JEWISH PERSPECTIVE

RELIGION IN ISRAEL'S LAND RIGHTS CONFLICTS

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INTRODUCTION

On November 29, 1947, the United Nations General Assembly voted to partition Palestine into a Jewish and an Arab state. While the Jewish community agreed to the proposed partition and allocation of territory, the Palestinian Arabs did not, calling the UN declaration of the State of Israel “al-Nakba”, the catastrophe. Despite the non-agreement of the Palestinian Arabs the establishment of the State of Israel took place in May 1948. Israel is identified as being both Jewish and democratic in its Founding Declaration of Establishment. The Declaration states that Jews have a historical right to this land because it was “the birthplace of the Jewish people where their spiritual, religious and political identity was shaped” (Ben-Gurion 1948: 1). The values of justice, freedom, and peace are identified in the Declaration as being rooted in the traditions of the Hebrew Prophets and a commitment is given to practicing these through social, political, and religious rights for all citizens of Israel.

This case study discusses the role of the Jewish tradition in the ongoing tensions and violence in Israel's conflict over territory as evidenced internally in the Negev concerning Bedouin land rights and externally with Palestinian territory. The discussion here will draw on aspects derived from Frazer, Friedli, and Owen's

understanding of the role of religion in conflict and reconciliation which we outlined earlier in this book (Frazer and Friedli 2015; Frazer and Owen 2018, cf. Chapter 3).

ORIGINS AND CONTEXT OF THE WAR OVER LAND

The dominant issue in Israel's existence since 1948 has been land with the Palestinians. By 1949 Israel had already expanded unlawfully into Palestinian territory during the War of Independence (1947–1949) with Palestinian Arabs and Arabs from neighboring countries. Over 6,000 Israelis were killed and 15,000 wounded (IMFA n.d.: 1). By the time of the armistice in 1949, the Israelis had extended their territory at the cost of 750,000 Palestinians who fled or were forcibly driven from their homes (UNCCP 1950). Over 5,000 Arab combatants died (this included 3,700 Arabs from outside Palestine) and over 11,000 Palestinian civilians were missing or presumed dead (Morris 2008: 404–406). The taking of more land by Israel from Syria, Jordan and Egypt occurred during the Six-Day War (1967) and the Yom Kippur War (1972). Israel has continued to control and/or occupy parts of the Palestinian territories, which has included the building of Jewish settlements in the West Bank. Palestinian response to the ongoing situation is seen through the first and second intifadas and the use of suicide bombers.

Other expressions of the land struggle are evident through Israel's border controls, checkpoints, and the building of the West Bank Wall. At a total length of 440 miles there are points where it has cut over 11 miles into the West Bank, thereby violating the United Nations "Green Line" agreed in the original signing of the resolution of the State of Israel in 1947. The incursion of the wall into Palestinian territory has affected over 25,000 Palestinians either by finding themselves now living in Israel or sometimes finding parts of their property or land split between Palestine and Israel (UN OCHA 2011). Building on the wall commenced in June 2002 and was announced as one of Israel's security and defense measures against Palestinian suicide bombers whose acts by 2002 had killed 553 people and injured 645 people. The majority of the dead or injured were Israeli citizens and not military or police personnel. Given the reality of the consequences of the acts of suicide bombings there was an urgent need for Israel to find a way to

try and end these attacks. The solution was to build the wall. But building this wall has only provided part of the solution—it has significantly reduced the number of suicide bombing attacks since 2003. But it has not addressed the central issue for the Palestinians of having their own independent state. The wall reinforces fear, suspicion, and hatred on both sides.

