ISRAEL'S RELIGIOUS RIGHT AND THE QUESTION OF SETTLEMENTS

Middle East Report N°89 – 20 July 2009

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TABLE OF CONTENTS

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EXECUTIVE SUMMARY

Benjamin Netanyahu is in a bind. Israel is facing arguably unprecedented pressure to halt all settlement activity, led by a new and surprisingly determined U.S. administration. But the prime minister also heads a distinctly right-wing coalition and faces intense domestic pressure from settlers and their allies. However important, what will emerge from current discussions between Washington and Jerusalem will only be step one in a long process designed to achieve a settlement freeze, settlement evacuation and a genuine peace agreement with the Palestinians. Understanding how Israel might deal with these challenges requires understanding a key yet often ignored constituency – its growing and increasingly powerful religious right.

The effort to settle in the occupied territories once was led by secular Zionists. No more. Today, the settlement issue is being quickly transformed by the shifting dynamics of the religious right. Tens of thousands of national-religious Jews populate the settlements; they enjoy political, logistical and other forms of support from hundreds of thousands inside Israel proper. In addition, an equal if not larger number of ultra-orthodox who initially shared little of the national-religious outlook, gradually have been gravitating toward their view; many among them are now settlers. Together, the national-religious and ultra-orthodox carry weight far in excess of their numbers. They occupy key positions in the military, the government and the education and legal sectors, as well as various layers of the bureaucracy. They help shape decision-making and provide a support base for religious militants, thereby strengthening the struggle against future territorial withdrawals from both within and without state institutions.

The religious right believes it has time on its side. Its two principal camps – the national-religious and ultra-orthodox – boast the country's highest birth rates. They have doubled their population in West Bank settlements in a decade. They are rising up military ranks. Their political parties traditionally play important roles within ruling government coalitions. Many – in the leadership and among the grassroots – are preparing the ground for the next battle over settlements and territorial withdrawal, animated by a deeply rooted conviction in the rightness of their cause. Treating every confrontation – however insignificant the apparent stake – as a test of wills, religious militants have responded to the demolition of plyboard huts with revenge strikes on Palestinians, stoning their cars, burning their crops, cutting their trees and occasionally opening fire. Mainstream religious leaders for the most part appear powerless to condemn, let alone tamp down the violence.

In the run-up to the 2005 Gaza withdrawal, some analysts and even a few decision-makers predicted violent clashes and hard fought evacuations. They were mistaken. Disengagement proceeded remarkably peacefully and smoothly. But it would be wrong to veer to the other extreme and assume that what happened in Gaza will be replicated in the West Bank. There are differences in numbers, background and militancy of the respective settler populations. Plus, Gaza taught lessons to all sides, the government but also the militants. Since then, the latter have been preparing for the next round. They are banking on their support within state institutions to discourage the government from taking action and on their own rank and file to ensure that every attempt to evict an outpost or destroy a structure comes at a heavy price. For that reason, some security officials worry that unrest could spread, with violence not only between Israeli Jews and Palestinians but also among Jews; they also fear discord in military ranks that could complicate action.

Some steps are long overdue. Having long given succour to the settlement enterprise, the state needs to rein it in; while it at times has acted against the excesses of individual religious militants, it too often has shown excessive lenience toward anti-Palestinian violence or hateful incitement, especially with a religious content. Rabbis who call on soldiers to defy army orders to remove settlements or who justify violence in many cases continue to receive state salaries; religious colleges with a record of militancy continue to operate without oversight or regulation; inflammatory material finds its way on to army bases. All this should stop. Judicial and law enforcement agencies need to investigate and prosecute cases of anti-Palestinian violence and hate crimes. The army should show the same determination

in protecting non-Jewish as it does Jewish civilians in the West Bank.

But Israel's religious right has deep roots, and even its most militant expression cannot be dealt with exclusively through confrontation, however effective U.S. pressure might be. Along with necessary firmness, there are other ways to defuse the problem:

- The government could help pass an early evacuation compensation law, providing for advantageous financial terms to those settlers who agree to move, thereby isolating their more hardline members.
- Unlike what happened with the Gaza disengagement, the government could start early planning for settler relocation by building alternative homes inside Israel proper.
- While some settlers will be determined no matter what to remain on what they consider their Biblical land, here, too, ideas are worth exploring. In negotiations with Palestinians, Israel could examine whether and how settlers choosing to remain might live under Palestinian rule.
- Israel's religious parties should be made to feel part of the diplomatic process, rather than as its mere spectators or even its targets; in this spirit, third parties such as the U.S. should be reaching out to them.

The current mix of neither strict law enforcement nor effective outreach is a recipe for greater difficulties ahead. To ignore the reality and weight of Israel's religious right would hamper an already uncertain path to an Israeli-Palestinian agreement and, should an agreement be reached, toward a lasting and sustainable peace.

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I. INTRODUCTION

Spearheading today's settlement enterprise are two of Israel's most dynamic and fastest growing forces: religious Zionists[1] (who view possession of Biblical land as part of God's messianic plan) and the ultra-orthodox[2] (who seek enforcement of age-old rabbinic codes). Countrywide, they exercise considerable influence. Their demographic weight is large and growing. Contrary to the original belief that the numbers of the ultra-orthodox gradually would wane,[3] they boast high birth rates.[4] Whereas secular Israelis average 2.5 children per family, ultra-orthodox families average over six.[5] "Secular Israelis don't have children", says a national-religious father of six and grandfather of 34. "They are a dying breed. The future of Israel is religious".[6] Ultra-orthodox Jews comprise 10 per cent of Israel's population, but over 20 per cent of all first-graders.[7] In the 1990s, mass immigration, particularly of secular Jews from the former Soviet Union, tempered their proportionate increase, but no further significant migration is anticipated in the short to medium term.

Moreover, national-religious followers comprise the overwhelming majority – upwards of 80 per cent – of the 70,000 settlers in the West Bank east of the separation barrier,[8] including several thousand in scores of what are known as unauthorised outposts.[9] In the part of the West bank west of the separation barrier, ultra-orthodox Jews are the largest population. Partly in

[1] This report follows the practice of Israel's Central Bureau of Statistics in referring to religious Zionists as "national-religious", though the term encompasses a broad range of religious, social and political activities, most – though not all – leaning to the right. See note 194.

[2] Ultra-orthodoxy is the standard term for the most theologically conservative stream of Judaism. Its members strictly adhere to Torah laws and eschew modern dress. They call themselves *haredim* ("(God-) tremblers").

[3] David Ben-Gurion, Israel's first prime minister, was convinced the ultra-orthodox movement had no future in Israel and would fade away. Crisis Group interview, Eliezer Schweid, professor of Jewish thought, Hebrew University, Jerusalem, 16 June 2008. See Zvi Zameret, "Judaism in Israel: Ben-Gurion's Private Beliefs and Public Policy", *Israel Studies*, vol. 2, no. 4, 30 September 1999, p. 64.

[4] From 2007 polling data, the Israel Democracy Institute estimates 8 per cent of the population aged over 50 and 32 per cent of the population aged between eighteen and 30 are either ultra-orthodox or national-religious. See The Guttman Centre Survey at www.idi.org.il.

[5] Crisis Group interview, Israeli demographer Professor Sergio DellaPergola, Jerusalem, 22 October 2008. "In the time secular Jews produce two generations, religious Jews produce three". Crisis Group interview, Hillel Cohen, political science professor, Jerusalem, September 2008. A national-religious government minister says, "I have six children. And they each have five or six. We're growing far faster". Crisis Group interview, Jerusalem, April 2009. The Israel Democracy Institute estimates that the proportion of non-observant Israeli Jews declined from 23 per cent in 1999 to 17 per cent in 2008. See www.idi.org.il/sites/english/TheGuttmanCenterSurveys/Pages/GuttmanSurvey5.aspx.

[6] Crisis Group interview, Rabbi Nachman Kahane, Jerusalem, May 2008.

[7] Crisis Group interview, Professor Sergio DellaPergola, demographer, Jerusalem, 22 October 2008. Some observers argue that these figures underestimate reality, since the ultra-orthodox do not always cooperate with census efforts.

[8] Crisis Group interview, Dror Etkes, legal advocacy officer for Yesh Din, an Israeli human rights watchdog, Jerusalem, December 2008.

[9] The difference between settlements and outposts is that the former have been authorised by the government and the latter have not. Outposts vary in size from well-established housing estates with dozens of families, such as Bruchin, to isolated dugouts with a few high-school students, such as Shvut Ami. Many are satellites of existing settlements occupying an adjoining field or hilltop; others are designed to obstruct contiguity between Palestinian population centres. Figures for the number of outposts and their population vary widely. An informed army general said the outposts house 5,000 to 6,000 settlers, "similar to the number of settlers in Gaza prior to the evacuation". Crisis Group interview, Tel Aviv, June 2009. Peace Now gave Crisis Group a rough estimate of 4,000 in May 2009. Talia Sasson, former chief state prosecutor who authored an official report on settlements for the Sharon government, cited over 100 settlements established with unofficial state backing; military officials said Sasson did some double counting and cited a figure of 87 outposts. Crisis Group interview, army general and government adviser on settlements, Tel Aviv, June 2009. In addition, in recent years settlers have established dozens of makeshift encampments that settlers and journalists refer to as wildcat outposts or protest camps. Over 80 per cent lie east of the separation barrier. *Haaretz*, 7 January 2008.

response to intense housing shortages in Jerusalem, ultra-orthodox families have poured into nearby settlements,[10] for the most part in settlements west of the separation barrier but also increasingly in those beyond. The ultra-orthodox are now the largest settler community – up from 12 per cent of that population in 1996 to between 30 and 40 per cent today.[11] Together the ultra-orthodox and national-religious camps account for the lion's share of the 37 per cent increase in the settler population in the past six years – from 211,400 in 2003 to over 289,600 today.[12] By contrast, secular settlers – who at the outset were at least as central to the enterprise as religious settlers[13] – are a proportionally waning presence.[14] The Oslo process and ensuing peace negotiations contributed to this declining interest. In the words of a settlement rabbi, settlers who had "settled when settlements were part of the consensus found the consensus had moved".[15] The second intifada and Israel's construction of the separation barrier hastened the process.[16]

It would be wrong to view Israel's right as exclusively religious. Many in Likud, which leads the ruling coalition, are secular and are as sceptical of – or as strongly opposed to – a two-state solution as their religious counterparts. Still, the religious right has assumed an increasingly prominent role in opposing territorial compromise. Religious-based political parties, of which Shas, United Torah Judaism, National Union and the Jewish Home are the largest, exert considerable parliamentary influence and the religious right also plays an important role within Likud. Although not a united bloc, ultra-orthodox and national-religious politicians currently hold over a fifth of Knesset seats, representing some forty per cent of the ruling coalition. It is therefore critical to understand their origins, influence and worldview.

[10] According to B'Tselem, an Israeli centre that monitors human rights violations in the occupied territories, 40 per cent of the 15,400 increase in settlers in 2008 resulted from immigration rather than natural growth, primarily of ultra-orthodox families. "Settlement Expansion: Un-natural Growth", statement released by B'Tselem, 11 July 2009.

