud's 123,000 registered party members. In addition, an unknown number of national religious Likud members do not belong to any of the blocs.¹⁴⁹

Though they constitute less than 20 per cent of the Likud membership, the blocs exert considerable influence on ministerial decision-making because of their high voting rates and the lack of any competing ideological bloc.¹⁵⁰ An adviser to a Likud minister, whom Netanyahu reportedly had asked to support an extension of the settlement freeze, said the minister declined because he feared the wrath of the 20,000–25,000 national-religious Likud members who vote in the primaries.¹⁵¹

While they have suffered some high-profile losses, they are the fastest growing and most dynamic part of the Likud.¹⁵² In exchange for votes, certain ministers and MKs publicly committed to fight any territorial withdrawal;¹⁵³ ministers have pushed policy initiatives to advance Israeli control over what they refer to as Judea and Samaria,¹⁵⁴ and Netanyahu, after much hesitation, finally decided to back the controversial Boycott Law, which made boycotting settlements a punishable offence.¹⁵⁵ Many Likud

¹⁴⁶ The group is led by prominent Likud members from Samaria (northern West Bank) and has the support of several regional council heads from around Judea and Samaria (the West Bank). It was formed because of about 33,000 Likud voters in those areas, only some 6,000 were registered with the party. Halikud Sheli leader, Halikud Sheli bloc event, November 2012. www.youtube.com/watch?v=N6OgwBb9gvM.

¹⁴⁷ Estimates range from 3,000 to 4,300. Numbers vary in part because sixteen months of membership are required before one can vote in Likud primaries. Crisis Group interview, adviser to national-religious Likud MK, Jerusalem, 9 January 2013; Hezki Ezra, Mesika to the ideological voters: go vote, Arutz 7, 24 November 2012; www.inn.co.il/News/News.aspx/247383.

¹⁴⁸ Mateh Leumi has 5,000 to 9,000 members; Jewish Leadership has 5,000 to 7,000. Crisis Group interview, adviser to national-religious Likud MK, Jerusalem, 9 January 2013; Yerushalmi, "The Deal and the Trick", *Ma'ariv*, 10 November 2012.

¹⁴⁹ Crisis Group interview, national-religious Likud member, Jerusalem, March 2013.

¹⁵⁰ Approximately 90 per cent vote in comparison to 50 per cent of other Likud members. Crisis Group interview, adviser to national-religious Likud MK, Jerusalem, 9 January 2013.

¹⁵¹ "I told him that only 60,000 of the 120,000 Likud members actually vote on primary day and that by alienating a third of them he is risking his political future. There is no other bloc of similar size that is ideologically in favour of the move and would reward it. He decided not to vote in favour of extending the freeze". Crisis Group interview, former adviser to Likud Minister, Jerusalem, February 2012.

¹⁵² Veteran journalists like Raviv Drucker and Nadav Perry assert that, since 2011, and based on attendance of national-religious party members at Likud events, their presence is so significant that the party has de facto become a national-religious one, largely because Jewish Home is too small and ineffective to attract a critical mass of national religious. Channel 10 News, 13 July 2011. Nadav Perry, "Netanyahu sees Liberman as key to Likud's future", *Al-Monitor*, 22 May 2013.

¹⁵³ Crisis Group interview, adviser to Likud minister, Jerusalem, February 2012.

¹⁵⁴ National-religious, pro-settlement Likud activists claim – and secular party activists agree – that they played a role in Transportation Minister Israel Katz's decision to extend train service to the West Bank, then-Education Minister Gideon Saar's decision to include Hebron on the list of school field trips, and Culture Minister Limor Livnat's extension of governmental budget assistance to museums in settlements. Crisis Group interviews, January–June 2012. Chaim Levinson, "Israel planning new West Bank train network, minister says", *Haaretz*, 4 May 2012.

¹⁵⁵ According to Raviv Drucker, a journalist, ideologically driven, pro-settlement Likud figures were decisive in this. Channel 10 News, 13 July 2011.

members attribute the Likud's clear shift to the right in the November 2012 primaries – which pushed more liberal and pragmatic politicians to the bottom of the list – to pro-settler national-religious newcomers.¹⁵⁶

That said, the noise they make may mislead some into overstating their size and impact.¹⁵⁷ If their influence can be outsized, so too can their failures. An unprecedented ten-month settlement moratorium was implemented when the Likud had the largest national-religious membership in its history. The attempt to pass the outpost legalisation bill, which in effect would have bypassed Supreme Court orders to remove outposts built on private Palestinian lands, failed even though the pro-settlement, national-religious community mobilised virtually all its resources. Moreover, a draft bill proposing to apply Israeli sovereignty to the settlement blocks – which was brought to the ministerial committee for legislation, arguably a success in itself – was shot down at Netanyahu's request by pro-settlement Likud ministers.¹⁵⁸

There also is plenty of grumbling in the ranks. Some argue the bloc members are not authentic Likud members because many vote for other parties in national elections; nearly all focus exclusively on settlements at the expense of socio-economic issues;¹⁵⁹ and many do not respect the Likud's historical code of refraining from publicly embarrassing the party's chairperson.¹⁶⁰ Former Ministers Begin, Eitan and Meridor, together with Reuvin Rivlin, the former Knesset speaker, were particularly incensed by the disregard many of them showed for the Supreme Court's rulings regarding protection of Palestinian property.

¹⁵⁶ Crisis Group interviews, Likud members, Jerusalem, December 2012. Dan Meridor, Carmel Shama-Hacohen, Michael Eitan and Benny Begin – all of whom hail from the Likud's more liberal wing, which traces its history to the party's ideological father, Vladimir Jabotinsky, and respect for individual rights, the rule of law and restraint on state power – scored less well than in previous primaries, to the benefit of ultra-nationalists like Danny Danon, Yariv Levin and Miri Regev. After three attempts, Feiglin was elected to the party's Knesset slate in 2012, though only after publicly expressing opposition to the act of participating in Likud internal elections while voting for other parties in national elections.

¹⁵⁷ "The pro-settler national-religious blocs are excellent lobbyists. They bombard ministers and MKs with SMSs and faxes, excel in harassing advisers, secure countless entry permits to the Knesset, and more. They make so much noise you think there are 100,000 people". Crisis Group interview, secular Likud member, Jerusalem, 3 June 2012. A Likud Central Committee member said the blocs' ability to register members did not always match their ability to make them vote as they wish – especially when it came to the Haredi-Leumi members who have a strong tendency to follow their rabbi's advice. "There is more noise about these blocs than there should be". Crisis Group interview, Tel Aviv, 15 July 2012.

¹⁵⁸ Uri Pollack, "Ministerial committee rejected the bill to applying Israeli sovereignty in Judea and Samaria", *Kipa*, 13 May 2012. A majority of ministers publicly declared support before the vote but were ordered to oppose it by Netanyahu.

¹⁵⁹ Even the veteran bloc *Mateh Leumi* is considered "foreign to the Likud" because "you never hear them talking of social or economic issues". Crisis Group interview, Likud Central Committee member, Tel Aviv, 15 July 2012.

¹⁶⁰ For instance, with Netanyahu pushing for a secret vote for the presidency of the Likud Convention so he could get elected to the position, hundreds of national-religious Likud members filled the convention hall and stood with large signs, live on prime time television. Netanyahu decided not to risk an open vote and withdrew his proposal. Most veteran Likud members argued this contravened the Likud code of not publicly embarrassing their leader. Crisis Group interviews, Likud members, Tel Aviv, 28-30 October 2012.

Still, regardless of their own views, Likud leaders have little choice but to court their new constituents.¹⁶¹ In the absence of a competing ideological bloc,¹⁶² ignoring the national-religious blocs buys the Likud leaders nothing in return. Indeed, the merger of the Likud and Yisrael Beiteinu lists in the 2012 elections in effect eliminated from Knesset candidacy Likud members who could not obtain national-religious support.¹⁶³ Seeking to attract this constituency, even non-religious Likud MKs in the current government have taken on explicitly religious agendas, most clearly in the form of support for Jewish worship rights on the Holy Esplanade.¹⁶⁴

C. *Reawakening the National Religious Party*

The increasing numbers joining and voting for the Likud prompted leaders of the national-religious parties to reinvigorate efforts to attract their natural base. On the eve of the January 2013 Knesset elections, they revamped national-religious politics: the Jewish Home party held primaries for the first time; a new leadership unsullied by the failures of the past emerged;¹⁶⁵ the Tkuma faction withdrew from the National Union and joined the Jewish Home in a combined list;¹⁶⁶ and Jewish Home leaders criticised the Likud for purportedly failing to cater to national-religious needs, particularly settlement promotion.¹⁶⁷

¹⁶¹ Senior ministers including Moshe Kahlon, Silvan Shalom and Israel Katz reportedly all made deals with Jewish Leadership, supporting one another in the primary and coordinating on policy issues. Crisis Group interview, national religious Likud activist, Jerusalem, October 2012. Most Likud Knesset members speak at bloc events where they voice strong pro-settlement views. Crisis Group interview, Likud Central Committee member, Jerusalem, November 2012.

¹⁶² Two minor exceptions were the New Likud and the Civic List, both made up of Israeli left-leaning activists who grew out of the July-August 2011 social justice protest movement. Together, the two lists had about 2,000 members by the November 2012 primaries, some of whom had not been members long enough to be eligible to vote. Crisis Group interview, Gil Kidron, Likud Civic List co-founder, Tel Aviv, 13 May 2012.

¹⁶³ The Likud electoral list was composed of two types of slots: twenty so-called "national" slots were followed by slots allocated to geographical "districts". Winning a national slot required some 20,000 votes – which could be obtained only with broad backing, including that of ideological blocs – while a district could be won with a few thousand votes. The merged list with Yisrael Beiteinu meant only those winning a national slot were able to enter the Knesset.