The other main land conflict in Israel is with the Negev Bedouin who are Israeli citizens. The majority of Bedouin in Israel who live in the Negev are from tribes who in the 18th and 19th centuries came from the Arabian Peninsula. In 1947 about 65,000–90,000 Bedouins lived in the Negev under British rule (Marx 1967: 3). Following the establishment of the State of Israel in May 1948, the Israeli Defense Forces (IDF) took most of the Negev from the Egyptians between October and December 1948. During this time, most of the Bedouin left the Negev, large numbers of them moving to Sinai, the Hebron mountains, or areas around the Dead Sea. By 1953 around 11,000 Bedouin lived in the Negev and were under Military Administration until 1966. As the troubles subsided, some Bedouin returned to the area where either they were allowed to stay and live in the eastern plain of Be'er Sheva or they were expelled by the Military Administration. The 1960 census shows that the number of Bedouin in the Negev had risen slightly to 16,000 and that 6,700 were living in Galilee (Marx 1967: 3). The use of a military administration after the cessation of these initial hostilities in the Negev had a serious impact on the experience of those Bedouins who returned. The ongoing Israeli policy is to reject the majority of Bedouin land claims; instead Bedouin have to rent their land from the state. There are also two categories assigned to Bedouin villages—recognized and unrecognized villages. For those Bedouin who refuse to recognize the state as the owners of their ancestral lands and continue to live in “unrecognized villages”, the state continues to offer them alternative land to live on so that the state can use their existing land for other purposes. Continuing refusal to move usually results in the bulldozing down of Bedouin homes and property. During the 1960s and 1970s some Bedouin were moved to government-built towns as part of Israel's urbanization and resettlement strategy of the Negev Bedouin. But these towns have not been that successful in integrating Bedouin into Israeli society and providing equality of access to social and public services. Instead, they have to some

extent ghettoized Bedouin into enclaves where they continue to be separated from their Jewish neighbors and have been neglected in terms of infrastructure and services and have high unemployment and crime rates (Swirski and Hasson 2006: 87).

The conflict over Bedouin land is part of a wider government agenda to “Judaize” the Negev. The vision of Judaizing the Negev to the extent planned has been greatly encouraged and supported in Haredi and Orthodox Jewish communities throughout Israel. The Negev Bedouin are considered by many Israelis as a barrier to realizing this vision. There is a twofold approach which the Israeli state has employed since the late 1950s. First, to assimilate Bedouin into types of citizens acceptable to the Israeli state which requires a diminishing of their religious, ethnic, and cultural identities and practices. A tool to try and achieve this has been by state funding for targeted economic and welfare investment for individuals, families, and communities who show compliance with the state’s agenda. Second, Bedouin who continue to challenge the state on land rights usually face a lack of state resources in terms of social infrastructure regarding their living environment and also in educational, welfare, and health provision.

RELIGION AS COMMUNITY: IDENTITY, AUTHORITIES, AND RELATIONSHIPS

According to context and interaction with other identity-forming elements (language, ethnicity, politics, and culture), religious belief systems “can have a particular identity-forming potential. Religion tells you where you belong, what to believe and where to proceed” (Harpviken and Roislien 2005: 9). Religion is social in character, offering the individual a sense of belonging to a community of believers who share beliefs, rituals, and places of historical and religious importance and relevance in contemporary life and experience. An example of a place combining religious and historical importance is Masada in Southern Israel, the site of the Jews’ last stand against the Romans after the fall of Jerusalem in 70 CE. The events at Masada are described “as a pivotal moment in Jewish history – one of perseverance, bravery and commitment ... [Masada] became a symbol of courage for the young modern Jewish state as it ... struggled for survival” (Rosenbaum 2019: 1). The memory

and significance of Masada continues to be invoked in the context of Israel's survival today with the most recent project "Inscribing the Jewish Future on Masada", set up by the American branch of the Jewish National Fund (JNF) and fully supported by the Israeli government. This new initiative builds on a project started in 2008 which enabled a Torah scribe to be present on a daily basis in the rebuilt Geniza room, part of the ancient Masada synagogue, where visitors had the opportunity to watch him at work. In 2019 this project continues to enable visitors to watch the scribe at work and now they can pay for one letter, a word, a sentence, a verse, a section, or even a whole Torah. In return they are given a certificate confirming that they have contributed to the writing of a Torah scroll. Completed scrolls are dedicated and donated to those Jewish communities in Israel, such as the Kibbutz Kerem Shalom near the Gaza border, which in recent years have been hit by rockets fired by Hamas. Attending the Torah dedication ceremony at the kibbutz was a member of JNF's National Community Campaign James Riola, who said,

I looked around the kibbutz and within 100 feet of where we were standing was a 30-foot wall. It struck me that on the other side of the wall there was such violence, but on this side of the wall where we had the Torah, everyone was so happy and excited.