[11] According to Peace Now, out of a total of 289,600 settlers, 87,495 or 31 per cent live in ultra-orthodox settlements; 62,769 (22 per cent) live in national-religious settlements, and 44,309 (15 per cent) live in secular settlements. The remainder – 92,156 (32 per cent) – live in heterogeneous settlements characterised by a variety of religious observance. Of the 67,000-strong population east of the barrier, Peace Now calculates that 54 per cent live in national-religious settlements, 19 per cent in secular settlements, 9 per cent in ultra-orthodox settlements and 19 per cent in heterogeneous settlements. Of the 220,000 settlers west of the barrier, 37 per cent live in ultra-orthodox settlements, 36 per cent in heterogeneous settlements, 14 per cent in secular settlements and 13 per cent in national-religious settlements. 2008 figures compiled by Peace Now for Crisis Group and collated from the Central Bureau of Statistics, July 2009. "East of the barrier the traditional/secular population is diving and the national-religious is rising". Crisis Group interview, Dror Etkes, Yesh Din settlement researcher, Jerusalem, July 2009. Settler groups, which also track settlers' religious affiliations, estimate that at least 40 per cent of West Bank settlers are ultra-orthodox and 30 per cent national-religious. Data provided by Yesha Council, Jerusalem, May 2008.

[12] "Settlement expansion: Un-natural Growth", B'Tselem statement, op. cit.

[13] Over half the 77 settlements which today lie east of the separation barrier were established by secular Jews, often on army missions. Data Provided by Peace Now, March 2009.

[14] Peace Now claims the percentage of settlers living in mainly secular settlements has declined from over 20 per cent in 1996 to 12 per cent in 2007. Crisis Group interview, Peace Now researcher Hagit Oranit, Jerusalem, 20 April 2009.

[15] Crisis Group interview, Micah Goodman, head of the Ein Prat academy, Kfar Adumim settlement, April 2008.

[16] "Only the religious fight for anything today; the secular have stopped struggling". Crisis Group interview, Boaz Etzni, Kiryat Arba settlement, December 2008. Etzni himself does not fit the mould. A secular settler and Likud candidate in the 2009 elections, he heads Homesh First, an organisation dedicated to rebuilding the four northern West Bank settlements Israel dismantled in 2005.

II. NATIONAL-RELIGIOUS FRAGMENTATION AND RADICALISATION

In contrast with traditional interpretations of Jewish law, according to which the establishment of a sovereign Jewish state must await the arrival of the Messiah, national-religious leaders supported Israel's creation as a precursor to redemption[17] and as such have participated fully in its development. Adherents celebrate independence day, comply with the army draft and wear modern dress together with religious trappings such as knitted skullcaps.

At the outset, national-religious politicians focused on adapting Torah[18] values, education and laws to meet the conditions of a modern state and making them central to the daily life of Israel's Jews. They largely eschewed any position on the Arab-Israeli conflict. Initially a small minority, their theocratic leanings did little to trouble the ruling secular elite. However, after the 1967 war, a new generation of messianic Zionists captured the public imagination, as feelings soared from the fear of annihilation to euphoric victory in a matter of days. This young guard switched the movement's focus from shaping Jewish society to shaping conquered lands, arguing that Jewish possession and settlement would accelerate arrival of the messianic age.[19] In 1974, it formed Gush Emunim (Bloc of the Faithful) and by 1977 had wrested control from the movement's aging moderates, long a fixture of the ruling Labour coalition.

Although it is by no means the case that all settlers are national-religious or that all national-religious Israelis are settlers, the settlement project emerged as the movement's core endeavour. While Labour-led governments built secular settlements in the Jordan Valley, and Likud governments subsequently added a belt of mainly secular commuter settlements abutting the pre-1967 border, the national-religious movement, with its settler arm, Amana, was the driving force behind settlements in the central West Bank and the prime recruiter of their settlers. National-religious Torah colleges promoted the settlement drive, providing it with religious legitimacy as well as spiritual guidance and institutional backing. Israeli governments encouraged the national-religious movement's new direction for several reasons: there arguably were security benefits in widening borders; political benefits in diverting national-religious ambitions to the periphery, away from traditional power bases of the ruling mainstream elites; and electoral political benefits in catering to an important constituency.[20] In addition the settlements tapped into the country's pioneering ethos of land acquisition.

Beginning in the late 1970s, a series of territorial withdrawals (from the Sinai) and redeployments (in the West Bank) dented the convergence of state and national-religious interests. For the most part, the national-religious leadership absorbed each shock, advocating intensified settlement expansion in the territories that remained under Israeli control. But each step suggested territorial compromise and also increased the number of national-religious members willing to question their leaders' subservience to secular authorities perceived as defying God's plan. Initially, only a few made such arguments and even fewer resorted to force: when Israel committed to withdraw from Sinai as part of the 1978 Camp David Agreement, some formed a Jewish Underground;[21] the 1993 Oslo accords – which were premised upon withdrawal from what religious Zionists considered Biblical heartlands – drew larger protests and prompted a settler attack in the Cave of the Patriarchs/Ibrahimi mosque in Hebron, as well as the assassination of Prime Minister Yitzhak Rabin.[22]

Subsequent negotiations between Israel and the Palestinians (including over the former's withdrawal from most of Hebron) accentuated the internal Israeli divide. Still, between 1982 and 2005, the number of settlements mushroomed and not a single one was dismantled.

[17] This viewpoint is reflected in the prayer for the State of Israel written in 1948 by Israel's Chief Rabbinate and the author S.Y. Agnon and incorporated into the Sabbath service in many non-ultra-orthodox synagogues worldwide. It hails the state as "the beginning of the flowering of the redemption".

[18] The Torah consists of the first five books of the Jewish Bible but also is used generically to refer to the oral and written laws and religious teachings Jewish tradition holds God gave Moses at Mount Sinai.

[19] "Originally the religious Zionist movement was the least messianic of the Zionist movements. After 1967, it became the most". Crisis Group interview, Israel Harel, former head of the Yesha Council of Jewish settlements, Jerusalem, May 2008.

[20] "Left-wing governments built more settlements than the Right for two reasons: first, to give their cities a buffer and second to push religious Zionists to the periphery". Crisis Group interview, Yisrael Blonder, Kfar Tapuach settlement secretary, September 2008.

[21] See Ehud Sprinzak, "Fundamentalism, Terrorism and Democracy: the case of the Gush Emunim Underground", The Wilson Center, Washington, 16 September 1986.

[22] Rabin's assassin, Yigal Amir, was a student at a respected national-religious institution, the law faculty of Bar-Ilan University.

The 2005 disengagement from Gaza challenged national-religious confidence in the state as never before. Prime Minister Ariel Sharon, the so-called father of the settlement movement, dismantled all the settlements there, as well as four in the northern West Bank. The homes of 8,000 people – almost all national-religious – were reduced to rubble and their inhabitants consigned to peripheral caravan parks and other temporary accommodation.[23] The experience was a crisis not just for the displaced but for the national-religious as a whole. A leading voice within the West Bank settler community said:

> Until the last moment, we just couldn't fathom that it would actually happen – that Israeli bulldozers would enter these towns and raze those beautiful houses to the ground. I don't know what we thought – perhaps that God would save us.[24]

As a measure of the friction between the state and the national-religious camp, the authorities arrested some 1,500 protesters during the disengagement. But the protesters' plight failed to win the national-religious popular support.[25] Elections held seven months after disengagement only confirmed the gap between Greater Israel ideologues and the general public. Campaigning on a platform of unilateral withdrawal from parts of the West Bank, the new Kadima party won the largest number of seats and led the ruling coalition.[26] The Annapolis process, which the U.S. launched in November 2007 to jumpstart new Israeli-Palestinian negotiations, intensified talk of possible West Bank withdrawals.

The construction of the separation barrier was a further acknowledgment that settlements lying to its east could, one day, be evacuated. It generated tension between secular and national-religious sectors inside the settlements themselves. Secular settlers east of the barrier increasingly sought a way out,[27] including through possible enactment of an early evacuation compensation law that would enable them to purchase alternative homes inside Israel.[28] A secular lawyer and former treasurer of Adam settlement said, "we came for the quality of life, not for ideals. Now I'm cut off from Israel by a wall and face hostility when I light my barbeque on the Sabbath. Just give me back what I invested and I'll leave".[29] A settlement monitor noted, "The few secular settlers who remain east of the wall are becoming fewer. Once reality beats the vision, only those who trust supernatural forces keep it alive".[30]

National-religious Israelis have redoubled efforts to hold and, if possible, expand land in their possession. As some secular settlers moved out, they moved in, notably in isolated settlements in the northern West Bank.[31]

[23] Four years after the Gaza withdrawal, most Gaza settlers remain in temporary housing in Israel. Crisis Group telephone interview, Yitzhak Ozer, deputy director general of the SELA (Aid for Gaza Strip residents], the administration responsible for implementing the disengagement plan and aiding Gaza's former settlers, 23 June 2009. However, he added that all had received financial compensation and, in most cases, land on which to build new permanent homes in Israel.

[24] Crisis Group interview, Emuna Alon, settler and author, Jerusalem, 16 June 2008.

[25] *Haaretz*, 13 July 2009. Most were not convicted, following plea bargains, and in July 2009 received presidential pardons.

[26] Other parties unambiguously supporting an Israeli withdrawal from at least parts of the West Bank included Labour (nineteen seats), Meretz (five seats), and the three non-Zionist/Arab parties (ten seats). Together with Kadima's 29 seats, they comprised a Knesset majority.

[27] Tellingly, voting for Likud in secular settlements dropped by 50 per cent in 2006, while Kadima – campaigning on a platform of disengagement from parts of the West Bank – won between 25 and 40 per cent of this electorate, a higher percentage than inside Israel. Dror Etkes, "The Settler Vote in Israeli elections", Peace Now website, April 2006.

[28] In September 2008, Prime Minister Olmert's cabinet considered offering 1.1 million NIS ($310,239) to each settler family voluntarily relocating west of the separation barrier. Due to internal opposition led by the ultra-orthodox Shas, the measure was not put to a vote. The compensation scheme is promoted by Bayit Ehad, an association founded after the separation barrier's construction by a secular settler, Benny Raz, and a former Meretz parliamentarian, Avshalom Vilan. Bayit Ehad claims to have collected 25,000 signatures from settlers east of the barrier seeking to leave in exchange for compensation. Raz currently is attempting to win opposition party Kadima's support to introduce a bill in the Knesset. Crisis Group interview, Benny Raz, Karnei Shomron settlement, 4 May 2009. He said, "Secular Israelis are the easiest to convince, ultra-orthodox the hardest". The national-religious camp also opposes such schemes. "It's easier for secular settlers to accept compensation. For us the land is holy and we have no right to forsake it". Crisis Group interview, national-religious settler, Bat Ayin, 5 May 2009.

[29] Crisis Group interview, lawyer, Adam settlement, May 2009. "Almost all of us would accept financial compensation to leave. There's no ideology here". Crisis Group interview, settler, Vered Yericho (a secular settlement in the Jordan Valley), 12 May 2009. "We can't sell our house for peanuts, because no one wants to buy. I'd leave immediately if I could, but we're stuck". Crisis Group interview, gift shop owner and 30-year resident of Maale Ephraim settlement, May 2009.

[30] Crisis Group interview, Dror Etkes, legal advocacy officer for Israeli NGO, Yesh Din, Jerusalem, December 2008.