¹⁶⁴ For example, Rabbi Yehuda Glick, a prominent Temple Mount activist, serves as an aide to MK Miri Regev. In her role as chairperson of the Knesset's Interior Committee, she sought an unprecedented formal visit by committee members to the Holy Esplanade.

¹⁶⁵ A high tech multi-millionaire and combat officer in the second Lebanon War, Naftali Bennett, the head of the Jewish Home, symbolised success for religious Zionists who perceive self-realisation in essentially modern-secular terms, as opposed to familiarity with religious texts. The fact that he was not associated with the Gaza withdrawal symbolised a clear slate and new strategies. Crisis Group interview, David Shayan, national-religious Likud activist, Jerusalem, 27 March 2012.

¹⁶⁶ Former MK Nissan Solomianski of the Jewish Home party – arguably the chief architect of the union – criticised religious Zionism's fragmenting over minor differences: "a yeshiva today becomes four yeshivas tomorrow. We are like an amoeba that keeps splitting. ... There are almost no differences between the Jewish Home and the National Union. There is no reason in the world for us not to be a single party". Speech at the Jerusalem Conference, 24 May 2012. The two remaining National Union MKs, Arie Eldad and Michael Ben Ari, formed a new far-right party called Power to Israel. Though it had strong support in national-religious settlements, it narrowly missed the 2 per cent electoral threshold. The existence of a party to the right of Jewish Home helped it avoid being labelled as "extremist".

¹⁶⁷ In a speech on the eve of elections, Uri Ariel argued that Jewish Home was a better alternative for a national-religious voter because of Netanyahu's Bar Ilan speech in which he accepted the notion

Prior to this, polls suggested that national-religious parties would fail to regain voters who in 2009 sided with the Likud and at best would secure a total of eight Knesset seats – one more than they previously had;¹⁶⁸ in the event, Jewish Home won an impressive twelve. This in no small part was a result of smart politicking by the new national-religious icon, Naftali Bennett, who at first intended to run with “The Israelis”, a joint secular-religious, right-wing party that aimed to “bring Zionism back to the centre”.¹⁶⁹ He moved to Jewish Home only when the party decided to run primaries; he realised it would be easier to take control of an existing party rather than launch a new one.¹⁷⁰ After he won, he formed a single list with Tkuma, which itself had drifted from the rabbinical establishment when its rabbis lost control of its electoral slate to political figures. This means that the Jewish Home’s political leadership has become increasingly unmoored from rabbinic guidance (*daat torah*), which already has begun to alienate those among the party’s constituency whose politics are directed by religious leaders.

These developments facilitated a rebranding campaign that transformed Jewish Home’s image from a national-religious to a broadly national one: issues like socio-economic welfare took prominence;¹⁷¹ the party presented a youthful, modern image with only a light religious touch;¹⁷² and it emphasised religious-secular unity through notions of kinship.¹⁷³ The strategy enlarged the party’s appeal: four of the Jewish Home’s seats are from non-national religious voters.¹⁷⁴ It did so without alienating its base: Jewish Home won about 10 per cent more national-religious votes than its two predecessors combined in 2009.

Jewish Home’s star rose at the expense of the Likud’s. Merging its electoral list with Yisrael Beitenu (to form the Likud-Beitenu list) contributed to Likud losing nearly half of its national-religious votes.¹⁷⁵ Lieberman’s prominent presence pushed away religious voters because of his public support for separating state from religion. After the elections, Bennett successfully formed an alliance with Yair Lapid’s largely secular Yesh Atid to strengthen their hand in coalition negotiations, although this alliance has presented Jewish Home with the challenge of maintaining internal unity within the party while keeping the pact with Yesh Atid intact.

of a Palestinian state, the unprecedented ten-month settlement freeze, and his refusal to implement the recommendations of the Edmond Levy committee, which proposed, inter alia, legalising settlements. Speech at the Jerusalem Conference, Jerusalem, 24 May 2012.

¹⁶⁸ Gil Hoffman, “Post’ poll: ‘Center-Left mega-party’ would defeat PM”, *JPost*, 11 October 2012.

¹⁶⁹ Zvi Singer, “A new right wing party will compete in the elections: The Israelis”, *Megafon*, 6 May 2012.

¹⁷⁰ “Bennett came with a lot of money and that made all the difference. They took over the party”. Crisis Group interview, Jewish Home primaries contender, Jerusalem, December 2012.

¹⁷¹ “We have many other issues aside from settlements”. Briefing, Tel Aviv, 7 January 2013.

¹⁷² Jewish Home billboards showed only three of the party leaders: Bennett, with his skullcap barely showing, the secular Ayelet Shaked, and popular national-religious author and journalist Uri Orbach, who is known for his efforts to improve religious-secular relations. Settler and Torani figures were kept out of the public eye. Crisis Group interview, Israeli political analyst, Tel Aviv, April 2013.

¹⁷³ The party’s slogan was “Achi [brother]/Ahoti [sister], come home”. Explicit references to kinship continue to feature in their speeches and writings. Crisis Group interview, Israeli political analyst, Tel Aviv, April 2013.

¹⁷⁴ Sofia Ron-Moriah, “That’s the way to lose leadership”, *Makor Rishon*, 25 May 2013.

¹⁷⁵ According to Cohen, Likud support in what he defines as hawkish settlements decreased from 12 to 8 per cent and in other settlements Likud support fell by nearly half. Likewise, within the Green Line, Likud support among the national religious decreased by half in small communities and by 10 per cent in cities. Asher Cohen, “The Jewish Home in the 2013 Elections”, on file with Crisis Group.

Internal cleavages within the Jewish Home are numerous. Most markedly, the party is divided between, on the one hand, the Torani settlement emphasis of the Tkuma group (Minister Uri Ariel, Deputy Minister Rabbi Eli Ben Dahan, MK Zvulun Kalfa and MK Orit Struck) and, on the other, the urbanite, social-economic focus of Bennett's close political allies (MK Ayelet Shaked, Minister Uri Orbach and to a lesser degree Deputy Minister Avi Wurtzman). There also is a religious divide among the remaining MKs, who are all Torani, with one highly statist MK (Yoni Chetboun) and three other MKs (Nissan Solomianski, Motti Yogevev and to some degree Shuli Muallem) from the centrist stream. As a result, legislation and policy on matters of state and religion repeatedly tear the Jewish Home party apart.¹⁷⁶

Another major tension within the party is the deference MKs should pay to rabbinic guidance (*daat torah*). Bennett's allies accord it only a minimal role in policy-making while others, especially the Tkuma faction and the passionately statist, want to see rabbis play a larger role. This reflects the larger tension within the national-religious public, which seems to be splitting into two: a highly mobilised minority committed to following rabbinic guidance and a majority that places far less emphasis on it. While the Israeli-Palestinian conflict often takes centre stage for the international community, the Jewish Home party is less likely to be consumed by a fight over whether to remain in the coalition as Netanyahu makes gestures to sustain the diplomatic process than it is to split over matters of state and religion.

Externally, tensions have arisen with Yair Lapid's liberal-centrist party. Yesh Atid has focused heavily on issues of religion and state, at times taking positions contradictory to those of the Jewish Home on matters such as the nomination of Israel's chief rabbis, worship arrangements for women at the Western Wall and budgetary limitations on ultra-orthodox yeshivas not sending sufficient recruits to the army.¹⁷⁷ A Jewish Home Knesset member, anticipating tension with Yesh Atid should talks with Palestinians develop, expressed satisfaction that "Lapid is not focused on this issue [of the Palestinians], not because he sees eye to eye with us but because he thinks it is impossible to succeed there".¹⁷⁸ If there were progress in the diplomatic process, or were Yesh Atid to turn its attention to foreign policy, a clash would be all but inevitable.¹⁷⁹

Like many religious Zionists today, Bennett is torn between strict adherence to religious law and cooperation with non-observant Israelis. So far this has been a boon

¹⁷⁶ Tensions peaked with elections for the chief rabbinate. In a vote on a law to expand the body electing Israel's chief rabbis, in part to facilitate the inclusion of more women, Bennett was able to muster the support of only two of his MKs. The remaining nine boycotted the vote. Sofia Ron Moriah and Arik Bender, "Rebellion in the Jewish Home?", *NRG-Ma'ariv*, 22 May 2013. In a separate incident, Jewish Home Minister Uri Ariel opposed his own party's candidate for chief rabbi. Yonatan Orich, "Minister Ariel apologised for acting against the party's decision on the matter of the chief rabbinate", *Kipa*, 30 July 2013.

¹⁷⁷ After Yesh Atid and Jewish Home failed in their attempt to jointly draft a law defining Israel's character, Yesh Atid's MK Calderon submitted her own bill on behalf of her party that Jewish Home's MK Ayelet Shaked refused to support, backing instead one by Likud's MK Yariv Levin. An Israeli analyst said, "the Bennett-Lapid alliance failed this test. Jewish Home joined hands with the Likud, supporting an ultra-nationalist bill which Yesh Atid refused to sponsor". Crisis Group interview, David Barak, Haifa University, Haifa, July 2013.

¹⁷⁸ Crisis Group interview, Tkuma-affiliated Jewish Home Knesset Member, March 2013.

¹⁷⁹ For the time being at least, Tkuma leaders deny that they alone would leave the coalition under any scenario related to the Palestinians: "either we all go or we all stay". Crisis Group interview, Tkuma-affiliated Jewish Home Knesset member, April 2013.

for Jewish Home; indeed, some go as far as postulating that the “Bennett-Lapid alliance”¹⁸⁰ will enable religious Zionism to win the hearts of the people. But the alliance requires Bennett to walk a tightrope: attracting the mainstream public requires distancing himself from the rabbinic leadership and producing blowback from Torani circles, while endorsing Torani positions earns him the wrath of the mainstream.