(Rosenbaum 2019: 1)

Religion can serve as a link with nationhood and can provide non-religious events of the state with a sense of transcendence as seen with the example of the annual Founding of the State of Israel celebrations. Religion can nurture and sustain nationalism, which in its more negative expression can dehumanize, expel, or destroy those considered as "outsiders" within a nation-state. Religion, to varying degrees and in various historical contexts, is from time to time a conduit for characteristics of tribalism. Religious identity can be on a variant between inclusive and exclusive. Judaism initially emerges with a model of God that is tribal in the way He chooses His people, the Israelites, and makes them into a nation through violence and war towards other peoples, whether justifiable or not. Religion, which expresses the concept and values of tribalism and exclusivism, diminishes the possibility of social trust, cohesion, and collective solidarity, and can lead to violation of

the Golden Rule principle which is intended to facilitate respect, empathy, and unity amongst people in diverse contexts. Since its founding in 1948, there is evidence to show the ongoing negative influence of the Haredi and Orthodox Jewish communities in the Israeli body politics' approach to conflict between Jews and non-Jews in Israel, and with the Palestinians in the Israeli controlled territories of Palestine.

RELIGION AS A SET OF TEACHINGS AND PRACTICE: TRIBAL GOD, LAND, AND VIOLENCE

Religion can provide a system of meaning and a framework for action. It constitutes a normative system which, "when accepted, serves as a directive for how each individual believer should live their life" through following the laws, command, and teachings of a divine transcendent being (Harpviken and Roislen 2005: 8). The cognitive aspect of this normative system is that it can shape the individuals' world views, which are then further shaped by aspects and experiences of their social contexts, both past and present. The degree to which the religious system of meaning is closed or open will affect the individual's understanding and response to situations of diversity, difference, and potential for survival. In the case of Israel and its establishment in the aftermath of the Holocaust, religion and culture is shaped in the context of Jewish survival, security, and continuity. The issue of land is essential to all three of these. The importance of land in the Israeli Jewish public consciousness, especially Haredi and Orthodox Jews, is found in the concept of "a promised land" given by God to his people following their exodus and liberation from slavery in Egypt during biblical times. Having a land of one's own provides more likelihood of peace and freedom, of being safe and secure. But as the Jewish scriptures show, this was not always the case, as foreign armies attacked Israel at various times, sometimes exiling the Israelites or occupying their land. In turn, Israel also engaged in campaigns to extend its territory by taking land from other people. God's gift of a promised land to Israel was already the land of other people, the Canaanites.

The historical narrative of the land as being God-given to the Jewish people has led to a growth in religious violence carried out by Jewish extremist groups, typically made up of youth from the

Haredi and Orthodox communities in Israel, since 2010 (BDHRL 2011). These groups see nothing wrong in committing violence most certainly towards non-Jewish Israeli citizens, but also sometimes against Jews not considered truly Jews (Reform and Liberal), and on other occasions against Israeli soldiers for being “too soft” on Israel’s non-Jewish population and Palestinians in the Palestinian Territories, “It is legitimized, motivated, and guided by a religious code. It draws, in a powerful way, the boundaries between them and the ‘others’” (Nachman 2010: 174). The key issue driving their violence is the belief that Israel is the land which God gave to his chosen people and not to anyone else. Their theological understanding of the Promised Land has fused with a form of Israeli nationalism which is exclusivist as regards the Jewish right to the land of Israel. Of course, the use of violence by some Jews based on their understanding of Jewish teaching is not a new invention and some of the Israeli Jewish leadership either promote or ignore their members’ acts of religious violence. Indeed, some religious leaders actively promote religious violence. One example is Rabbi Yosef Elitzur Fein, a rabbi in a West Bank settlement, who posted social media advocating incitement to violence against Palestinians and Israeli soldiers and is also co-author of a controversial book, *The King’s Torah*, that attempts to provide religious justification for the killing of non-Jews. Eventually, in December 2016, an Israeli court sentenced him to five months’ community service for the social media posts calling for violent acts against Palestinians and Israeli soldiers (BDHRL 2017: 43). Another example of this extremism is of “Price tag” attacks, also known as “Mutual Responsibility”, which are acts of vandalism carried out by Jewish fundamentalist settler youths against the property of Palestinians, Christians, and left-wing Israeli Jews.

Enforcing Jewish ownership of land is reflected in the recent adoption of the Nation State Law by Israel’s parliament in July 2018. In this new law Israel is defined and proclaimed, yet again, as the historic homeland and nation-state of the Jewish people, declaring that only Jews have the right to self-determination there. Hebrew has been declared as the official language of Israel and Arabic now has a special status; the use of Arabic in state institutions will be regulated by law. The adoption of the law has been met with criticism from across the world and within Israel on grounds

that it legalizes forms of discrimination, racism, and segregation. But Prime Minister Benjamin Netanyahu reinforced what Israel is and what it is not in a public statement on March 11, 2019, ahead of the forthcoming elections in April, Israel is “the national state, not of all its citizens, but only of the Jewish people” (Chappell and Estrin 2019: 1).