[31] "Secular settlements came under serious attack in the intifada, and half the people there left. Religious settlements were also attacked, but next to no one left. In fact more re-

In the Jordan Valley – where secular settlement is either stagnant or shrinking – national-religious activists likewise have erected several outposts and filled vacant settlements where secular settlers once lived.[32] For example, they moved into Yitav, a secular settlement abandoned in the mid-1980s, making it almost entirely national-religious.[33] Thirty married couples moved into recently-installed caravans in Nokdim, a hitherto mixed secular and religious settlement, all of them national-religious.[34] Dozens more religious families have moved into Maale Ephraim, above the Jordan Valley, and opened a pre-army Torah college. Nearer Jerusalem, a rabbi now heads the local council of Adam, a once secular settlement.[35] Some former Gaza settlers, who are almost all religious, also have relocated to the West Bank.[36] Tellingly, the protests against the removal of settlers from several improvised encampments and from a Palestinian house in Hebron that was illegally occupied have been an almost exclusively national-religious affair.[37]

A series of financial and moral scandals involving senior state officials[38] and the perceived spread of liberal values inside Israel deepened the ideological rift with the secular establishment. "The same people who bring you disengagement bring you same-sex marriage", said a lecturer at Bar-Ilan, Israel's national-religious university.[39] Viewing the government as corrupt and willing to cede God's land to non-Jews, national-religious adherents accused it of betraying its divine mission.[40] A former Gaza settler said, "we used to think the government was our salvation. No longer".[41] The national-religious camp experienced what one settler called a "messianic shock",[42] shaking the ideological foundations of those who had seen the state as an instrument of divine will.

Though Netanyahu's election at the helm of a right-wing bloc has partially eased tensions, doubt remains as international pressure on the government grows. Faced with the prospect of a government clampdown, one outpost resident explained: "My husband says we should just put up a sign expressing our protest. I think we should mobilise, and if we are pushed, we should push back. Some of our neighbours say we should resist – forcefully, cut our ties with the state and establish a new one".[43] Some of the national-religious redoubled efforts to revive state and public support for

ligious families moved in". Crisis Group interview, Boaz Haetzni, secular settler and Likud politician, Kiryat Arba settlement, December 2008. Dozens of secular families left settlements east of the wall, including Telem, Mevo Dotan, Homesh and Sanur. Many religious families moved in to replace them. Crisis Group interview, Dror Etkes, Jerusalem, December 2008. Of the 23 families that refused to evacuate Homesh, an originally secular settlement, as part of the 2005 disengagement, only six were secular. Crisis Group interviews, Homesh, September 2008. See Ahiya Raved, Ynet, 22 August 2005.

[32] See below.

[33] Crisis Group interview, Yitav settler, Yitav, May 2009.

[34] Crisis Group interview, official, Nokdim settlement, 19 July 2009. She added, "30 of our 186 families today are secular, most of them Russian immigrants. Once it was half and half".

[35] Though east of the separation barrier, Adam is within easy access to Jerusalem. It has received successive waves of national-religious settlers since the 1990s; starting in 2005 ultra-orthodox families also began moving in. "We were here first, but no secular Jews want to come here any more. Adam's character has changed. It used to be a quiet country village. Now we have whole neighbourhoods of ultra-orthodox apartment blocs, whose residents tell me not to light my barbeque on the Sabbath. If I could sell up, I would". Crisis Group interview, Yitzhak Yitzhaki, lawyer and former settlement treasurer, Adam settlement, May 2009.

[36] Yossi Hazut, secretary of Gaza's former Shirat HaYam settlement, led seven families from there to Maskiyot, a disused army base in the northern heights of the Jordan Valley, and has received defence ministry approval to house many more. "Within two years, these hills will be full of homes". Crisis Group interview, Yossi Hazut, secretary, Maskiyot settlement, May 2009.

[37] "Barely ten of the 1,000 protesters in the Hebron house were secular". Crisis Group interview, Mati Barnea, secular protester in Hebron, Givatayim, December 2008. "Secular Israelis are not coming to the fight". Crisis Group interview, Boaz Haetzni, secular settler and Likud politician, Kiryat Arba settlement, December 2008. The turnout at rallies illustrates this divide. "Even in Tel Aviv, the rallies against disengagement were almost exclusively religious". Crisis Group interview, Peace Now monitor, Jerusalem, April 2009.

[38] Subjects of recent investigations include former President Moshe Katzav (sexual misconduct), former Prime Minister Ehud Olmert (corruption) and former Finance Minister Avraham Hirschson (embezzlement) "People have little trust in the system because its leaders put their private interests before the state". Crisis Group interview, retired national-religious general, Jerusalem, May 2008.

[39] Crisis Group interview, Yohanan Tzoref, lecturer, Bar-Ilan University, April 2008.

[40] "According to Torah law, there is an absolute prohibition against handing over land belonging to an Israelite to a stranger [non-Jew]. … Anyone who violates this command will not go unpunished, either in this world or in the world to come". Rabbi Abraham Shapira, then-Merkaz HaRav head, cited by Shlomo Fisher, an expert on settler activism, in an unpublished thesis, January 2007. Shapira's Torah college co-head, Shaul Yisraeli, urged students to omit the blessing for Israel's "leaders, ministers and counsellors". Organ of the Yesha Rabbis 26 (5755).

[41] Crisis Group interview, former Gaza settler, Jerusalem, March 2008.

[42] Crisis Group interview, Micah Goodman, Ein Prat Academy, Kfar Adumim settlement Torah college, April 2008.

[43] Crisis Group interview, settler, Amona outpost, May 2009.

the settlement project on which they had hitherto co-operated; some turned to more forceful opposition against the state, sporadically clashing with security forces in their efforts to establish more outposts; others have forsaken the cause altogether.

The statist (*mamlachti*) national-religious trend holds that the state is an instrument of redemption to which the traditional rabbinical authorities are subordinate. In the words of a Torah student, "if the state tells you to drive on Shabbat, you do it; if it tells you to leave land you do it".[44] Disobedience, according to this view, risks internal strife – a fate worse than territorial withdrawal, since it sows anarchy.[45] Preparing to address 12,000 children from the largest national-religious youth group, Bnei Akiva, Rabbi Benny Nechtailer, its head, said, "we won't disengage from the state. It's our state and we will remain within it".[46] In their religious colleges, leading statist rabbis display loyalty, celebrating independence day as a religious holiday.[47] Statists explain the Gaza disengagement not as a turning-point but as a temporary setback,[48] highlighting the dangers of losing public confidence. A former organiser of an outpost near Hebron described the lessons learned as follows: "After 1967, we settled in Israel's hills and forgot to settle in Israel's hearts".[49]

The statist viewpoint is held in particular by the Council of Jewish Settlements in Judea, Samaria and the Gaza Strip (known by its acronym, Yesha), the successor body of the Faithful Bloc and for over a generation the most influential body representing settler interests vis-à-vis the state.[50] Created in 1980 by representatives of various West Bank and Gaza Strip municipal councils, Yesha continues to work with the state, consolidating and expanding settlements through natural growth and internal migration.[51] If the state deviates, Yesha will criticise – as it did during Sharon's disengagement plan – but it will endorse only peaceful dissent.

Failure to avert the evacuation of settlers from Gaza and the northern West Bank prompted fierce external criticism and internal soul-searching concerning Yesha's tactics, precipitating what an observer describes as "the most serious crisis in the Council's history".[52] In the wake of the Gaza evacuation, Yesha ceased staging rallies at Tel Aviv's Rabin Square, where it once drew over 100,000,[53] and struggled to fill Jerusalem's more compact Paris Square, which holds barely 5,000. "The Yesha Council led a fight and failed. As a result, it lost its leadership of the settlement movement at large", asserted its current chairman.[54]

Four years on, the Yesha Council has sought to repair the damage by reaching beyond the older Gush Emunim leadership to create what one former leader called "a more democratic body"[55] and another described as

[44] Crisis Group interview, national-religious Torah student, Jerusalem, March 2009.

[45] "We made this mistake in history when [the biblical kingdoms of] Judea and Israel fought each other [and were defeated by foreign empires]. We are not going to repeat it". Crisis Group interview, former parliamentarian and National Union chairman Binyamin Elon, Jerusalem, May 2008. "At school we were taught the worst thing we could do was turn against fellow Jews. The lesson of history is that internal rifts destroyed previous Jewish states". Crisis Group interview, national-religious student, Jerusalem, May 2009.

[46] Crisis Group interview, Rabbi Benny Nechtailer, Bnei Akiva secretary general, Latrun, April 2006.

[47] Rabbi Shlomo Aviner, a leading statist, wrote: "Even when the state and the government desecrate the holiness of Shabbat and the Land, I continue to pray for its welfare, and I will not stop. Yes, this is my government". *Sixty Years* (Yeshivat Ateret Yerushalyim, 2008), p. 32. To underscore the point, he decorates his Torah college study hall with scores of plastic Israeli flags. Crisis Group observation, Ateret Yerushalyim, a Torah college in Jerusalem's Old City Muslim Quarter, May 2008.

[48] A settler official likened Gaza to Gush Etzion, a pre-1948 Jewish settlement near Bethlehem captured by Jordan in 1948 and retaken by Israel in 1967. "Maybe in nineteen years we'll also be back in Gaza". Crisis Group interview, Jerusalem, May 2008.

[49] Crisis Group interview, Avihu Cohen, former secretary of Karmei Tzur settlement, who led the establishment of the nieghbouring Tzur Shalem outpost, Jerusalem, July 2008.

[50] Although an acronym, the combination of Yesha's letters also makes up the Hebrew word for salvation. The acronym has retained the Hebrew letter "aiyn" for Gaza. As the Yesha's official website explains, "the 'a' remains as a goal for the future to return to Gush Katif". See www.yesha-israel.com/about/article/id/413/Goals_&_Importance.htm.

[51] For instance, Kochav HaShachar, a religious Zionist settlement of 300 families east of the separation barrier, is one of many with "plans calling for expansion to at least 550 families". Kochav HaShachar website, kochav.tripod.com/allabout.htm.

[52] Crisis Group interview, Yair Sheleg, *Haaretz* correspondent on national-religious affairs, Jerusalem, April 2008.

[53] *Haaretz*, 12 August 2005.

[54] Crisis Group interview, Danny Dayan, Tiberias, November 2007. According to a January 2006 Peace Now survey, only 13 per cent of settlers cited the Yesha Council when asked "who best represents your position regarding the future of the West Bank", down from 27 per cent in January 2005. www.peacenow.org.il/site/en/peace.asp?pi=62&docid=1864&pos=12.

[55] Crisis Group interview, Adi Mintz, Jerusalem, 16 June 2008. Mintz, a former director general of the Yesha Council, heads the steering committee that is guiding reforms to broaden representation within Yesha.

"transparency".[56] While still an overwhelmingly national-religious body,[57] Yesha has sought to narrow the gap separating West Bank settlers from other Israelis.[58] It took the unprecedented step of appointing a secular chairman, Danny Dayan, a West Bank lecturer in economics. It diverted finances from buying new settlement caravans to launching a nationwide billboard campaign that, through Biblical stories for children, sought to "replace the public discourse of occupation with that of ancestral Jewish ties to Biblical lands".[59] In the words of a Yesha leader, "We will be successful if people who hear the name Bethlehem no longer think of it as a Palestinian town but as the birthplace of King David".[60]

Yesha credits its campaign with promoting the right wing's electoral comeback.[61] In order to further blur the distinction between the general public and settlers, it distributes maps that display neither the separation barrier nor the 1967 lines.[62]

At the same time, a vocal portion of the national-religious shifted toward more radical views, building on the premise that by disengaging from Gaza, the government has forsaken its purpose. This trend comes in different shades. A minority are openly anti-statist. They doubt the state's messianic mission altogether and (much as the ultra-orthodox) question the legitimacy of a Jewish state that precedes the Messiah. Shmuel Tal, a former Gaza rabbi, likens Israel to a gentile state and Olmert to Herbert Samuel, a British High Commissioner during the mandate.[63] Since disengagement, Tal's followers have stopped celebrating independence day, displaying Israeli flags or praying for the state.[64] As a sign of proximity to ultra-orthodox beliefs, some grow long side-locks (*peot*), remove their television sets and eschew military service. A former ultra-orthodox parliamentarian said, "even if they don't fully dress like ultra-orthodox Jews, many religious Zionists are behaving like them".[65] Mainstream religious Zionists regard the trend with alarm.[66]

Others have responded by asserting the pre-eminence of their national-religious rabbis over state authority.[67] They attribute failure to avert the Gaza disengagement to insufficiently robust opposition, advocating more forceful resistance.[68] The editor of a national-religious settler magazine, *Nekuda*, spoke of the need for "a revolutionary change of mission" in order to establish a Torah state (*mishtar torah*).[69] Unlike ultra-orthodoxy,

[56] Crisis Group interview, former Yesha secretary general Pinhas Wallerstein, Jerusalem, 7 July 2008. He added: "We can no longer afford a situation in which two or three settler leaders like myself close a deal with the minister of defence and people out there are not privy to the basic guidelines, let alone the details".