So far these tensions have been contained. All groupings within Jewish Home need Bennett because of his electoral cachet, so they are trying to influence him, not push him aside. Regarding Yesh Atid, leaders from both parties affirm that “what began as a tactical alliance is becoming a substantive strategic alliance”,¹⁸¹ from a marriage of necessity enabling each to advance its own agenda in the current coalition to a far-reaching pact that would reshape, as they see it, the role of Judaism in Israel; draft the ultra-orthodox into the army; and pursue a neoliberal economic agenda.

Still, tensions threaten the integrity of Jewish Home as a party. The Torani have put Bennett under heavy pressure on matters relating to religion and state.¹⁸² While they are a minority among the national religious as a whole, their effective mobilisation means they are disproportionately well represented among Jewish Home’s rabbinic leadership and Knesset list, as well as among the rank and file.¹⁸³

Beyond numbers, Torani religiosity heightens their disproportionate influence; a public scolding over theological-cum-political matters is deeply embarrassing for a national-religious leader in general and Bennett in particular, given his liberal orientation and tendency to avoid rabbinic guidance (*daat torah*). Already, some within the party’s religious circles are calling for a reorientation toward the ultra-orthodox, with whom relations took a severe blow when Bennett forged his bond with Yair Lapid.¹⁸⁴ Similarly, the implementation of controversial steps against yeshivot (Jewish religious schools), notably budgetary cuts, could cause real strain, perhaps even a split. As a Knesset member said, “the [Torani] rabbis don’t let the [mainstream] national religious be who they want to be”.¹⁸⁵

¹⁸⁰ Crisis Group interview, David Barak, expert on national-religious politics, Tel Aviv, March 2013.

¹⁸¹ Minister Naftali Bennett, Ramleh Conference, 2 April 2013. Yesh Atid’s MK Ruth Calderon used the same terms to describe the shift in the relationship between the parties “from tactical to strategic”. MK Ruth Calderon, Ramleh Conference, 2 April 2013.

¹⁸² Four public rabbinical conventions, bringing together prominent national-religious Torani rabbis supporting the Jewish Home, have occurred in less than four months to push for a harder line on issues of religion and state. Sofia Ron-Moriah, “That’s the way to lose leadership”, *Makor Rishon*, 25 May 2013. Tkuma rabbis publicly scolded Bennett’s acceptance of representatives of the Conservative and Reform movements at a permanent advisory roundtable at the diaspora affairs ministry. Ari Galhar, “Tkuma members summoned for rebuke at Dov Lior’s”, *NRG-Ma’ariv*, 11 July 2013.

¹⁸³ “It is no coincidence that the majority of Jewish Home MKs are Torani. As in the Likud, the Torani party members demonstrated excellent mobilisation skills in party primaries”. Crisis Group interview, Israeli analyst, Tel Aviv, July 2013.

¹⁸⁴ Yishai Friedman, “Rabbi Levanon: The Jewish Home must change course”, *Arutz 7*, 22 August 2013. As tensions over rabbinic guidance increased, Torani Jewish Home MKs called for the establishment of a rabbinic council that would guide the party “at least on matters of religion and state”. Tomer Nir, “Envious of Shas: At least three Jewish Home MKs want a rabbinic council for party”, *Srugim*, 18 October 2013.

¹⁸⁵ Crisis Group interview, Jerusalem, September 2013.

V. “Settling in Hearts”

The sense, following the Gaza disengagement, that the settlement project had reached its ceiling convinced the settler leadership that they would have to “settle in the people’s hearts”¹⁸⁶ before they could do so in the hills. To educate the People of Israel about the Land of Israel, the Kookist leadership has taken to working on the national, communal and individual levels.

First and foremost, the pro-settler national-religious leadership began paying more attention to the media and popular opinion in general. “Look at the difference between [settler leader] Zambish, who avoided the media, and the media-hungry Naftali Bennett and Danny Dayan”.¹⁸⁷ In October 2008 the Yesha Council, for the first time, founded an advocacy unit – which initially targeted Israeli media figures and soon thereafter the international media – with a small, salaried staff.¹⁸⁸ Pro-settler public media campaigns have grown more frequent and well-funded.¹⁸⁹ Advocacy also pushed into new realms such as human rights¹⁹⁰ and diplomacy.¹⁹¹ National-religious leaders have realised the necessity of engaging the concerns of Israeli Jews writ large, including the non-religious, about their vision of the conflict’s end-game.

Secondly, the national-religious came to emphasise relocation to urban communities in Israel proper. This is carried out by *garinim toraniim* [sing., garin torani; literally, “Torah seeds”], which most often take the form of groups of national-religious families, numbering between a dozen and 100, who move into underdevel-

¹⁸⁶ Rabbi Yoel bin Nun, a Gush Emunim co-founder, coined the term in the 1990s, when the Oslo Accords prompted a similar, although less intense, effort.

¹⁸⁷ Crisis Group interview, Israeli media analyst, Tel Aviv, October 2012.

¹⁸⁸ The media unit is the result of cooperation between the Yesha Council and the Binyamin Regional Council. Crisis Group interview, Tamar Assaraf, Eli, March 2012.

¹⁸⁹ Israeli social networks buzzed with YouTube clips, produced by the Yesha Council, which maintained that withdrawal from the West Bank would threaten Israel’s security; challenged common perceptions of West Bank demographics; and offered an alternative legal history of the conflict. Billboards across Israel prominently depicted a young boy, sporting a crown, with the caption, “Judea and Samaria is the story of every Jew”. The Yesha Council took Tel Aviv’s media celebrities on tours of Jewish historic sites and settler wineries of the West Bank; the council also established journalism programs for aspiring national-religious journalists. The Jerusalem Conference, a national-religious annual policy conference, was established to give the stage to national religious political leaders, also drawing media coverage from non-national-religious media outlets.

¹⁹⁰ A rabbi involved in this rethinking and strategising explained: “Aiming at public opinion has led us to embrace what the left is talking about and its values. Look how three right-wing human rights organisations were established in the last few months”. Crisis Group email correspondence, Binyamin rabbi, 29 April 2013. The right-wing Institute for Zionist Strategies (IZS), founded by former Yesha Council Secretary General Israel Harel, established three so-called “Blue and White” human rights organisations that monitor IDF soldiers conduct at checkpoints and their moral conduct more generally while verifying that health services are provided to all residing in Israel, with no distinction based on religion, origin or gender.

¹⁹¹ In the words of Deputy Foreign Minister Zeev Elkin: “The right needs to think about *hasbara* [public relations] and diplomatic activism. The right and the settlement movement for a long time focused only on practical action, and completely abandoned diplomatic activity. Today we’re paying the price, a very heavy price, for not engaging in *hasbara* and not explaining our position to the world. If we want to prevail, the right has to be interested in *hasbara* action abroad no less than it is active in building another new home”. David Horovitz and Raphael Ahren, “Deputy FM: ‘Netanyahu wrong to back Palestinian state, and it’s hurting him in Likud’”, *Times of Israel*, 29 July 2013. The Yesha Council is supposed to soon publish a diplomatic plan of its own. Crisis Group interview, Yesha Council leader, northern Israel, June 2013.

oped communities with a double aim: socio-economic empowerment and strengthening religious Jewish identity.¹⁹² The groups, who see themselves as the pioneering core of new religious communities, tend to target areas that are already traditional and national religious and thus more amenable to persuasion.

Shilo Handler, head of Garin Eliyashiv in Lod (within the Green Line, near Tel Aviv) explained: "After [the evacuation of] Gush Katif we realized that you can create an incredible Zionist endeavour, but if the people are not with you it is not worth anything. Advancing Lod is a national task no less than living in Nablus".¹⁹³ Since the Gaza disengagement, religious Zionists have attributed greater importance to this activity, with the number of families living in these seed communities almost doubling to some 3,000; state budget support has increased proportionately.¹⁹⁴

Thirdly, the national-religious leadership is establishing educational programs and outreach movements across the country to promote religious observance.¹⁹⁵ They encourage Jews not only to become more religious (a process known in Hebrew as *chazara btshuva*), but to do so in the "spirit of Rabbi Kook":¹⁹⁶ sanctifying not only the religious scriptures but also the Land of Israel, Jewish people and State of Israel. This, in turn, had various implications: opposing territorial partition; being committed to the settlement project; respecting decisions backed by a Jewish majority; and rejecting force as a means of resisting the state.

¹⁹² To do so, in addition to mixing with and generally befriending the community, they open schools and kindergartens, run colleges that offer Jewish learning for secular educational institutions, operate soup kitchens, sell subsidised clothes, etc. Garinim toranim, which were first established in 1968, grew significantly in the 1990s in reaction to the Oslo process.

¹⁹³ Shiley Sasson-Ezer, "Advancing Lod is national task no less than living in Nablus", *Calcalist*, 17 February 2011. The unofficial portal of the *garinim toraniim* explains: "Religious Zionism leads two great endeavours among the People of Israel: the first is strengthening our hold over all the parts of our land, in the Negev, Judea, Samaria, Binyamin, the Galilee and the Golan; and the second is *gariniim toraniim*, strengthening urban centers with Judaism and social empowerment. So what is the great ideal of our days? Settling across the Land of Israel or intentionally within the cities of Israel? ... Each family should choose". www.edlivehere.com.

¹⁹⁴ The Gaza disengagement gave a great boost to communal pioneering; their most prominent activists joined in its wake. See "Eliyashiv Reichner, Purposefully There: The Story of the People of the Social Hityashvut", *Yediot Sfarim*, 2013. The number of *garinim toraniim* grew from 40 to 75. See Yair Sheleg, "Settling in the heart of distress", *Haaretz*, 23 October 2005, www.keren-kehilot.org.il; Netanel Siman Tov, "The Gariniim Toraniim", *NRG-Ma'ariv*, 20 July 2010. Education ministry funding for the *gariniim toraniim* doubled in 2011, rising from 3 to 5.5 million NIS (\$858,000 to \$1,569,000). Yishai Karov, "Gariniim Toraniim budget will be doubled", *Artuz* 7, 11 July 2011.