RELIGION AS INSTITUTION AND DISCOURSE: RELIGION-STATE RELATIONSHIP, LEADERS, AND THE DEMOCRACY FACTOR

The relationship between religion and state in Israel is “Neither separation of religion and state nor total integration” (Liebman and Don-Yehiya 1984: 29). Religious belief systems in Israel, especially that of Haredi and Orthodox Judaism through religious political parties, continue to play a significant role in shaping the identity of Israel as a Jewish state and maintaining and safeguarding the Jewish right to land as given in biblical texts. The Jewish identity of the Israeli state, in terms of it being understood as rooted in biblical times, is visible in Israel’s body politic and its institutions through numerous symbols. One example is the name “Knesset” for Israel’s legislative body, “it was chosen for its connection to *Haknesset Hagdolah*’ (Great Assembly), established in the fifth century BCE upon the return of the Jews from their exile in Babylon” (Mazie 2006: 29). A more explicit and powerful symbolic link is the image of the *Magen David* (Star of David) on Israel’s national flag, part of Jewish religious identity, which represents the suffering and hope of Jews worldwide throughout the ages. A further example of the nature of the character of the religion–state relationship is evidenced through the legal status and financial support which the chief rabbinate and religious councils receive directly from the state and *Beth Dins* (Orthodox Jewish Religious Courts) have sole responsibility over matters of personal status and family law. This same legal status and financial support are not given to the other two religions in Israel—Christianity and Islam.

A key issue in Israeli public discourse concerns the compatibility of the traditional Jewish law (*Halakhic*), which is central to the dominant form of Judaism practiced in Israel, with that of democracy.

One dominant view is that traditional *Halakhic* Judaism is anti-democratic because of its theocratic nature, “The Jewish religion is not democratic, just as no religion is democratic in the modern liberal sense of the term” (Neuberger 1997: 19). Certainly, this argument appears plausible when applied to those various expressions of religions that promote total adherence in contemporary life to sacred teachings from centuries past, elements of which may be considered to infringe and violate contemporary approaches to rights and equality. However, over the centuries reform has taken place in Jewish understanding, interpretation, and practice of aspects of sacred teachings for the modern world. This is a key character of Reform and Liberal Judaism. These communities in Israel have little influence in the day-to-day running of the state and its decision making, not just because they are numerically much smaller compared to the Haredi and Orthodox communities, but because they do not have the same level of political representation through political parties. While the dominant views of the Israeli Haredi and Orthodox communities continue to advocate no giving back of any land to Palestinians and Negev Bedouin, and instead to continue the expansion of Jewish settlements in Palestinian territory, the dominant view of the Reform and Liberal communities is the opposite. Perhaps a more nuanced view in the discussion of the compatibility of Judaism and liberal democracy is that there are elements in the religio-cultural legacy of Israel (Novak 2012: 6). This legacy is described as “particularly rich in ideas and ideals which could constitute an ideological value infrastructure for the development of democracy” (Langer 1987: 402). But the question remains about whether traditional Jewish *Halakha*, as adhered to by the Haredi and Orthodox Jewish leadership, is able to actually “come to grips” with modern liberal democracy and concepts of the modern age. A response to this question will be key to the second part of this case study in the next chapter. By looking at the work of two Israeli Jewish organizations, the aim is to show that there are two key aspects present in traditional Jewish teaching which have the potential to relate to particular elements of the democratic model: (1) Human beings are created in the image of God and are therefore entitled to equality, and (2) *Halakha* is based on duties and responsibilities of each human being in terms of seeking justice (Falk 1996: 65).

CONCLUSION

The establishment of Israel in 1948 was fraught with difficulties from the outset because this Jewish homeland was created by taking land of which over half of the territory was populated by Arabs, Bedouin, and Palestinians for centuries. The discussion here of religion as community, an institution in relation to the state, and as a set of teachings and action informs us about the role which religion continues to play in promoting and sustaining the Israeli conflict over land. However, it is important to note that this is due to certain expressions of the Jewish tradition (Haredi and Orthodox) having significant influence on most Israeli governments since 1948. As will be discussed in the second half of this case study in the next chapter, there is within the Jewish legacy the potential to promote a world view that can contribute to resolving the conflict over land in Israel.

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