[57] 80 per cent of Yesha's councillors are religious. Crisis Group interview, Danny Dayan, Tiberias, November 2008.

[58] "Yesha decided that they must no longer be portrayed as bearded men wearing skullcaps, with an agenda that differs from that of most of the Israeli public. Instead they have to place an emphasis on people who will not only speak like the general public, but look like them as well. For this task Danny Dayan [Yesha's new chairman], a former high-tech firm owner, seems very suitable". Crisis Group interview, Yair Sheleg, Jerusalem, April 2008.

[59] Crisis Group interview, Danny Dayan, Tiberias, November 2008.

[60] Crisis Group interview, Pinhas Wallerstein, Jerusalem, 7 July 2008.

[61] "The parties who advocated withdrawal from Judea and Samaria are going to lose the elections, and we helped bring this about". Crisis Group interview, Danny Dayan, Tiberias, November 2008.

[62] See Map, Appendix B.

[63] Ynet, 5 October 2007.

[64] "My parents won't celebrate Independence Day. They don't put up flags, but they don't burn them either". Crisis Group interview, daughter of ex-Gaza settlers, Jerusalem, March 2008.

[65] Crisis Group interview, Rabbi Avraham Ravitz, former United Torah Judaism parliamentarian, Jerusalem, June 2008.

[66] A leading statist rabbi, Haim Druckman, for whom Israeli independence day is "an enormous gift from the Almighty", went so far as to describe such devotees as heretics. *The Jerusalem Post*, 11 May 2006.

[67] "Many ideological settlers, without question, say they are asserting Bible Law over state law. More and more of them do not accept the authority of the government as supreme and ask, who is Bibi [Netanyahu] or Barak to issue an order that contradicts what they believe to be the Law of God?" Crisis Group interview, Brig. Gen. Ilan Paz, former head of Israeli Civil Administration in the West Bank, Tel Aviv, 6 July 2009.

[68] "The attempt to make ourselves look beautiful for the general public and show them we are not 'extremists', doesn't work. The lesson of Gush Katif is that going like lambs to the slaughter yields no benefit. It is time to switch to an offensive war and fight for every clod of earth. Only we have the values and cling to Torah, Land and soil, as opposed to the disconnected secular leadership". Samaria Regional Council (northern West Bank settlements) head Gershon Masika, quoted in Arutz 7, 4 August 2008. Masika spoke at a memorial for Rabbi Meir Kahane, founder of Kach, a movement banned as a terrorist group by the U.S. and by Israel from competing in elections. Crisis Group observation, Kfar Tapuach settlement, November 2008.

[69] Crisis Group email interview, Motti Karpel, editor of *Nekuda*, Gush Etzion, May 2008. Yehuda Etzion, a former Jewish Underground leader, continues to preach a revolutionary creed, saying, "Salvation will not come through joining the Romanisation, nor through the secular system, nor subservience to Pax Americana. We need a new regime which will capture the Holy Sanctuary and resanctify it".

which entrusts such transformation to the Messiah, these activists consider the revolution a distinctly human endeavour.[70]

Practice is often more complicated: even some of the most ardent anti-state militants pay taxes; on independence day, settlers in Amona – an outpost of 35 families and the scene of the most violent clash to date between the national-religious and security forces – fly Israeli flags from their lamp-posts and, six months after that clash, half its men joined the draft for the Lebanon war. One was killed in the Gaza offensive.[71]

Some Jewish youth opted to remove themselves to armed hilltop redoubts or outposts[72] deep in the West Bank and beyond the state's culture or secular laws. Followers form loosely organised networks with diverse names[73] but generically are referred to as *no'ar ha-gva'ot* (hilltop youth).[74] They are mostly young Torah students and third-generation settlers who distance themselves from Israel proper. Many have dropped out of school. While their parents live on Yesha's sedate state-funded red-roof estates, they strike camp with no more than a shipping container for shelter, a generator and a dozen armed guards.

To demarcate rights of way as well as promote their pastoral lifestyles, they often bring sheep, goats and horses to promote roaming and grazing claims and organise hiking trips, sometimes involving hundreds of people. Some start archaeological digs. To further cement their claims, they construct synagogues[75] and ritual baths, while establishing branches of Torah colleges – often consisting of no more than a table and benches – and nailing *mezzuzot* (religious charms) to the doorposts of existing structures.[76] If the army destroys their encampments, they typically rebuild them quickly.[77]

Hilltop youth select geographical locations designed to hamper any government plans to dislodge them in accordance with Israel's international commitment to

Crisis Group interview, Yehuda Etzion, former Shdema/Oush Grab military base, 15 May 2009. He was speaking after a lecture on the lessons of Bar Kochba's revolt against the Romans 2,000 years ago.

[70] "The Jewish messianic idea is an historical, not a mystical idea. It requires a political spiritual leadership to lead the people. It's a civil process, not hocus pocus". Crisis Group email interview, Motti Karpel, Gush Etzion, May 2008. "For the original Gush Emunim and Yesha founders, there was no question that the state was positive, that they were loyal to it and that they should act from within the state regardless of which government was in power. Nowadays, many of their children see the state as a problem not a solution and as an obstacle that should be removed". Crisis Group interview, Yedidia Stern, former dean of the law faculty, Bar-Ilan University, Jerusalem, December 2008. Revolution depends on three acts: formation of an exclusively Jewish legislature called the Sanhedrin (which would apply Torah law and uphold Jewish supremacy even without a Jewish demographic majority); building of a Temple on Jerusalem's Temple Mount/al-Aqsa compound; and coronation of a Jewish king, or Messiah, to replace the prime minister. Crisis Group interview, Merkaz HaRav Yeshiva teacher, Jerusalem, May 2008.

[71] Crisis Group interview, settler, Amona outpost, May 2009. However, the settler added that only half of Amona's residents recite psalms on independence day or vote in elections and that she no longer feeds soldiers on the Sabbath. "After the Gaza expulsion, I didn't want to make the effort cooking for soldiers. The soldiers who wounded me weren't British or Arab. They were the army who were supposed to protect me. They'd become my enemies".

[72] See fn. 9 above.

[73] They include Ne'emanei Eretz Israel (Faithful of the land of Israel), Meginei Eretz (Protectors of the Land), Mate Tzafon (Northern Quarters) and Shenit Gamla Lo Tipol (Gamla Shall Not Fall Twice).

[74] Some say the term was coined by Yitzhak Ginsburgh, a spiritual leader of disaffected religious youth, who sought to distinguish the coastal residents of Tel Aviv from the hilltop settler activists. Ginsburgh is a U.S.-born Lubavitch rabbi and Chicago University graduate. Crisis Group interview, Shlomo Fisher, Jerusalem, May 2008. Others attribute the name to Ariel Sharon, who called on settlers to "grab more hills". See *Chicago Tribune*, 16 November 1998.

[75] Synagogues are often the first permanent structures to be built in defiance of an official ban on outpost construction. Crisis Group observations, outposts on a hill outside Itamar settlement and at Migron and Yad Yair (May 2008) and El Matan outpost (June 2009).

[76] Settlers have long used Torah college construction to bolster land seizure. In 1977, they laid claim to Efrat, south of Bethlehem, by building a religious college. In 1996, they cemented claims to another nearby hill, Dagan, by building another college – Siach Yitzhak – "to promote tolerance". Crisis Group interview, security official, Efrat, June 2008. Following an axe attack by a Palestinian who broke into their settlement, Bat Ayin settlers accompanied by an army escort began construction of a synagogue on a nearby hill. Arutz 7, 8 April 2009.

[77] "Fifteen [Israeli] border guards came and told us to leave. We left, and when they'd gone, we came back". Crisis Group interview, high-school student, Shvut Ami outpost, May 2009. "The security forces destroyed our five huts, but within an hour of their departure, we had brought trucks full of materials to construct them better than before". Crisis Group interview, settler, Maoz Esther outpost, May 2009. National-religious settlers repeatedly have rebuilt the makeshift synagogue outside Kiryat Arba settlement following army demolition. Crisis Group observation, September 2008. Risking arrest, hilltop youth revived a Torah study group atop the ruins of Homesh, a northern West Bank settlement bulldozed in the August 2005 disengagement. Crisis Group observation, September 2008.

dismantle outposts and freeze settlement growth.[78] Many outposts are situated on the edge of Palestinian towns in order to constrain Palestinian urban expansion; others are sited on ridge-tops in an attempt to link settlements on the West Bank uplands to the more precarious settlements in the Jordan Valley.[79] Inside Israel, the hilltop youth have acquired a reputation for being religious "new agers".[80] Many are inspired by charismatic rabbis who preach independence from the state, its utility supplies[81] and its armed forces, extolling violence as a form of self-affirmation.[82] "We don't feel the state here", says a guard at an outpost.[83] A former religious settler who until a few years ago lived among them said:

> Don't forget that these folks came of age during the years of the second intifada, when they experienced Palestinian violence directly or indirectly. Many were living, like me, in religious colleges. The bonding is extremely intense in those places, and to know someone who has been killed – I cannot tell you how it makes you feel. And yet throughout this experience, many of us felt we did not receive enough support. We saw what was happening around us and concluded that the generation of our parents was just not strong enough in fighting the Oslo accords. It engenders a deep alienation and even hatred for the settlement leadership and for the state at large.[84]

Though religious opposition to the state is not in itself a new theological position – some settlements and their rabbis have long been known for their hostility to central authorities –[85] and though still espoused by only "a tiny minority",[86] the Gaza disengagement increased its numbers. The withdrawal turned the outposts into havens for national-religious dissenters, attracting disaffected youth and in some cases violent opposition to the Gaza pullout. While original outpost founders are now entering middle age,[87] this younger generation is often armed and fuelled by a sense of grievance against a host of actors perceived as traitors, including the Yesha leadership.[88]

In May 2008, young settlers crashed Yesha's independence day celebrations in Migron outpost, whose voluntary evacuation the army was negotiating with Yesha. The youths distributed leaflets accusing the Council's leaders of "collaborating" with "the enemy" authorities and slashed their car tyres.[89] Some Yesha leaders said they no longer feel safe in their own

[78] Peace Now claims outpost construction was 250 per cent higher in 2008 than 2007 and included 227 caravans and 34 permanent structures. www.peacenow.org.il/site/en/peace.asp?pi=62&docid=3550&pos=2.

[79] Since 2001, national-religious activists have established nine outposts in and above the Jordan Valley, including three around Jericho. In 2002, at the height of the second intifada, a few national-religious students established a pre-army Torah college at Maskiyot, a former Israeli military base; in 2005 former national-religious settlers from Gaza joined them. Crisis Group interviews, Maskiyot settlers, Maskiyot, May 2009.