¹⁹⁵ The founder of a program that started three months after the Gaza disengagement said, "We are in an overall struggle over the values of the People of Israel and we must stop before we turn to a post-Zionist, post-religious society. The course will train leaders ... The dime dropped for the national religious public and it is beginning to act seriously". Ilan Marciano, "The Solution: 'Strengthening' [faith] against another Disengagement", *YNET*, 3 November 2005.

¹⁹⁶ Crisis Group interview, Maayanei HaYeshua volunteer, Jerusalem, June 2012.

VI. The National Religious and the Israeli-Palestinian Conflict

A. *Annexation: The National-Religious Alternative*

Prior to disengagement, the national religious felt no need to take diplomacy seriously given the coincidence of their theological agenda and the security concerns of a wide swathe of the right.¹⁹⁷ But when their long-time ally Ariel Sharon evacuated Gaza's settlements and ally Benjamin Netanyahu signed onto the two-state solution, they could no longer simply say "no" to the peace process; they would have to offer a solution to the conflict in order not to be seen as the obstacle to one. As a national-religious leader said, "even Bibi supports the two-state solution now. We need to present a real alternative".¹⁹⁸

The national-religious alternative to the two-state solution is, in one form or another, Israeli annexation of most or all of the West Bank and partial or full naturalisation of the area's Palestinian population. The Yesha Council put forward such a plan after the outbreak of the second intifada amid rumours that Sharon intended to dismantle Gaza settlements. In November 2003, the council called for annexing the West Bank and Gaza and apportioning Israel, within its new boundaries, into ten regions – two Palestinian (Gaza and the West Bank) and eight Jewish; Palestinians would be granted Israeli citizenship and the right to vote for and be elected to the Knesset, although their influence therein would in effect be capped by assigning a fixed number of representatives to each canton.¹⁹⁹ The plan received little attention. With violence raging, most Israelis had no interest in tying their futures to Palestinians.

In the wake of disengagement, the urgency among the national religious intensified. Ariel Sharon shifted position and destroyed the very settlements he formerly championed. Their distress grew when Ehud Olmert, after assuming the premiership, promoted what he called "convergence" – unilateral redeployments within the West Bank – and enthusiastically conducted talks with Palestinian President and PLO Chairman Mahmoud Abbas. Gush Emunim co-founder Uri Elitzur argued that the lesson the world, including Israel, had drawn from Gaza disengagement was not that it was too painful to repeat, but rather that it was repeatable – and on a larger scale: "One hour's work a bulldozer can demolish what was built in thirty-five years".²⁰⁰

While the work of the annexationists ironically was facilitated by disengagement – in that they no longer felt any need to propose a solution for Gaza and its current population of 1.7 million Palestinians – their plans continued to muster lukewarm support at best. In 2006, former Yesha Council Director General Adi Mintz presented his plan, "Peace in the Land", which called for Israel to annex Area C and offer Palestinian autonomy in Areas A and B, with links to Jordan.²⁰¹ The following year,

¹⁹⁷ "We always said Sharon will do the job for us. With the expulsion [ie, the disengagement] the dime dropped". Crisis Group interview, Rabbi Shai Siminovski, Kedumim, April 2012.

¹⁹⁸ Crisis Group interview, Jerusalem, March 2012.

¹⁹⁹ Crisis Group interview, Yesha Council leader, Jerusalem, March 2012. At the same time, Avigdor Lieberman's "Canton Plan" proposed replacing the Palestinian Authority with three non-contiguous Palestinian cantons. Unlike certain later plans, his would not have awarded Palestinians Israeli citizenship. The plan did not receive much attention. Avigdor Lieberman, "My Truth", Maariv Publishing, 2004.

²⁰⁰ Speech at the Jerusalem Conference, 27 February 2012.

²⁰¹ Adi Mintz, "Peace in the Land", January 2006, on file with Crisis Group. The three-phased plan starts with redesigning the West Bank's security, most notably by replacing Palestinian security

then-MK Rabbi Benny Alon, chair of the National Union Party, put forward his Israeli Initiative, which called for annexation of the entire West Bank and for the Palestinian population to take Jordanian citizenship.²⁰² Both plans assumed that Palestinian national aspirations would be expressed in Jordan, despite Amman's – not to mention the PLO's – consistent and vehement refusal. As a result, the plans were hollow, more talking points than a realistic alternative: even as the Likud fought Olmert's Annapolis talks, it did not sign onto these initiatives.

However, over the past few years national religious positions have evolved. Today, annexation no longer is predicated on a Jordanian role in the West Bank.²⁰³ The future of the Land of Israel is too urgent, they say, to leave it hostage to Jordanian policy. Uri Elitzur, a Gush Emunim co-founder and a former Netanyahu chief of staff, said:

Benjamin Netanyahu in the Bar Ilan speech²⁰⁴ revealed that the difference between his political approach and that of [former leftist Meretz Minister] Yossi Sarid is very small. [Gaza disengagement and the Bar Ilan speech] are two very significant facts that have changed the situation. They are forcing us to deal with the question of the future of Judea and Samaria. They are forcing us to give ourselves an answer to a purely theoretical question: what would we like to see at the end of the process.²⁰⁵

As a result, two new annexation plans have been proposed. Elitzur in 2009, and more recently Housing and Construction Minister Uri Ariel of Jewish Home, advanced an ambitious call for full annexation of the West Bank and offering Israeli citizenship to all Palestinian West Bankers.²⁰⁶ The second version, championed by Jewish Home

forces with the IDF. It continues with an interim stage in which Palestinians secure so-called "transportational contiguity" – a parallel system of roads that do not involve any checkpoints – and "self-rule" in the parts of the West Bank that the Oslo Accords defined as falling under full Palestinian Authority civil and security control (Area A) and Palestinian Authority civil control and joint Israeli-Palestinian security control (Area B) (including the dismantlement of refugee camps) while Israel applies sovereignty to the remaining 62 per cent of the West Bank (including through naturalisation of Palestinian residents of these areas). It ends with a "regional final status agreement" in which Jordan is recognised as the nation-state of the Palestinian people, north-east Sinai is developed so as to aid the Gaza Strip and an international program rehabilitates the Palestinian refugees.

²⁰² Benny Alon, "The Israeli Initiative – The Right Road to Peace", October 2007, on file with Crisis Group. The initiative is organised around three main principles: "rehabilitation of the refugees and dismantling of the camps", "strategic cooperation with the Kingdom of Jordan" (ie, Israel and the international community recognising Jordan as the "sole legitimate representative of the Palestinians" and "Israeli sovereignty in Judea and Samaria". See also, Benny Alon, "Rehabilitation of the Palestinian Refugees: A New Israeli Approach", *ibid*.

²⁰³ A former senior security official questioned whether a Jordanian role could be avoided: "All these annexation plans – no matter how they are presented – are ultimately about Palestinians securing their national rights in Amman. This idea, of course, is a pipe dream". Crisis Group interview, Itamar Yaar, former National Security Council deputy head, Jerusalem, September 2013.

²⁰⁴ In June 2009 Netanyahu delivered a foreign policy speech at the national-religious Bar Ilan University in which, for the first time, he accepted a two-state solution, based on two conditions: Palestinian recognition of Israel as the nation-state of the Jewish people and Palestine's demilitarisation.

²⁰⁵ Speech at the Jerusalem Conference, 27 February 2012.

²⁰⁶ Uri Ariel, "The Political Plan to Ending the Conflict", Knesset memo, 27 February 2012, on file with Crisis Group. Ariel's plan calls to annex 100 per cent of the West Bank, grant permanent residency status to its Arab inhabitants and offer them citizenship through the standard four- to five-year naturalisation process for permanent residents (during which they have to demonstrate basic knowledge of Hebrew and sign a declaration of loyalty to the state). The plan draws explicitly a parallel to the situation in East Jerusalem, pointing out that few of them (3 to 5 per cent) exercise their

head Naftali Bennett, is more limited. It essentially repackages Mintz's 2006 plan in that it calls for annexing only Area C and granting citizenship only to those Palestinians living in the annexed area.²⁰⁷ Bennett (unlike Mintz) sees partial annexation as an interim stage for which Jordanian consent would be unnecessary and during which Palestinians in Areas A and B would have autonomy. Ultimately, he argues, they would have to settle for autonomy while "descendants of the refugees should be absorbed into the countries where they currently reside, and will not be allowed to move west of the Jordan River". When the Yesha Council was under Bennett's leadership it in effect endorsed the plan.²⁰⁸

These plans seem to be slowly gaining support. Activists backing them – who say that the Supreme Court decision to evacuate outposts such as Migron and Givat Haulpana gave them a boost²⁰⁹ – are holding conferences,²¹⁰ lobbying decision-makers and increasing engagement with the media. Jewish Home's heightened political clout and key ministerial positions have helped draw public attention. In the last government not a single minister publicly supported annexation and naturalisation, but today, a number of senior and other prominent proponents²¹¹ are pushing smaller

right to vote in municipal elections. The plan calls for changing Israel's electoral system to a proportional regional one in which electoral districts will be created so that the West Bank will not be one district but rather distributed among several (eg, Jenin with the Afula district, Nablus with the Greater Tel Aviv district and Ramallah with the Greater Jerusalem district). The plan emphasises freedom of movement for the Palestinians and the provision of equal services to them by the state so that they could prosper economically and have an incentive to accept such a reality. Uri Elitzur, "One State", *NRG-Ma'ariv*, 14 June 2013.