[80] Yair Sheleg, "New-Hasidic or Neo-Secular", *Haaretz*, 27 November 2007.

[81] Many hilltop youth farm organically, and maintain autonomous self-defence groups.

[82] After the Gaza disengagement, Rabbi Yitzhak Ginsburgh became an inspirational beacon for disaffected national-religious youth, particularly in the outposts. "Before disengagement people rejected our ideas, but a few months after people began to turn to us; their children stopped participating in the army and studied with us instead". Crisis Group interview, Yisrael Ariel, Rabbi Ginsburgh's adviser, Jerusalem, September 2008. Imprisoned after he publicly lauded the 1994 killing of 29 Muslims in Hebron's Ibrahimi mosque, Ginsburgh "emphasises the spontaneity, unthinking naturalness of violence which transcends conventional, petit bourgeois definitions of good and evil". Crisis Group interview, Shlomo Fisher, expert on settler activism, Jerusalem, April 2008.

[83] Crisis Group interview, Yad Yair outpost, June 2008.

[84] Crisis Group interview, Kobi Skolnick, former hilltop youth and now peace activist, 21 June 2008. According to Israeli foreign ministry data, of the 400 lethal Palestinian attacks against Israelis that occurred between the outbreak of the second Intifada in September 2000 and the Gaza disengagement, two-thirds took place in the occupied territories. See www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Palestinian+terror+since+2000/Victims+of+Palestinian+Violence+and+Terrorism+sinc.htm. Skolnick himself was present during an attack that left three of the school's students dead.

[85] These settlements include Yitzhar, Itamar and Kfar Tapuah in the northern West Bank and Kiryat Arba/ Hebron in the south.

[86] Crisis Group interview, former senior security official, December 2008.

[87] "The core group grew up during the difficult years of the second intifada and the disengagement. The outposts where many of them live are now full of families". Crisis Group interview, Kobi Skolnick, 21 June 2008.

[88] Detractors say Yesha's government salaries have turned them into state mouthpieces. Crisis Group interview, Shlomo Fisher, religious Zionism expert, Jerusalem, April 2008. Jewish regional council mayors, who sit on Yesha Council's board, earn government salaries. Crisis Group interviews, Eliza Herbst, Yesha Council spokesperson, 5 July 2009, and retired Brig. Gen. Ilan Paz, former head of Israeli Civil Administration in the West Bank, Tel Aviv, 6 July 2009.

[89] Crisis Group interviews, residents, Migron, June 2008. A flyer was simply signed "The Council for the cessation of collaboration with the enemy" – the "enemy" being the Israeli government. *Yediot Ahronot*, 19 June 2008.

communities.[90] An officer in the West Bank military administration claimed: "These religious youths are totally out of control".[91]

Assessing the relative strength of these different currents is far from an exact science. Mainstream youth gatherings continue to attract thousands, but not all those who attend appear to subscribe fully to their leaders' statist message. Even in long-established Torah colleges, many students waver between camps depending on the prevailing government policies. In March 2008, students from the preeminent national-religious college, Merkaz HaRav, barred access to then-prime minister Ehud Olmert, who wished to pay condolences after an attack on its premises by an East Jerusalem Palestinian. "You couldn't have a more statist enterprise than Merkaz HaRav, and still they chased Olmert and his ministers out of there", noted a settler.[92] Similarly, Bet El rabbis barred their own chief rabbi, Shlomo Aviner – a leading statist – from lecturing in the settlement's religious college.

After disengagement from Gaza, anti-state rabbis expanded their West Bank religious colleges to accommodate a growing following.[93] In November 2007 regional council elections in the northern West Bank, settlers elected a leader opposed to Yesha.[94] An expert on Jewish radicalism explained: "Gaza has not broken the back of messianic Zionism; it has strengthened its radical strain".[95] A frustrated former military official spoke of the "futility" of negotiating with Yesha. "They are not the people who decide. It's the crazy youth, where there's a real extremist trend".[96]

Counting hilltop militants, ready to defy the army and perpetrating violence against Palestinians, is an equally fluid exercise. Estimates have risen from scores to hundreds.[97] Around them an inner circle of young settlers and hardline ideologues inside Israel, reportedly numbering over 800, operate in relative secrecy and provide logistical and other support.[98] During emergencies, dissenting rabbis can mobilise thousands of sympathisers on both sides of the 1967 line.[99] In addition, every outpost is tied to a mother settlement which can provide further backup.[100] Following disengagement, former intelligence chief Ami Ayalon estimated that some 8 per cent of the West Bank's then 250,000 settlers were militantly anti-state.[101] Internal intelligence chief Yuval Diskin warns that should "the faith-based community" feel its interests to be at stake, they could pose a genuine threat:

> The scope of the conflict will be much larger than it was during the [Gaza] disengagement. We find a very high willingness among this public to use violence – not just stones, but live weapons – and not only in the West Bank, in order to prevent or halt a diplomatic process. Their approach began with the slogan "through love, we will win" during the

[90] The most notable one is Ze'ev ("Zambish") Hever, a former head of the Yesha Council, who currently serves as the general director of Amana – the Gush Emunim's construction arm – and is commonly referred to as "father of the outposts". Hever became a target after reports surfaced of a possible deal between Yesha's leadership and the defence ministry on evacuating some outposts and legalising others. Nadav Shragai, "The generation that didn't know Zambish", in *Haaretz*, 22 July 2008.

[91] Crisis Group interview, Tel Aviv, December 2008.

[92] Crisis Group interview, religious settler, Efrat settlement, May 2008.

[93] For instance, Yeshuat Mordechai Torah college in Nachliel settlement increased its enrolment by 50 per cent following the Gaza disengagement. Crisis Group interview, Torah college teacher, Nachliel, June 2009.

[94] Running on a radical platform of opposition to Yesha's leadership, Gershon Masika won the Samaria (northern West Bank) settler regional council elections, with 59 per cent of the vote. Arutz 7, 28 November 2008.

[95] Crisis Group interview, Motti Inbari, Jerusalem, April 2006. "When prophecy fails, the masses lose faith, but an inner core grows more committed". Crisis Group interview, Micah Goodman, Kfar Adumim settlement, April 2008.

[96] Crisis Group interview, former military official, Herzliya, June 2008. A reserve army general expressed similar thoughts, noting the Yesha Council's limited ability, in the event of an agreement between it and the defence ministry on voluntary evacuation, to rein in "youngsters who will not approve the dynamics of the evacuation". Crisis Group interview, Tel Aviv, June 2009.

[97] "In the past, only a few dozen individuals took part in Jewish violence against Palestinians and the security forces in Judea and Samaria [the West Bank], but today that number has grown to hundreds. … They are enjoying a tailwind and the backing of part of the rabbinical and public leadership". Army chief of Central Command, Maj. Gen. Gadi Shamni, quoted in *Haaretz*, 2 October 2008.

[98] Crisis Group interview, army officer, Bet El, November 2008.

[99] Crisis Group interview, Rabbi Dov Lior, Yesha rabbinical council chairman, Kiryat Arba settlement, October 2008. An estimated 4,000 protesters joined the 2006 showdown at Amona, one of the largest outposts, and hundreds converged on the tiny Yad Yair outpost in September 2008 as word spread that security forces planned its demolition. Crisis Group observation, Yad Yair, September 2008. See also *Haaretz*, 18 September 2008, and *The Jerusalem Post*, 31 January 2006.

[100] Crisis Group interview, Boaz Columbus, head of Karmei Tzur settlement's board, Karmei Tzur, 16 July 2009.

[101] Ami Ayalon, quoted in Associated Press, 23 August 2005.

> [Gaza] disengagement but has now reached "through war, we will win".[102]

Seven months after disengagement, more militant religious Zionists clashed with security forces sent to demolish nine buildings in the Amona outpost.[103] Since then, and until recently, the state largely has held back from showdowns. The head of a military Torah college said, "after Amona, he who tries to evict us will tear Israeli society apart".[104]

The January 2009 Gaza war helped diminish these tensions somewhat and reduced the domestic rhetorical battle. The first four soldiers killed in Israel's ground operation were religious Zionists (see below). The strong right-wing electoral comeback, too, has helped revive – at least temporarily – national-religious confidence in the system. An Amona settler explained: "The Amona clash and disengagement led to a cleavage, but most national-religious adherents now want the state partnership to resume"[105] – albeit with a new sense of realism. In the words of a national-religious student, "the damage since the Gaza evacuation has been done: we've moved from upholding the state as holy to considering it the least worst option".[106]

That said, neither the intelligence services nor leading national-religious activists have ruled out the prospect that the threat of violence could re-emerge come the next serious move towards settlement dismantlement or territorial withdrawal.[107] Indications that the security forces might remove some outposts in response to U.S. and wider international pressure on Netanyahu's government again has precipitated a chorus of rabbinic denunciation and revived implicit and sometimes explicit threats of violence. At a meeting in Givat Asaf, an outpost near Bet El settlement that the defence ministry reportedly has slated for removal, leading national-religious rabbis called on security forces to disobey orders.[108] The Yesha Council, too, took an increasingly tough line. "The settler population won't accept government demolition of outposts. If the government moves, the reaction will be closer to Amona than Gaza, and the government will fall".[109]

[102] Aluf Benn, "Settlers preparing for war, says Shin Bet chief", *Haaretz*, 3 November 2008.
[103] Amona was established in 1995 about one kilometre from Ofra, a national-religious settlement. It houses some 30 families.
[104] Crisis Group interview, Nati Harel, Old City Muslim Quarter, Jerusalem, April 2008.
[105] Crisis Group interview, settler, Amona outpost, May 2009.
[106] Crisis Group interview, national-religious student, Alon Shvut Torah college, Alon Shvut settlement, 5 May 2009.
[107] Crisis Group interview, former head of the General Security Service, Israel's internal intelligence branch (Shin Bet), Tel Aviv, 21 March 2009. "In the event of major outpost removal, we're anticipating many Amonas". Crisis Group interview, reservist officer preparing outpost removal scenarios, Tel Aviv, June 2009.
[108] *The Jerusalem Post*, 28 May 2009.
[109] Crisis Group interview, Yesha Council spokesman, Jerusalem, June 2009.

III. THE TIME OF THE ULTRA-ORTHODOX

Traditionally, ultra-orthodox rabbis have questioned land acquisition, insisting that the path to Jewish redemption is through religious rather than secular activity such as settling or conquering territory.[110] Some went further and claimed that since it was for God to shape history, the very presumption of establishing a Jewish state before the Messiah arrived was an affront.[111] However, the dominance of the Zionist movement in mandatory Palestine and Israel's establishment in 1948, together with the near-eradication of ultra-orthodoxy during the Holocaust, induced many communal leaders to seek accommodation with the state in the interest of self-preservation. The main ultra-orthodox representative, Agudat Israel, signed the May 1948 Declaration of Independence and soon thereafter negotiated a pact to participate in state affairs in return for ultra-orthodox jurisdiction over Jewish personal status matters,[112] exemption from the military draft for its Torah students and subsidies for its institutions, particularly schools.[113]

Despite continuous tension, the bargain has held for 60 years. Most ultra-orthodox Jews vote in elections, and their parties participate in subsequent coalition horse-trading to secure a share of the budget. However, unlike other Jewish communities, they traditionally do not fight in Israel's army, fly its flags or celebrate its national holidays.[114] A vocal minority, particularly in Jerusalem, continues to refuse welfare or vote in elections.[115]

Still, dynamics of state/ultra-orthodox relations have changed significantly over time. The community was on the defensive 60 years ago; today it is more self-confident. Due to its high birth rate, it has grown eight-fold since 1948 and is Israel's fastest growing sector. It numbers around 750,000, some 10 per cent of the overall population and some 20 per cent of Israel's first-graders.[116] "As long as we were a threatened community we had to shore up our spiritual defences and stop the state from undermining our traditions", says a rabbi who runs an ultra-orthodox think-tank, itself a sign of change. "We had no interest in the outside world. It's only recently that ultra-orthodox communities realize that however you view it – demographically, sociologically or in terms of education – they are the newly strong communities".[117]

Moreover, unlike their anti-Zionist forebears raised abroad, a younger Israeli-born generation that takes Israel's existence for granted has emerged. Signs of integration abound: the ultra-orthodox share many of the broader public's public spaces, including shopping

[110] Ultra-orthodox preachers traditionally opposed a collective Jewish return to the land based on two oaths the Talmud says God imposed on the Jewish people: not to converge on the Land of Israel as a group (literally, "wall") using force; and not to rebel against world nations. (Babylonian Talmud, Ketubot 111a). Citing the latter, ultra-orthodox rabbis argued that the British White Paper of 1939 rendered the Balfour Declaration of 1917 void. Crisis Group interviews, Jerusalem, May 2008.

[111] David Vital, *Zionism:The Formative Years* (1982), p. 210. "A Jewish State not founded on and governed by Torah principles … cannot possibly call itself a Jewish state". Decision of the third Agudat Yisrael Great Assembly, Marienbad, September 1937, quoted in *Encyclopaedia Judaica*, vol. 2, p. 423. Before his death in 1953, the head of Israel's leading ultra-orthodox Ponevezh Torah college, Rabbi Eliyahu Dessler, called Zionism heresy. *Haaretz*, 20 March 2008.

[112] Jewish marriage, divorce and conversion are matters under the jurisdiction of *dayanim* (rabbinical judges), whose salaries are paid by the state but whose rulings are directed by their rabbinical leadership.

[113] "The rulers and the ultra-orthodox have a deal which gives the latter what they want in order to let the secular continue to rule". Crisis Group interview, Yair Sheleg, religious affairs analyst and *Haaretz* journalist, Jerusalem, April 2008.

[114] Crisis Group interviews, Yeshiva students, Mea Shearim, Jerusalem, May 2008. Some fast as an act of mourning on independence day. On independence day in 2009, ultra-orthodox students in Jerusalem burned rubbish containers and stoned fire-fighters seeking to quench the fire. Crisis Group observation, Jerusalem, 29 April 2009.

[115] Their representative body is the Edah Haredis, which estimates its size at some 25 per cent of Jerusalem's 250,000 ultra-orthodox residents. Edah Haredis prohibits receipt of government funds and operates a self-financing, Yiddish-speaking school system for some 6,000 pupils. Some followers maintain a different time zone, four and a half hours ahead of "European" (Israeli) time; seek treatment in Palestinian rather than state hospitals; wear stickers on festivals with the slogan "Jew not a Zionist"; blame Zionism for the demise of pre-1948 Jewish communities in Hebron, Nablus and Gaza and even Eastern Europe; and eschew holy sites under Israeli control. "We don't go to the Wailing Wall in order not to legitimise the state's appropriation of Jewish symbols for military ceremonies". Crisis Group interviews, Edah Haredis representatives, Mea Shearim, Jerusalem, May-November 2008. On 7 January 2009, a few score rallied in Jerusalem to protest Israel's military operation in Gaza. Crisis Group observation.

[116] Crisis Group interview, Professor Sergio DellaPergola, demographer, Jerusalem, 22 October 2008. See *The New York Times*, 2 November 2007, which cites figures of 600,000 to 800,000; *Haaretz*, 23 July 2008; *The Jerusalem Post*, 9 November 2005.

[117] Crisis Group interview, Rabbi Shmuel Jacobowits, Jerusalem, May 2008.

malls and cafes. They also share security fears, having suffered from Jerusalem bus bombings and the deadly November 2008 terrorist raid on an ultra-orthodox centre in Mumbai. Ultra-orthodox men – who traditionally chose to study rather than work – gradually are entering the workplace.[118] Reflecting these changes, most of the young ultra-orthodox speak modern Hebrew rather than Yiddish despite their elders' objections. Though the ultra-orthodox are less integrated into the mainstream than national-religious communities and retain their distinct lines of rabbinic authority, organisation, living quarters and dress, they have grown adept at using the political system to retain and even expand privileges and voted several local mayors into office. No longer outsiders in an alien state, they are increasingly active in seeking to shape the state. In the words of an ultra-orthodox student:

> There's a new ultra-orthodox generation that wasn't born in the diaspora but in the land of Israel. It's the world of those whose roots belong here and who don't want to abandon the land. They see the crisis afflicting Israel and want to get involved in mainstream politics for the good of the whole society, not just their interest group. They want to see judges wear skullcaps and act according to Torah law.[119]

The most confident see their future role at Israel's helm. An ultra-orthodox rabbi predicts that, "just as an ultra-orthodox politician became mayor of Jerusalem, so he could become head of state".[120]

Traditionally, ultra-orthodox politicians have determined their coalition partners not on the basis of the Israeli-Palestinian conflict but rather according to potential financial and social benefits. As a result, ultra-orthodox parties have participated in both right-wing and left-wing coalitions. That said, they gradually appear to be shifting to the right and increasingly espouse more hardline positions regarding the Palestinians.

They also increasingly have grown ties to the settlement project. In the late 1990s, then Prime Minister Netanyahu began meeting ultra-orthodox demands for affordable housing by building subsidised apartment blocs in settlements abutting the 1967 border. Since then, settlements have served to house ultra-orthodox who could not find housing in their overcrowded heartlands of Jerusalem and Bnei Barak.[121] Growth has been meteoric: Beitar Illit – an ultra-orthodox settlement near Bethlehem – is the fastest growing city under Israeli control, planned to go from 35,000 to 100,000 residents in a decade. Modiin Illit is larger still. Founded in 1996 just inside the West Bank, a full generation after the first settlements, it has become the most populous settlement.[122]

Ultra-orthodox rabbis note that Labour as well as Likud ministers have promoted their settlement expansion; they also downplay any political significance to this. Unlike the national-religious camp, ultra-orthodox politicians say the apartment blocs are designed to meet housing shortages, not promote the Zionist project. Of the ultra-orthodox settler population, over 90 per cent reportedly live west of the separation barrier in areas that might well be annexed to Israel as a result of an Israeli-Palestinian peace deal.[123] A Modiin Illit municipal official said, "we're not here for ideology; it's a question of where the government told us to live".[124] Another attributes the relative stagnation of ultra-orthodox settlements east of the barrier to a lack of rabbinic support.[125] East of the barrier, they say, their rabbis and

[118] From 2001 to 2006, the proportion of ultra-orthodox men who worked rose from 23 to 28 per cent. Some 49 per cent of ultra-orthodox women reportedly work. *The Jerusalem Post*, 21 August 2008. The causes may well be economic. Per capita subsidies have fallen sharply in recent years, and remittances from ultra-orthodox communities abroad have dropped due to the declining value of the dollar (relative to the shekel) and the global economic crisis. Many ultra-orthodox rabbis encourage married men to study in Torah colleges known as *kollelim*, while their wives enter the workforce to provide for the family. See Menachem Friedman, "The Ultra-Orthodox and Israeli Society", in K. Kyle and J. Peters (eds.), *Whither Israel? – The Domestic Challenges* (London, 1993), pp. 177-201.

[119] Crisis Group interview, ultra-orthodox student, Jerusalem, May 2008.

[120] Crisis Group interview, Jerusalem, June 2008.

[121] "There's no housing in Jerusalem. [Ultra-orthodox] people are only moving out of the city and into settlements because they can't afford a house in Jerusalem". Crisis Group interview, Yitzhak Pindrus, ultra-orthodox deputy Jerusalem mayor and close adviser to Rabbi ElYashiv, May 2009.

[122] *Haaretz*, 20 August 2007. Over two thirds of the ultra-orthodox settler population is under eighteen.

[123] Figures extrapolated from Peace Now data for 2005. www.peacenow.org.il. More recent data is not available, though, as discussed below, there is reason to believe that ultra-orthodox settlers are increasingly relocating east of the barrier into previously national-religious settlements, such as Kochav Yaakov, and secular settlements, such as Adam.

[124] Crisis Group interview, municipal official, Modiin Illit, November 2008. "The ultra-orthodox would love to have cities inside Israel, but the state decided to subsidise housing for them in settlements". Crisis Group interview, the late ultra-orthodox parliamentarian Rabbi Avraham Ravitz, Jerusalem, May 2008.

[125] Crisis Group interview, ultra-orthodox official, Modiin Illit, November 2008. Over the past decade, the population of Immanuel, an ultra-orthodox settlement. has declined from a peak of 3,500 to under 2,500. www.peacenow.org.il. An

representatives are unlikely to oppose withdrawal, just as they acquiesced in the Gaza disengagement in exchange for financial compensation.[126]

However, even this might be changing. With demand for affordable housing outstripping supply, the growing ultra-orthodox population increasingly is looking for housing opportunities not only in the settlement blocs but also deeper inside the West Bank. In Kochav Yaakov, a national-religious settlement east of the separation barrier near Ramallah, ultra-orthodox settlers inhabiting apartment blocs in the uplands now outnumber the original national-religious settlers in villas below.[127] Over the past four years, 150 ultra-orthodox families have moved into the nearby Adam settlement. Some far-right ultra-orthodox groups moved deeper inside the West Bank, for instance to Bet El and Yitzhar. Although Israeli flags still fly in national-religious areas and not in ultra-orthodox ones, and despite differing dress codes and schools, settlers say the proximity has led to more similar conduct. In Kochav Yaakov, officials from both communities jointly run transport and security committees. Some ultra-orthodox settled in national-religious areas and attend their Torah colleges.[128] Similarly, some national-religious adherents attend ultra-orthodox synagogues and send their children to ultra-orthodox schools.[129]

With an eye to their constituents' needs, rabbis who hitherto cautioned against endangering Jewish welfare by quarreling with non-Jews over territory[130] have given at least tacit support, arguing that "the Torah sanctions living on Israel's land".[131] Ultra-orthodox politicians jostling for positions in Netanyahu's current government won control of posts long associated with settlements, including the housing ministry and the Israel Land Administration, the government agency managing state lands, which, according to a former army lawyer, works with military authorities to provide West Bank land to settlers.[132]

Some ultra-orthodox politicians have acted in defence of settlements. Shas parliamentarian Nissim Zeev responded to the December 2008 eviction order against a Hebron compound that the media dubbed the "House of Contention" by moving in with his family.[133] A Shas minister explained: "Where there's a housing need, we will seek to help – in the settlements on both sides of the wall, in Jerusalem's City of David and the Muslim Quarter. We will support natural growth".[134] In early 2009, both ultra-orthodox chief rabbis also paid a rare visit to national-religious settlements deep in the West Bank.[135] Intensive recent pressure to curb so-called natural growth has prompted ultra-orthodox representatives to make common cause with their national-religious counterparts.

The ultra-orthodox also increasingly share a hawkish security perspective reminiscent of the national-religious outlook. Renewed fighting in South Lebanon and Gaza following Israeli withdrawals has further eroded their traditional rabbinic support for the principle of land for peace. A prominent ultra-orthodox politician said, "The debate has shifted. After Gaza, everyone agrees that giving up land doesn't bring peace".[136]

ultra-orthodox settler in Maale Amos said the only reason he hasn't left is because he is awaiting government compensation. Crisis Group interview, Maale Amos, June 2008.