²⁰⁷ Naftali Bennett, "The Israel Stability Initiative: A Practical Program for Managing the Israeli-Palestinian Conflict", on file with Crisis Group. The plan has seven points: "Israel unilaterally extending sovereignty over Area C"; "full naturalization of the 50,000 Arabs in Area C" (although according to the UN Office for the Coordination of Humanitarian Affairs – occupied Palestinian territory (OCHA-oPt), some 150,000 Palestinians reside in those areas. Humanitarian Fact Sheet on Area C of the West Bank, OCHA-oPt, July 2011); "full PA autonomy in Areas A & B with the free flow of people and goods between all PA-controlled territories"; "Palestinian refugees from Arab countries will not enter into Judea & Samaria"; "a full Israeli security umbrella for all of Judea & Samaria" (ie, retaining IDF control over the entire area); "the separation of Gaza from Judea & Samaria" (ie, having Egypt take the "burden"); and "massive economic investment in coexistence on the ground".

²⁰⁸ Crisis Group interview, Tamar Assaraf, Binyamin regional council spokesperson, Eli, March 2012. One of Jewish Home's other MKs, Ayelet Shaked, has come out publicly in support of the plan.

²⁰⁹ Crisis Group interview, pro-settler politicians, June 2012-October 2013.

²¹⁰ Some presentations were at IDC's Herzliyah Conference, but most have taken place in right-wing forums such as the Jerusalem Conference and the Ramleh Conference. A series of annual conferences dedicated to modalities of annexation have been organised since 2011 by Women in Green, examining questions of strategy such as the drawbacks and merits of first annexing only the settlements blocks and presenting professional (legal, demographic, economic, etc.) and religious arguments in favour of annexation. www.womeningreen.org.

²¹¹ National-religious Likud Deputy Minister Tzipi Hotovely – who previously opposed extending citizenship without highly demanding loyalty tests – has now in effect signed onto Uri Elitzur's plan. Shimeon Cohen, "Hotovely: Bennett's plan is implementing Oslo", *Arutz 7*, 23 June 2013. While, like Bennett, Hotovely calls to first annex only Area C, she argues that this should be the first step toward the West Bank's full annexation since partial annexation would amount to implementing Oslo. MK Yoni Chetboun (Jewish Home) supports Bennett's plan as a first stage that, if successful, subsequently would be extended to Areas A and B, leading eventually to annexation and gradual extension of citizenship to all West Bankers who declare loyalty to Israel. Ido Ben Porat, "Chetboun: Create an alternative to the two-state vision", *Arutz 7*, 29 August 2013. Knesset Speaker Yuli Edelstein and Deputy Foreign Minister Zeev Elkin, both national religious, publicly support the gradual

steps to gradually change the reality in West Bank.²¹² Keen to satisfy the national-religious Likud membership, non-religious Likud-Beitenu ministers and MKs in unprecedented numbers have voiced support for annexing the settlement blocs.²¹³ While the plans have yet to generate a critical mass of support among the general public or within the government, they have appeal beyond national-religious constituencies, among the relatively liberal right that believes the conflict has no solution and that it can only be managed.²¹⁴

If proponents of annexation hoped to render their proposals more realistic by removing a role for Jordan that it evinces no interest in playing,²¹⁵ their plans still generally rest on two questionable assumptions. First, full annexationists believe that official numbers overstate the Palestinian population in the West Bank by a million, a factor of 25 per cent – a doubtful proposition that most Israelis and government officials do not accept.²¹⁶ Secondly, they also tend to believe that international con-

application of Israeli sovereignty over the entire West Bank but oppose naturalising the Palestinian population.

²¹² MKs and ministers have pushed to apply Israeli laws and regulations to the West Bank, where they otherwise would not since the West Bank falls under the defence ministry's authority. The education ministry upgraded Ariel College to a university and mandated a visit to Hebron by all Jewish-Israeli students; the culture ministry now can allocate funds to museums in West Bank settlements, though the transfer of money has been delayed by technical (not political) issues. The transportation ministry is promoting national train routes to settlements. Michal Shmulovich, "Ariel University here to stay, education minister says at inaugural event", *Times of Israel*, 2 January 2013; Crisis Group interview, culture ministry official, Jerusalem, March 2013; Chaim Levinson, "Israel planning new West Bank train network, minister says", *Haaretz*, 4 May 2013.

²¹³ As noted, a bill to annex the so-called settlement blocs came to a vote at the ministerial committee for legislation where it was stopped only by Netanyahu's intervention. "The Likud has been winning nearly all elections since 1977. But it is only now that they began to rule". Crisis Group interview, former Labour minister, Tel Aviv, 2012.

²¹⁴ Veteran secular Likud leaders Moshe Arens and Reuven Rivlin have publicly supported the same basic annexationist concept for nationalist and security reasons since 2010. Moshe Arens, "Israeli citizenship to Palestinians", *Haaretz*, 2 June 2010. Unlike the Kookists, Rivlin recognises Arab-Palestinian national identity and is willing to explore ways of addressing it, such as a Jewish and Arab parliament. Noam Sheizaf, "Reuven Rivlin: The land is not divisible", *Haaretz*, 15 July 2010. The Likud's Moshe Yaalon also argues in favour of a second parliament for Palestinians in Israel. See Moshe Yaalon, *The Longer Shorter Way* (Yediot Books, 2008), p. 248.

²¹⁵ Israel firmly backs Hashemite rule in Jordan due to its pro-Western and anti-Muslim Brotherhood stance, the strategic depth it provides and its central role in intelligence sharing. That said, while the religious right today de-emphasises the Jordanian role, should regional instability spread to the Hashemite Kingdom – a possibility that Israeli officials do not rule out – national religious and the right in general could well return to the so-called Jordanian option. Such thinking among officials increased with the Arab uprisings: "Perhaps a Palestinian state is not in the cards. Perhaps the West Bank will somehow become part of Jordan and Gaza part of Egypt, as they were before 1967". Crisis Group interview, foreign affairs official, Jerusalem, February 2013.

²¹⁶ Crisis Group interviews, national-religious and non-religious right-wing leaders and activists, June 2012-June 2013. They take as authoritative an Israeli-U.S. team of revisionist scholars whose work can be found in Bennett Zimmerman, Roberta Seid, & Michael L. Wise, "Arab Population In the West Bank & Gaza: The Million and a Half Person Gap", Power Point Presentation, "Full Study & Presentation", American Enterprise Institute, 10 January 2005. www.aei.org/files/2005/01/10/20050114_zimmerman.pdf. The IDF, the Israeli Central Bureau of Statistics and the most prominent Israeli demographers, much more credibly, argue the opposite. For a critical analysis of the methodological bias in the revisionist research, see Ian Lustick, "What Counts is the Counting: Statistical Manipulation as a Solution to Israel's 'Demographic Problem'", *The Middle East Journal*, vol. 67, no. 2 (Spring 2013). A former National Security Council official approached by the revisionist team told them he would consider their ideas only after they were published in a refereed academic journal

demnation of such a move will be limited,²¹⁷ an assessment that likely is wrong.²¹⁸ Yet should hopes of two-state proponents wane, these plans could come to seem more and more realistic if only by comparison, their faults notwithstanding.

B. *The National Religious and the Two-State Solution*

Given the national-religious community's clout, any agreement will need to take its concerns into account, to a greater or lesser extent.²¹⁹ This means reaching two groups, neither led by a single, binding spiritual authority: the Torani stream with its three principal sub-streams – Yeshivot HaKav among which Rabbi Tau is a leading figure; Tkuma; and the centrist stream – and the non-Torani mainstream, which is less deferential to rabbinic guidance on political issues. A prime minister could do so in two ways: by securing the support of a variety of Torani rabbis or by going directly to the non-Torani national-religious public.²²⁰

Of course, even the most intense outreach will not convert staunch opponents of a two-state solution into partisans. At best, parts of the non-Torani national-religious community could get behind a two-state agreement that addresses their core interests. At second best, a clear majority of Torani rabbinic and political national-religious leaders ultimately could acquiesce in a putative agreement of which they do not approve should certain requirements be met. This confronts would-be peacemakers with a conundrum: addressing core national-religious interests at most can win grudging acquiescence among parts of the community, but addressing many of those core

to assess their credibility; the team has yet to do so. Crisis Group interview, Tel Aviv, March 2012. "It is easy for [Housing Minister] Uri Ariel to ignore the facts and pretend there are 'only' 1.5 million Palestinians; Netanyahu doesn't have this luxury". Crisis Group interview, foreign ministry official, Jerusalem, May 2013.

²¹⁷ "What did the international community do when Israel annexed the Golan and East Jerusalem? Aside from a [UN Security Council] resolution condemning it nothing happened and nothing will happen if we annex Judea and Samaria. We should stop being afraid of our own shadows". Crisis Group interview, settler leader, Jerusalem, March 2012. Even should the condemnations be strong, said another leader, Israel would be able to weather it. Crisis Group interview, Jerusalem, March 2012.

²¹⁸ "Two states has become part of our genetic code". Crisis Group interview, Australian diplomat, Jerusalem, June 2013; Crisis Group interview, Arab diplomat, Tel Aviv, September 2013. A former Peace Now spokesperson pointed out that the world's reaction to Israel advancing construction plans in the E-1 area (between Jerusalem and Ma'ale Adumim) "yielded condemnations, threats of sanctions and even higher tones from the U.S. and yet Bennett believes that annexing all of Area C ... would not trigger a severe international reaction". Amiram Goldblum, "The Bennet-tustans", *Haaretz*, 30 December 2012.