[126] Ashkenazi ultra-orthodox politicians remained in Sharon's coalition throughout the Gaza disengagement. Even though most ultra-orthodox rabbis opposed the move on the grounds it was not based on a land-for-peace agreement, they declined to back protests or – with few exceptions – visit the territory ahead of the pullout. "Why didn't our rabbis protest over the Gaza expulsion? They were bought with Torah colleges". Crisis Group interview, Lubavitch Torah teacher, Immanuel settlement, May 2009. Some ultra-orthodox officials also express interest in a compensation package. "Give me a million dollars and I'll buy a flat in Jerusalem". Crisis Group interview, ultra-orthodox administrator, Tel Tzion settlement, May 2009.

[127] Kochav Yaakov settlement has 400 national-religious families and 750 ultra-orthodox ones. Crisis Group interview, ultra-orthodox administrator, Tel Tzion neighbourhood of Kochav Yaakov, May 2009.

[128] Crisis Group interview, Rabbi Moshe Grosland, national-religious Torah college head, Kochav Yaakov settlement, May 2009.

[129] "A few national-religious children attend our schools and their parents our synagogues. They are becoming closer to the ultra-orthodox". Crisis Group interview, chief ultra-orthodox administrator, Tel Tzion/Kochav Yaakov settlement, May 2009.

[130] The late ultra-orthodox Ashkenazi leader Rabbi Eliezer Shach opposed living in settlements on the ground that it risked "trying the patience of gentiles". Crisis Group interview, Torah college teacher, an ultra-orthodox neighbourhood, Mea Shearim, Jerusalem, May 2008.

[131] Crisis Group interview, Shmuel Poppenheim, Edah Haredis spokesman, Jerusalem, November 2008.

[132] "Every land transaction [in the occupied West Bank] has to get the permission not just of the Civil Administration commander but also of the ILA". Crisis Group interview, former Civil Administration legal official, Jerusalem, July 2009.

[133] *The Jerusalem Post*, 22 November 2008.

[134] Crisis Group interview, Yaakov Margi, religious affairs minister, Jerusalem, 6 April 2009.

[135] Arutz 7, 23 February 2009.

[136] Crisis Group interview, Yitzhak Pindrus, ultra-orthodox deputy mayor of Jerusalem and close adviser to Rabbi El-Yashiv, May 2009. "After Gaza, there's a feeling that with-

Leading ultra-orthodox rabbis have grown more hesitant about endorsing proposed withdrawals.[137] An adviser to the leading ultra-orthodox Ashkenazi rabbi, Yosef Sholom ElYashiv, recalled the rabbi's recent meeting with a Western ambassador: "When the rabbi was asked what he thought about giving up land, he giggled".[138] The fact that the peace process is viewed as an essentially secular affair further tarnished the concept of land for peace in the ultra-orthodox public's eyes.[139] An adviser to Shas spiritual leader, Ovadiah Yosef, complained: "Shas has been excluded from the negotiations, even though we served as senior partners in the government that signed Oslo".[140]

The ultra-orthodox presence in the West Bank also has brought them closer to confrontation with Palestinians. The Modiin Illit settlement set the ultra-orthodox at odds with the local Palestinian villages of Nili'in and Bil'in; the construction of the separation barrier on village lands has triggered weekly clashes.[141] Cases of Palestinian stone-throwing on settler roads have intensified suspicions. "You now see the hatred in the eyes of neighbouring Palestinians", said an ultra-orthodox Modiin Illit official.[142]

Some ultra-orthodox representatives in the settlements, while continuing to reject national-religious theology that settlement hastens redemption, are more sympathetic to that movement's overall outlook. A sticker on the desk of the ultra-orthodox administrator of Tel Tzion settlement reads: "The principle of the settlements is to defeat terror". Its owner explained:

> Ten years ago no one thought of living in a settlement or not, we just thought about our housing needs. Now after a decade of terror, we feel that if we weren't here, the Arabs would be and threatening Jerusalem. For the first time, the ultra-orthodox feel they're part of a project to build the land of Israel.[143]

Indeed, polls suggest that of all Israel's communities the ultra-orthodox currently are most opposed to negotiations with the Palestinians and further withdrawals,[144] transforming their voters from "anti- to ultra-nationalists".[145]

Levels of activism still remain significantly lower among ultra-orthodox than national-religious Israelis, though here, too, there are potential indications of change. Rabbinic efforts to rein in protests by young ultra-orthodox students increasingly fall on deaf ears.[146] Despite rabbinic expressions of disapproval, hundreds of ultra-orthodox youths from a range of Torah colleges joined national-religious demonstrators to picket Jerusalem's main roads and throw stones at police in a rare joint protest against the army's December 2008 eviction of religious settlers from the Hebron House of Contention.[147] Though ultra-orthodox rabbis continue to regard violence of all kinds, including military ser-

drawing from territory risks Jewish lives rather than saves them. The fear is that it brings terror closer, not further away". Crisis Group interview, ultra-orthodox yeshiva student, Jerusalem, May 2008.

[137] The Lubavitch leader, or rebbe, was alone among ultra-orthodox rabbis after 1967 in calling on Israel to retain the occupied territories, "not to hasten the arrival of the Messiah (it might do the reverse), but for Jewish security and to prevent disunity among Jews". Crisis Group interview, Lubavitch Torah college lecturer, Immanuel settlement, May 2009.

[138] "After the meeting, the rabbi continued: 'Doesn't he realise what's happening here?'". Crisis Group interview, Yitzhak Pindrus, Jerusalem, May 2009.

[139] Criticising the absence of religious players in the peace process, Rabbi Eliezer Shach said he had no objection to withdrawing from occupied territories but opposed the Oslo peace process on the grounds that it was conducted by "rabbit eaters", a reference to its "non-kosher" signatories. Peter Weinberger, "Incorporating Religion into Israeli-Palestinian Peacemaking: Recommendations for Policymakers", paper published by the Institute for Conflict Analysis and Resolution, George Mason University, May 2004, p. 15.

[140] Crisis Group interview, Jerusalem, June 2008.

[141] After security forces killed a Palestinian protester in April 2009, Israel signalled its readiness to reroute the barrier and reduce its confiscation of land for settlement construction from 1,700 to 1,000 dunams (approximately 420 to 247 acres). *The Jerusalem Post*, 27 April 2009.

[142] Crisis Group interview, municipal official, Modiin Illit, November 2008. "Stone-throwing affects how you think and whether you want a Palestinian state on your doorstep". Crisis Group interview, ultra-orthodox butcher, Beitar Illit, November 2008.

[143] Crisis Group interview, ultra-orthodox chief administrator, Tel Tzion settlement, May 2009. "Why should we leave? So that Arabs can fire missiles at Jerusalem – every place we leave the Arabs will take over and turn into a terror base. We won't leave. We'll fight". Crisis Group interview, ultra-orthodox settler and reserve soldier, Adam settlement, May 2009.

[144] In an April 2008 survey, a two-state settlement attracted 82 per cent support among secular Jewish Israelis, 65 per cent support among traditional Jewish Israelis and only 36 per cent support among the ultra-orthodox. 28 per cent of ultra-orthodox Israelis supported negotiations with the Palestinian Authority compared to 69 per cent of secular Jews. Tamar Hermann, "The Secular-Orthodox factor in Israeli Jewish public opinion on peace and security", Israel Democratic Institute, August 2008.

[145] Crisis Group interview, Tamar Hermann, pollster, Tel Aviv, May 2008.

[146] Crisis Group interview, Shmuel Poppenheim, ultra-orthodox newspaper editor, Jerusalem, November 2008.

[147] Crisis Group observation, 4 December 2008.

vice, as a corrupting influence, local observers reported a mounting albeit still low number of ultra-orthodox attacks against Palestinians.[148]

Conscript-age ultra-orthodox Torah students commonly describe secular and national-religious Jews as Israel's foot-soldiers, using their brawn to secure its defences, while they use their prayers.[149] Even the near-absolute ban on military service appears to be eroding. Crisis Group met several ultra-orthodox settlers in military uniform, who said their communities supported their service.[150] An analyst said, "The ultra-orthodox retain their dress and their institutions, but they are behaving more and more like the national-religious in both politics and way of life".[151]

Further blurring the differences is the influx of newly ultra-orthodox Jews. These include Jews whose parents migrated from communities in the Arab world and who despite different dress codes and outlooks, attended ultra-orthodox schools from a young age.[152] They also include so-called "penitent Jews" from secular or – particularly since the Gaza disengagement – national-religious backgrounds, who are particularly attracted to messianic Breslev and Lubavitch Hassidic sects that "more than other ultra-orthodox streams identify with the Land of Israel as a religious project".[153] Many have received (and often continue to receive even after their "repentance") military training. Some reside in existing settlements and outposts;[154] others have formed new ones.[155] Many reject construction of defensive fences or army fortifications that delimit the land they control.[156]

More broadly, a small but growing number of ultra-orthodox settlers have begun identifying themselves as *haredim leumiim*, or *hardelim* for short – nationalist ultra-orthodox, who celebrate Israel's independence day, frequently serve in the army and reject the principle of compensation to leave their settlements.[157]

[148] This includes a 9 February 2009 incident in which an ultra-orthodox settler from Beitar Illit reportedly shot and wounded a seventeen-year-old Palestinian boy in a nearby village. Maan News, 9 February 2009.

[149] Crisis Group interview, ultra-orthodox Torah student, Ashkelon, July 2008.

[150] Crisis Group interviews, Adam and Immanuel settlements, May 2009. "If men of conscript age don't study they should serve the cause of defending Jews". Crisis Group interview, Lubavitch Torah teacher, Immanuel, May 2009.

[151] Crisis Group interview, Menachem Klein, lecturer on religious Jewish groups, Jerusalem, May2008.

[152] For instance, 30 per cent of Immanuel's ultra-orthodox settlers are of Yemenite origin; 60 per cent of Tel Tzion's ultra-orthodox settlers are Sephardi. Crisis Group interview, local settlement officials, May 2009.

[153] Crisis Group interview, Lubavitch Rabbi Shlomo Dov Wolpo, Jerusalem, May 2008. Breslevers espouse similar views, arguing that their prohibition on Jews mixing with non-Jews should apply to the land as a whole. "According to the Torah, forsaking settlements is prohibited because this land is the Jewish people's and gentile sovereignty is forbidden". Crisis Group interview, teacher, Shuvu Banim Torah college, Jerusalem, June 2008. Both the Lubavitch and Breslev sects today have divided or absent leaderships, prompting several competing ideological streams to vie for influence and leadership. Some back establishing a theocratic state, the Kingdom of Yehuda. Crisis Group interview, ultra-orthodox rabbi, Nachliel settlement, September 2008. "If the army leaves, we'll establish a kingdom. Jews were here before Israel, and will be here after it. Zionism is disintegrating. Judaism is growing". Crisis Group interview, Yisrael Ariel, adviser to Rabbi Ginsburgh, Jerusalem, September 2008. Others elevate land over state and favour remaining under Palestinian rule in the event of an Israeli withdrawal. Crisis Group interviews, ultra-orthodox residents, Nachliel settlement, September 2008. "We've lived under the Turks and the British. Why not under the Arabs?" Crisis Group interview, Bat Ayin settler, May 2009. Breslev students also have been linked to a string of attacks on Palestinians, including an alleged planned missile attack on Jerusalem's Dome of the Rock. *Haaretz*, 11 April 2008. Among the dozen students of Jerusalem's tiny Oz Leyissachar college, which has Breslev links, five said the police had detained them for offences ranging from stoning Palestinian labourers to abetting plans for a missile strike on Jerusalem's Dome of the Rock. Crisis Group interviews, students, Oz Leyissachar college, Jerusalem, April 2008. Other ultra-orthodox streams view the Lubavitch and Breslev sects with scepticism. "The Lubavitch is not in any way part of the ultra-orthodox community. It's a messianic group on its own". Crisis Group interview, Rabbi Shmuel Jacobowits, Jerusalem, June 2008.