²¹⁹ Including other religious groups in Israel would arguably be easier: the Ashkenaz ultra-orthodox Israelis would follow the ruling of the rabbi they consider "The Great of the Generation" (*Gdol Ha-Dor*), who would make his decision largely without taking into account the political views of the public following him. The Sepharad/Mizrachi (Jews of Spanish and Middle Eastern descent) ultra-orthodox, by contrast, would not defer to their spiritual leader – the late Rabbi Ovadia Yosef before his death in October 2013 – to the same extent; also unlike that of the Ashkenazi rabbinic establishment, his position would be shaped by his public's view, though his ruling would carry considerable weight. The ultra-orthodox parties have supported both interim and final status agreements in the past. Shas abstained in the vote on the Oslo Accords and voted in favour of its 1997 and 1998 add-ons (Hebron Protocol, Wye River Memorandum); United Torah Judaism (UTJ), the Ashkenaz ultra-orthodox party, voted in favour of the 1978 Camp David Accords and against the 1982 Golan Heights Basic Law, which extended Israeli law to the occupied Golan; UTJ and Shas opposed holding a national referendum on the Gaza disengagement. Hagai Segal, *Makor Rishon*, 8 March 2013.

²²⁰ Crisis Group interview, former MK Otniel Schneller, Jerusalem, June 2012.

interests will almost certainly stir up deep Palestinian resentment. Conversely, if none of their concerns are met, both rabbis and the national-religious rank and file could end up as spoilers.

1. Addressing national religious core interests

Framing a peace agreement in a manner that affirms and strengthens Israel's Jewish character while recognising the Jewish ties to the Land of Israel would be the best way to garner national religious support. The community's mainstream – that is to say, the non-Torani public – could more easily tolerate a compromise on the Land of Israel if it received compensation on the other two pillars of national-religious theology, the People of Israel and the Torah of Israel. Regardless of how the agreement is characterised and discussed in the international sphere, an Israeli government that wants support from at least some Kookist circles would need to show commitment to the Land of Israel and to the state's Jewish character.

This raises difficult issues on two counts: first, insofar as such steps (eg, supporting Jewish religion and culture with governmental programs and budgets in the context of a peace agreement) would affect the internal character of the state and therefore potentially alienate important Israeli constituencies;²²¹ secondly, insofar as they would affect the content of a putative peace deal (eg, regarding refugee rights; the status of Israel's Arab citizens; the fate of settlements and of Holy sites) and thus potentially alienate Palestinians.²²²

More broadly, the two-state agenda to date largely has been a project of the left, one that the national religious feel has targeted them and neglected their concerns. In their view, it sought to ensure a Jewish majority rather than shape a Jewish society;²²³ considered religion purely in individual terms, mainly regarding access to holy sites and worship rights;²²⁴ evinced at least some hostility to the settler population – which it considered an obstacle, not a partner to peace – and its desire to maintain a connection to the entire Land of Israel; and assumed reconciliation and mutual

²²¹ National-religious leaders use the expression “demonstrating Jewish consciousness” to describe the commitment they are looking for. Crisis Group interview, consultant to Israel's Jewish Identity Administration, Jerusalem, August 2013. However, many Jewish Israelis disagree with their definition of Jewish consciousness – secularists object to identifying it with a commitment to religious law whereas the Haredi oppose its messianism – and would resent the imposition of such a domestic agenda as a quid pro quo for the establishment of a Palestinian state. The specific intra-Jewish domestic dynamics that could be affected in this context are beyond the scope of this report.

²²² For example, Palestinians raise three core concerns regarding Israel's demand that it be recognised as a Jewish state or nation-state: this could come at the expense of refugee rights; erode the status of Palestinian citizens of Israel; and directly negate Palestinians' historical narrative. See, eg, Ahmad Samih Khalidi, “A recipe for resentment”, *The Guardian*, 26 May 2009; see also Natasha Gill, “The original ‘no’: Why Arabs rejected Zionism, and why it matters”, Middle East Policy Council, 19 June 2013. Crisis Group has written about possible ways of reconciling Israeli-Jewish needs with those of Israel's Arab-Palestinian minority, see Crisis Group Middle East Report N° 119, *Back to Basics: Israel's Arab Minority and the Israeli-Palestinian Conflict*, 14 March 2012.

²²³ A former negotiator said “we established a Jewish state, but we don't know what kind of Jewish society we want to have”. Crisis Group interview, Jerusalem, March 2012.

²²⁴ A Kookist rabbi said, “we don't separate religion and state the way Protestants do”. Crisis Group interview, southern Israel, June 2012. “Kookists reject the notion that religion is something you do in private. They seek to shape the public sphere according to their beliefs. For them it is not only about access to a site: it is about its very shape and form”. Crisis Group interview, Israeli analyst, Tel Aviv, November 2013.

recognition of the other people's national narrative would come, if at all, only after the conflict was settled. In the words of a national-religious leader:

The architects of Oslo – Pundak, Hirschfeld and Beilin – saw the diplomatic process as a way to reduce religious Zionism. The Oslo process has a strong inter-Israeli dimension that very few people ever talk or write about. The conceptualisation of Oslo was done by avowedly secular people. No one wrote of Oslo as a process that justified an inner Israeli civil war. There were several moments in modern Jewish history in which we saw tribes fighting with each other within one people. Most recently this has happened between secular and religious Jews. In this sense the idea of Oslo is a secular messianic idea. Its purpose was to topple religious Zionism.²²⁵

Bearing in mind the complex task of balancing national religious concerns with the interests of both Palestinians and other Israeli constituencies – and the very real trade-offs involved – four core issues will need to be addressed:

- **Recognition:** National-religious leaders and activists believe that Palestinian recognition of Israel's legitimacy – as indicated by recognition of Jewish historical and religious narratives – would signal acceptance and therefore provide the kind of security that agreements treating only the here-and-now cannot. In their minds, such a step would counter the anti-colonial narrative of Israel as an implant and Jews as foreign. Should such recognition come, it would imply, they believe, decreased motivation to destroy the State of Israel, therefore making national-religious Israelis more amenable to territorial compromise.²²⁶

²²⁵ Crisis Group interview, Dan Diker, general secretary of the World Jewish Congress, Jerusalem, 18 March 2012. Because a two-state agreement is seen as giving up parts of the homeland and embracing international norms in exchange for acceptance by the community of nations, national-religious Israelis often see partition attempts as aimed at de-Zionising the state. Crisis Group interview, Yair Sheleg, Jerusalem, July 2012. A Yesha Council member pointed out that “former Deputy Prime Minister Haim Ramon used to speak of the West Bank as a ‘cancer we have to get rid of’ rather than Judea and Samaria. Cancer, not homeland”. Crisis Group interview, Jerusalem, February 2012. Ron Pundak, one of the original Oslo negotiators, replied, “they are right. I want peace so that there will be Israeliness. Peace is not an objective by itself. It is a way to transition Israel from one era to another: to an era of what I consider is a normal state. Israelisation of society rather than its judaisation will allow combining national Jewishness, the prospering of Israeli culture, the separation of state from religion and full equality for Israel's Arab minority”. Crisis Group interview, Dr Ron Pundak, former negotiator, Tel Aviv, 3 November 2013.

²²⁶ According to a secret poll organised in 2010 by the prime minister's office, settlers living east of the separation barrier were most likely to evacuate without a fight “if the withdrawal was for ‘true peace’”. The poll also found the closest proxy for “true peace” was Palestinian recognition of Israel as the nation-state of the Jewish people. Crisis Group interview, Netanyahu confidant, Jerusalem, June 2010. Similarly, Deputy Minister Avi Wortsman (Jewish Home) argued that “the first condition for peace is Arab recognition that the People of Israel has returned to its land and homeland”. Hezki Ezra, “Wortsman: the Land of Israel is not private property”, *Arutz 7*, 20 May 2013. A leading Kookist rabbi – exceptionally for a public Torani figure – suggested he and fellow Kookists could forego control of Judea and Samaria if it were accorded a voice in setting the Palestinian curriculum. He contended that this could be a form of “mutual recognition” and expressed openness to the idea of a joint Israeli-Palestinian committee on education. Crisis Group interview, June 2013. The notion that Israel would have such a role in Palestinian education – even if coupled with a Palestinian role in Israeli education – undoubtedly would be deeply troubling to many Palestinians.

- **Visitation and worship rights:** Kookists believe that sacrificing Jewish sovereignty over, and permitting Jews only limited visitation and worship rights at holy sites in a future state of Palestine contradict their messianic vision.²²⁷ That said, many non-Kookist national religious Israelis potentially could accept a deal entailing such steps so long as it were predicated on Palestinian recognition of Jewish religious and historical linkages to the land between the Jordan River and the Mediterranean Sea²²⁸ and – some would add – allowed for an Israeli presence at the three most important holy sites for Judaism in the West Bank: the Patriarchs' Tomb in Hebron; Joseph's Tomb in Nablus; and Rachel's Tomb in Bethlehem.²²⁹
- **Residence rights.** Though Kookists want to avoid living under Palestinian sovereignty for reasons of security, theology and welfare,²³⁰ an agreement providing for Jewish residency in the State of Palestine arguably would considerably decrease Kookist opposition.²³¹ Some clearly would want to remain as a community, with relevant educational and cultural institutions that operate in cooperation with the respective Israeli ministries.²³² Even Palestinians who are open to the idea of Israeli Jews remaining in Palestine likely would object to any residual elements of Israeli sovereignty and argue they would have to lose their exclusivist character.
- **Claims regarding the Temple Mount/Haram al-Sharif.** Given the centrality of the Temple Mount in Jewish messianism, foregoing Israeli sovereignty over the Holy Esplanade will provoke enormous opposition.²³³ The division of sovereignty proposed by the Clinton Parameters and Geneva Initiative encountered national-religious opposition.²³⁴ In contrast, the late King Hussein of Jordan and

²²⁷ Kookists often publicly argue that history demonstrates that safe access cannot be assured under Arab rule. Correct or not, the argument is largely instrumental: in private conversations they admit that even – hypothetically – were safe access assured, they still would oppose a two-state solution for religious reasons. Crisis Group interviews, June 2012–October 2013.

²²⁸ Crisis Group interviews, June 2012–October 2013. Most were highly sceptical that Palestinians would ever confer such recognition. A Likud activist assessed that non-Kookist Likud voters, religious and non-religious alike, would also find this distinction significant as “it would show the commitment of the prime minister to the Land of Israel”. Crisis Group interview, national-religious Likud Central Committee member, Jerusalem, September 2012.

²²⁹ Crisis Group interview, former MK Otniel Schneller, Jerusalem, June 2012. A former Israeli negotiator suggested that a joint Israeli-Palestinian police unit for holy sites could be sufficient but that for this to happen Palestinians would demand that the same unit operated in holy sites within Israel and that Israeli leaders would be reluctant to accept that it operated within Israel, resistance that likely would torpedo the idea. Crisis Group interview, Jerusalem, October 2012.

²³⁰ “Given the history of Jewish life under Arab rule I certainly would not volunteer to live under Palestinian rule”. Crisis Group interview, Dr Emmanuel Navon, resident of Efrat, Jerusalem, 8 October 2013.

²³¹ Such an arrangement would counter Rabbi Zvi Kook's argument regarding the need for sovereignty as a means of ensuring access to holy sites. Crisis Group interview, Menachem Klein, expert on religion and politics in Israel, Jerusalem, June 2012.

²³² Included in this category are not only the neo-hassidic currents such as that of the late Rabbi Menachem Fruman, but also Tkuma, due to the strong emphasis it attaches to the sanctity of the Land of Israel.

²³³ Crisis Group interviews, June 2012–October 2013. A follower of a rabbi belonging to Soloveitchik's current said, “no rabbi would ever rule that it is permissible to transfer sovereignty over the Temple Mount away from Israeli hands”. Crisis Group interview, Dan Diker, general secretary of the World Jewish Congress, Jerusalem, 18 March 2012.

²³⁴ The Clinton Parameters offered two possible solutions: “1- Palestinian sovereignty over the Haram, and Israeli sovereignty over a) the Western Wall and the space sacred to Judaism of which it is a

Prime Minister Olmert proposed, respectively, leaving sovereignty to God or omitting any mention of it.²³⁵ Such a route, of course, would come at a cost vis-à-vis other constituencies, not to mention likely Palestinian objections.²³⁶

2. Consultation and Ratification

Encouraging involvement of the national-religious leadership and public would be vital for gaining their acquiescence in any agreement because of all Israeli constituencies, Kookists are the most invested ideologically and materially in the West Bank and have a particularly high capability to mobilise popular and political protest. An expert explained that Kookists conceive the Jewish people as a single organic unit, and so would be more likely to embrace an accord that ensured social solidarity: “a different kind of process with them [Kookists] is needed: one which brings together all the Israeli Jews or their representatives for deliberation. At some level this deliberation is more important for them than the decision”.²³⁷ At the level of political elites, governmental advisory committees such as a consultative committee on religious affairs could be an effective tool for enabling such a conversation and feeding insights into the decision-making process.²³⁸ Similarly, negotiators could seek counsel from groups bringing together religious leaders for political dialogue.²³⁹

For the broader national-religious public, a referendum, which Netanyahu pledged to hold on any final status agreement,²⁴⁰ could play two important roles. Many nation-

part; b) the Western Wall and the Holy of Holies of which it is a part ... 2- Palestinian sovereignty over the Haram and Israeli sovereignty over the Western Wall and shared functional sovereignty over the issue of excavation under the Haram and behind the Wall such that mutual consent would be requested before any excavation can take place”. See www.peacelobby.org/clinton_parameters.htm.²³⁵ King Hussein's interview with *Der Spiegel* was re-printed in *Haaretz*, 22 August 1994. “Then there was the question of the holy basin within Jerusalem, the sites that are holy to Jews and Muslims, but not only to them, to Christians as well. I would never agree to an exclusive Muslim sovereignty over areas that are religiously important to Jews and Christians. So there would be an area of no sovereignty, which would be jointly administered by five nations, Saudi Arabia, Jordan, the Palestinian state, Israel and the United States”. Greg Sheridan, “Ehud Olmert still dreams of peace”, *The Australian*, 28 November 2009.

²³⁶ Under one option, the two sides could continue to discuss the ultimate status of the site after reaching an agreement on immediate modalities that deferred the question of sovereignty.

²³⁷ Crisis Group interview, Dr Alick Isaacs, Jewish education expert, June 2012.

²³⁸ A former Netanyahu adviser who follows Soloveitchik's teachings welcomed the idea of such a committee while cautioning against giving rabbis a decision-making role: “they are often too authoritative and rigid”. Crisis Group interview, Jerusalem, April 2013. Most of Netanyahu's religious advisers in recent years have followed Soloveitchik's teachings. Crisis Group interview, Israeli analyst, Jerusalem, October 2013. “There should be a rabbinical advisory committee to negotiations. Their advice should be sought particularly with respect to religious issues, though perhaps not exclusively. Such a committee should include rabbis of different kinds such as Shas, religious Zionism. The idea of including rabbis in negotiations runs counter to the European view in which religion should be separate from the state – as if full separation between state and religion is desirable. Judaism is different. In Israel we have partial separation between religion and state”. Crisis Group interview, Dan Diker, general secretary of the World Jewish Congress, Jerusalem, 18 March 2012.

²³⁹ Most inter-religious dialogue has focused on religious tolerance rather than on the politico-religious facets of the conflict. This is slowly changing. See, eg, Jean-Nicolas Bitter, “Transforming Conflicts with Religious Dimensions: Using the Cultural-Linguistic Model”, *Politorbis*, no. 52 – 2 (2011), p. 28.

²⁴⁰ Netanyahu, when contemplating a return to talks in July 2013, declared that he would put any final status agreement to a referendum. “Netanyahu pledges Israeli referendum on peace deal”, BBC, 22 July 2013. Naftali Bennett has gone a step further in light of a 2013 appeal to the Supreme

al religious, believing that the broader public will not accept the concessions necessary for a two-state solution, consider a referendum a way to bury an agreement without taking the blame. By the same token, passage of the referendum would legitimise the agreement in the eyes of many of the same national religious, thereby mitigating any ensuing social strife.

Kookists in particular believe that majority decisions enjoy religious import that should be respected; a national vote, in effect, would trump their messianism.²⁴¹ This is not to neglect important differences among them. Some, notably Tkuma, would only accept results of a referendum that garnered a Jewish majority because in their view the Jewish people itself – as opposed to all of Israel's citizens – are invested with holiness.²⁴² Those belonging to the centrist current share this theological view but for reasons of political pragmatism would respect a decision taken based on the proposed Referendum Law – that is, one that would win both a Knesset majority and a majority of citizens in a referendum irrespective of their ethnicity or religion. The Yeshivot HaKav, who take sanctification of the state furthest, has recently changed its political position by opposing the very idea of a referendum law.²⁴³ These differences aside, experts tend to agree that there is room for manoeuvre:

If the evacuees are treated with dignity, and if they are not subjected to a campaign of delegitimization, and if their pain is respected and the rules of the game are fair, and if it is clear that this is the will of the [Jewish] people, and if everyone abides by the results of the referendum, then the national-religious constituency, which is adamantly opposed to withdrawals, will respect the results.²⁴⁴

Court, yet to be decided, that argues that the 2010 Referendum Law – which requires a steep three-quarters Knesset majority, or a 51 per cent majority in a popular referendum, to yield sovereignty over areas of Israel, East Jerusalem or the Golan – cannot constitutionally oblige a referendum. As it stands today, the Knesset easily could alter the law, with a majority of MKs present at the time of a vote, but such a step is unlikely because popular reaction probably would be negative. Bennett declared that he would seek to upgrade the law to a Basic Law to make it harder to revoke: it would require a majority of 61 MKs. Itamar Eichner, "Initiative: Referendum before agreement", *Yedioth Ahronoth*, 29 April 2013.

²⁴¹ On the eve of the Gaza disengagement, national-religious leaders heading the Yesha Council wrote to then-Prime Minister Sharon that they would abide by a referendum. Rabbis of all three Kookist currents expressed a similar position in their own letter, albeit with less explicit language. See Nadav Shragai, "The referendum comes back, a little differently", *Israel Hayom*, 2 August 2013.

²⁴² Prior to disengagement, Rabbi Eliezer Melamed ruled that the national religious must abide by a decision that passes with a clear Jewish majority. He argued that limiting the referendum to Jews was not racist because the Jews and their non-Jewish allies who serve in the army would pay the price and thus should be entrusted with the ultimate decision. See Eliezer Melamed, "A disastrous initiative", *BeSheva*, 28 October 2004.

²⁴³ On 30 August 2013, as Israeli-Palestinian negotiations resumed and Israeli legislation concerning ratification by referendum seemed to move forward, Rabbi Tau and Rabbi Shlomo Aviner, two prominent Yeshivot HaKav rabbis, announced their opposition to a referendum law, arguing that ordinary citizens could not rule on halachic matters. They apparently sought to foreclose the possibility of endowing territorial withdrawals with religious legitimacy and strengthen the need for rabbinic guidance in national decision-making regarding such matters. Rabbi Druckman and other leaders of the centrist current stuck to the traditional pro-referendum position. Nadav Shragai, "Everything you always wanted to know about a referendum but were afraid to ask", *Israel Hayom*, 2 August 2013.

²⁴⁴ Dr Anat Roth quoted in Nadav Shragai, *ibid.* Crisis Group interview, Prof. Asher Cohen, religious Zionism expert, Modiin, January 2013.

Those opposing a referendum argue that it runs against the spirit of Israel's representative democracy, saying expert knowledge is critical for decision-making and the entire agreement could hinge on a single terrorist attack the preceding evening.²⁴⁵ Israeli leaders nevertheless have begun planning. Former MK Otniel Schneller, a Netanyahu confidant, tasked the education ministry with researching the halachic implications of a referendum. In cooperation with the national-religious non-profit Yesodot, since 2006 many national-religious schools have been teaching that an agreement that won a majority in a referendum should be respected.²⁴⁶ Whether a draft treaty will win the necessary majority in Israel is unclear; what is clear is that if it does, resistance from national-religious quarters will be lessened significantly.

3. Carefully preparing an evacuation

In the event of an agreement, several tens of thousands of settlers would have to be relocated, either consensually or by force. Of these, a large majority will be national religious.²⁴⁷ Though the Gaza disengagement saw little settler-government violence, the West Bank poses a greater challenge – numerically, doctrinally and politically.

There are, of course, lessons to be learned from the 2005 disengagement. Housing for the evacuees had not been prepared in advance and financial compensation was slow to come, aggravating the settlers' sense that the government did not care about them and heightening their antagonism toward the state. Moreover, since the 2005 effort was far smaller in size, it could be implemented more rapidly. Some experts believe that in the event of evacuations from West Bank settlements, it would be wiser to encourage departure of recalcitrant settlers by gradually cutting off all non-vital state services over a one- to three-year period, rather than evacuating them all by force on a given day.²⁴⁸

²⁴⁵ Liat Malka, "Minister Amir Peretz on referenda: Elected leaders were elected to take decision", Radio 103 FM, 22 July 2013. Peretz did not rule out a referendum, saying "Bennett's people need to understand that a compromise or agreement [of other coalition parties] on a referendum means they would have to pay with another political compromise".

²⁴⁶ Crisis Group interview, former MK Otniel Schneller, Jerusalem, June 2012. www.yesodot.org.il.

²⁴⁷ According to the Israeli position at the 2008-2009 Annapolis negotiations, some 70,000 to 80,000 settlers would have to relocate; the Palestinian figure (based on far less extensive Israeli settlement annexation) is nearly double. Of the 340,000 settlers outside of East Jerusalem (where evacuations would likely include at most some 2,000 settlers living in small settlements within Palestinian neighbourhoods), the national religious settlers, roughly a third of the settler population, would be most affected by an agreement. According to both the Israeli and the Palestinian positions in the Annapolis talks, the vast majority of ultra-orthodox settlers and between 60 and 75 per cent of secular settlers would be included in Israeli territory. However, between 60 and 75 per cent of the roughly 115,000 national-religious settlers in the West Bank – not including East Jerusalem – would not be included in land swaps. Shaul Arieli, Memo on "Evacuation of settlers not included in land swaps", May 2013, on file with Crisis Group. 42 per cent of the national religious are under fifteen and so would play less of a role in resisting evacuation. During Gaza disengagement, the vast majority of families evacuated their small children before the deadline; the young did not throw stones at authorities. CBS Statistical Abstract of Israel 2012, Population, by Population Group, Religion, Age and Sex, District and Sub-District, Table 2.10. (www.cbs.gov.il/shnaton63/sto2_10x.pdf).

²⁴⁸ "An evacuation scenario should not be premised, as happened in the Sinai and Gaza Strip evacuation, on an imposed and individual extraction of tens of thousands of residents, but rather a withdrawal of government – first civil services and later the military forces – from the territories the state chooses to exit. This will give the residents the choice whether to stay or evacuate. The army can block or limit access of non-residents to the area. Such a scenario would be less vulnerable to

Moreover, were evacuees moved to the settlements annexed by Israel by virtue of the agreement, resistance almost certainly would decrease.²⁴⁹ Indeed, resistance would be lessened if the decision were presented to the settlers by their government as a victory of the settlement enterprise, providing it with full recognition and relocating – not ending – settlement within Israel's internationally agreed borders.²⁵⁰ Were the president or prime minister to convene, at a relatively early stage, a dialogue about what an expert called “the boundaries of obedience to the *mamlacha* [kingdom/state]” it arguably might generate rules for how both state and pro-settlement activists would handle such scenarios.²⁵¹

Under virtually any scenario, however, there will remain an ideological core of potential resistance among national-religious settlers, backed to some extent by their allies – chiefly but not only Kookists – living within Israel proper. And, given the enormous sensitivities involved, one cannot naively assume that quiescent doctrines will carry the day, especially if core national-religious interests are not addressed.²⁵² Still, with the national-religious nearly all sharing a belief in the unity of opposites (*achdut hahaphchim*) – albeit with diverging degrees of attachment – on the whole they can be expected to avoid clashes with state representatives. Politically as well, the settlers would have much to lose by fighting a state from which they otherwise could extract concessions.

The anti-statist population, which would be far more likely to use violence, is estimated at 2,000 or 3,000 settlers. They could pose a considerable challenge to evacuating forces. Price-tag actions against Palestinians could have an escalatory effect; should Palestinians in turn reply violently, one can imagine a destructive cycle making the task of evicting forces far more difficult.²⁵³ That said, one ought not exaggerate the problem. Most anti-statists did not do army service and are not trained in the use of weapons. An Israeli analyst commented, “at the end of the day these [anti-statists] are hoodlums, not an armed militia”.²⁵⁴

violent interruption and would dispel prophecies of irreversibility”. Crisis Group interview, Yair Sheleg, Jerusalem, July 2012.

²⁴⁹ Crisis Group interviews, former MK Otniel Schneller, Jerusalem, September 2013; Yair Sheleg, Jerusalem, July 2012.

²⁵⁰ “There should not be talk of ‘evacuation’. The government should come to the *mityashvim* [literally settlers, in a positive sense], and explain that Israeli interests require that they now settle another area [within Israel's new borders]”. Crisis Group interview, former MK Otniel Schneller, Jerusalem, June 2012.

²⁵¹ Crisis Group interview, Prof. Menachem Klein, expert on religion and politics in Israel, Jerusalem, June 2012.

²⁵² “No one can predict with certainty how theology will change if the government will want to give up places like the Machpela Cave in Hebron and the Temple Mount in Jerusalem”. Crisis Group interview, Dr Anat Roth, Jerusalem, June 2013.

²⁵³ “It is becoming inevitable that there will be violence. Even a small group like the Jewish Underground from the 1980s – army officers, experts in detonating explosives – could do real damage. The Underground had only twenty members and yet planted bombs in Arab buses, attacked Arab mayors, set fire to the Islamic College in Hebron and almost blew up the Dome of the Rock. But of course the anti-statists tend not to do even basic military service”. Crisis Group interview, Dr Menachem Klein, expert on religion and politics in Israel, Jerusalem, June 2012.

²⁵⁴ Crisis Group interview, Jerusalem, October 2013.

VII. Conclusion

Beyond the territorial and therefore theological consequences that the national religious fear, the peace process itself has been built upon their exclusion and marginalisation. The substance of an agreement, as well as the manner in which it is negotiated, ratified and implemented, will go a long way toward determining the degree of backing, opposition and confrontation from the national-religious community.

Achieving national-religious support for a two-state solution will not be easy, nor – even with the best of efforts – can one expect such support to be either wholehearted or comprehensive. Too, any nod in the direction of the national religious likely will create tensions with other Israeli groups as well as with Palestinians, including those who are citizens of Israel. Prime Minister Netanyahu's insistence on Palestinian recognition of Israel as the nation-state of the Jewish people is one illustration: important for securing greater national-religious support, the demand has become a lightning rod for Palestinians who fear it will erode the rights of refugees and Palestinians citizens of Israel while undermining their historical narrative.

There are other possible examples. Holding a national referendum and requiring on a Jewish majority would provide any putative deal with additional legitimacy among the national religious, but at the cost of placing the agreement at the mercy of a single, well-timed terrorist attack and demeaning the standing of Israel's Palestinian citizens. Insisting on worship rights for Jews on the Holy Esplanade likewise might increase national-religious support, but could be a red line for Palestinians and a recipe for future strife. The same goes for allowing some settlements to remain under Palestinian sovereignty.

These are difficult trade-offs to be sure. Still, more can and should be tried to seek to address some of the national-religious concerns and, at a minimum, demonstrate awareness of them. As Crisis Group has long argued, the peace process traditionally has done the least to attract those who – whether Israeli or Palestinian – have the most energy and the greatest incentive to undermine it.²⁵⁵ That is hardly the way to secure a viable, lasting and solid agreement.

Jerusalem/Brussels, 21 November 2013

²⁵⁵ See Crisis Group Middle East Report N° 122, *The Emperor Has No Clothes: Palestinians and the End of the Peace Process*, 7 May 2012.

Appendix A: Map of Israel



Appendix B: Map of Israeli Regional Councils in the Occupied Territories

Map No. 10. Municipal authorities in Judea and Samaria



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Appendix C: Glossary

Statism (*Mamlachtiut*)

An approach positing sanctification of the State of Israel in light of its importance in the redemptory process.

Unity of opposites (*Achdut Hahaphachim*)

A doctrine with origins in the Kabbalah (Jewish mysticism) according to which all people, including Arabs, are creations of the divine and their existence is thus desired by God.

Doctrine of Rabbinic Guidance (*Daat Torah*, literally "The Opinion of the Torah")

An approach calling for both rabbinical guidance on a large number of issues, including political matters, and obedience toward such rulings.

Torani (the adjectival form of "*Torah*")

Suggests a generally conservative stance, in accordance with the Holy Scriptures, and high degree of obedience to rabbinic authority (*Daat Torah*).

Garinim toraniim (sing., garin torani; literally, "Torah seeds")

Most often take the form of groups of national-religious families, numbering between a dozen and 100, who move into underdeveloped communities with a double aim: socio-economic empowerment and strengthening religious Jewish identity.

Jewish religious schools (*Yeshiva* (*pl. yeshivot*))

Educational institutes for men teaching Jewish religious texts.

Kookist

A term used to describe followers of Rabbi Avraham Yitzhak HaCohen Kook and specifically his redemptory theology.

Appendix D: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 150 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is chaired by former U.S. Undersecretary of State and Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

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Appendix E: Reports and Briefings on the Middle East and North Africa since 2010

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Gaza: The Next Israeli-Palestinian War?, Middle East Briefing N°30, 24 March 2011 (also available in Hebrew and Arabic).

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