[154] "In the 1980s there was no mention of Hassidic thought in the settlements. But today Breslev influence is overtaking religious Zionism, and they're even teaching Breslevism in mainstream religious Zionist colleges". Crisis Group interview, national-religious news editor, Bet El settlement, May 2008.

[155] Among these are Maale Amos settlement the nearby outpost of Ibei HaNahal near Hebron, and Yitzhar settlement and its satellite outpost, Takouma. A Lubavitch flag flies over the latter. Crisis Group observation, May 2009.

[156] Yitzhar and Bat Ayin settlements (as well as many outposts) have no perimeter walls. In both cases, settlers have launched raids on nearby Palestinian land and villages and faced lethal Palestinian attacks. "We should build walls around their villages not ours". Crisis Group interview, Bat Ayin settler, 5 May 2009.

[157] Crisis Group interview, ultra-orthodox nationalist, Adam settlement, May 2009.

IV. JEWISH ACTIVIST TOOLS

A. RHETORIC OR REALITY?

Ahead of the Gaza withdrawal, many in Israel predicted violent upheaval. In the Knesset, national-religious parliamentarians tried to bring down the government. The same camp staged mass rallies and countless acts of civil disobedience.[158] As implementation approached, sporadic acts of violence combined with high levels of political vitriol to create a tense atmosphere.

To the surprise of many, however, the evacuation went remarkably smoothly. Within eight days, Israel had removed 8,000 settlers from all 21 settlements. None of the predictions of chaos and bloodshed materialised. Only 130 soldiers refused orders.[159] Commissioned to write an official report on the anticipated unrest from disengagement, Carmi Gillon, a former head of Shin Bet, the internal intelligence service, said, "civic society in Israel is stronger than I realised".[160] Although clashes between security forces and protesters resulted in several dozen injuries, the broad public feeling was one of relief, even pride. As the daily *Maariv* proclaimed the day after the completion of the evacuation, "The clear feeling is that Israeli togetherness had won a great victory".[161]

The Gaza precedent gave security experts confidence that they could dismantle more West Bank settlements, or at least outposts, albeit with a similar gnashing of teeth. The same former intelligence chief dismissed previous attempts to establish a resistance movement as "a gimmick" and noted that most settlers are "respectable, law-abiding" citizens.[162]

Yet it would be risky to assume that the ease of the Gaza withdrawal necessarily would repeat itself in the West Bank. Gaza's settler population was less than 3 per cent of the West Bank's and its Biblical heritage far less significant. Even a more limited operation against the outposts – whose population is not far short of what the Gaza settlements was – could prove hazardous.[163] Moreover, Gaza's population was more quiescent: while settlers left waving Israeli flags, those ousted a week later from four small northern West Bank settlements burned flags and resisted, sometimes violently.[164] Moreover, the national-religious say they have learned their own lesson from Gaza and, as more religious actors gain influence and the ranks of their ultra-orthodox supporters grow, they might seek to resist more forcefully.

B. INSTITUTIONAL LEVERAGE

1. Political representation

Four religious parties have seats in the Knesset, two ultra-orthodox (United Torah Judaism and Shas) and two national-religious (National Union and Jewish Home). Given the fragmented political system – twelve political parties currently are represented in the Knesset and none controls more than a quarter of the total seats – they wield considerable power. In pressing their demands, religious parties often can make or break ruling coalitions or hasten early elections, as they purportedly did in 2008.[165] They can influence budgetary allocations, particularly through the Knesset finance

[158] The largest demonstration was held on 11 August 2005 at Rabin Square in Tel Aviv and drew as many as 200,000 protesters. It was viewed as particularly successful not only due to the large attendance, but also because it was held at a site traditionally considered to be the turf of the Israeli left.

[159] Figures cited by religious weekly *Besheva*, 15 September 2005.

[160] Crisis Group interview, Jerusalem, 19 May 2009.

[161] "Today we are entitled to feel satisfaction and to ask ourselves the following: Had we been told only six months ago, one month or two weeks ago, that the evacuation of the settlements would be carried out without a single loss of life, without a single serious injury, with not one individual of the tens of thousands involved required to spend a single night at the hospital, wouldn't we have reacted to such a rosy prophecy with great scepticism? We have gone through this peacefully and together. … It is a major achievement". *Maariv*, 24 August 2005.

[162] Crisis Group interview, Carmi Gillon, Jerusalem, 19 May 2009.

[163] A reserve general and government adviser on settlements noted that whereas he had correctly predicted a fairly smooth removal of settlers from Gaza, he did not anticipate a repeat operation in the West Bank. Crisis Group interview, Tel Aviv, June 2009.

[164] "It will not be ten times more difficult to evict ten times more people in the West Bank than Gaza. The equation is not arithmetic but exponential". Crisis Group interview, Danny Dayan, Yesha Council chairman, Tiberias, November 2008.

[165] Ultra-orthodox politicians claim they were instrumental in blocking former Kadima Foreign Minister Tzipi Livni's bid for prime minister in late 2008 and engineering the early elections that brought Netanyahu to power. Crisis Group interviews, Shas and United Torah Judaism politicians, Jerusalem, February 2009.

committee, which has to approve the budget and is traditionally ultra-orthodox led.[166]

The ultra-orthodox are represented by three rabbinic councils. The Agudat Israel Council of Torah Sages is the parent body that today represents Ashkenazi ultra-orthodoxy. It cooperates with the state and competes in elections under United Torah Judaism's banner.[167] The Worldwide Sephardic Association of Torah Keepers Council (better known by its acronym, Shas), split with Aguda in 1984 and is led by the Basra-born rabbi Ovadiah Yosef. While party members are ultra-orthodox, Shas purports to campaign for the welfare needs of all Jews of eastern or Sephardic origin, regardless of religious observance. It attracts wide support through its provision of social services and religious education.[168] Finally, the ultra-orthodox Community Council (Edah Haredis) split with Agudat Israel in 1945, after the latter agreed to participate in pre-independence elections for the Zionist leadership. It continues to boycott national and municipal elections.[169]

After 1967, the National Religious Party (NRP) was the main national-religious actor, struggling to balance the rival agendas of those who put settlements first and those who seek to prioritise Torah values. While a fixture of most governments prior to the Oslo Accords, the party's adamant rejection of the peace process made it an awkward coalition partner since that time.[170] In the wake of the Gaza pullout, it veered further to the right; in the 2006 elections it campaigned on a joint ticket with extreme right-wing parties. This won it greater support in the occupied territories but cost it heavily inside Israel proper.[171] Unable to resolve its internal disputes, it split ahead of the 2009 elections into National Union, an amalgam of far-right, pro-settler groups,[172] and Jewish Home – New NRP, a more moderate lay faction.[173]

[166] The proposed 2009 government budget allocates at least $740 million for predominantly Jewish religious services and institutions. This does not include the defence ministry's religious expenditures or the education ministry's budget for national-religious schools. Figures derived from proposed 2009 government budget, www.mof.gov.il/BudgetSite/StateBudget/Pages/Budget2009HPP.aspx (in Hebrew). The current chairman, Moshe Gafni of United Torah Judaism, is pressing for full financing of all ultra-orthodox schools, including private schools that do not teach the core curriculum. Crisis Group interview, education ministry official, Jerusalem, 2 July 2009. See *Haaretz*, 2 July 2009.

[167] United Torah Judaism comprises Agudat Israel (the Israel Association), representing Ashkenazi Hassidic rabbis, and Degel HaTorah (the Torah Flag), representing Litvak rabbis.

[168] For its 2008 election campaign, Shas chose the slogan "Neither secular, nor religious, all are Jewish". From four seats in 1984, it won eleven in 2009– more than double the Ashkenazi ultra-orthodox bloc's representation.

[169] At times, Edah Haredis also thwarts efforts of other ultra-orthodox groups to cooperate with the authorities. In June 2009, it called for protests against the Jerusalem municipality's decision to open a city car park on the Sabbath, despite compromise efforts by United Torah Judaism. Hundreds of ultra-orthodox activists responded, throwing stones at police and setting fire to dumpsters. Crisis Group observation, Jerusalem, 6 July 2009. Ten days later, hundreds violently protested the prosecution of an ultra-orthodox woman accused of starving and abusing her child, vandalising welfare offices and electricity pylons, hurling stones at government offices and police, torching rubbish bins and dozens of traffic lights and blocking the city's main roads. The police used water cannon to disperse the crowds, and the municipality suspended services to two ultra-orthodox neighbourhoods in Jerusalem, further inflaming tensions. *Haaretz*, 17 July 2009.

[170] A member of all ruling coalitions from 1954 to 1992, the National Religious Party has spent more time outside government than inside since the 1993 Oslo Accords. www.knesset.gov.il/faction/eng/FactionGovernment_eng.asp.

[171] The NU-NRP joint list attracted 30 per cent of the 2006 electoral vote in the West Bank, but only 7.1 per cent inside Israel. www.knesset.org.il. NRP support in the Golan rose from 3.8 per cent in the 1992 elections to almost 20 per cent in 2006. Data provided to Crisis Group by the Golan Residents Committee, Katzrin, October 2006. In the West Bank, the 2006 alliance received over 70 per cent support in national-religious settlements and also gained ground in Jordan Valley settlements. Dror Etkes, "The settler vote in the Israeli elections", Peace Now, April 2006, www.peacenow.org.il

[172] The National Union's rabbinic council includes Dov Lior, chief rabbi of Kiryat Arba settlement; Eliezer Melamed, head of Beit El settlement's Torah college; and Yaakov Yosef, eldest son of Shas's spiritual leader Ovadiah Yosef, with whom he differs on political and religious issues. They oversee an amalgam of far-right groups – Moledet, Tkuma, HaTikva the Eretz Yisrael Shelanu party and the Jewish National Home. All four of its parliamentarians live in settlements: Yaakov Katz in Beit El; Uri Ariel, a former secretary-general of Yesha Council and Ariyeh Eldad in Kfar Adumim; and Michael Ben Ari, a founder of Homesh First, in Shachar. In 2009, the party scored particularly well in settlements east of the separation barrier, winning 82 per cent of the vote in Hebron, 62 per cent in Beit El and 77 per cent in Elon Moreh. In contrast, the Jewish Home received 2 per cent, 18 per cent and 3 per cent respectively there. www.knesset.gov.il/elections18/heb/results.

[173] "Jewish Home espouses strict compliance with government orders and regards disobedience as a major danger to the Jewish state". Crisis Group interview, Daniel Hershcovitz, Jewish Home chairman and science minister, Jerusalem, 7 April 2009. He added: "We believe in a party that tackles all issues – security, education, economy and the settlements – whereas the National Union focuses only on settlements". For the party's program, see www.111.org.il/Questions-and-Answers.htm.

Splits within religious parties proved politically damaging. They fared worse in the 2009 elections than in 2006, their total share declining from 26 to 21 seats. Ultra-orthodox representation fell from eighteen to fourteen, apparently reflecting their electorate's shift towards right-wing secular parties.[174] Shas, which had veto power during much of the Olmert government, lost that leverage in Netanyahu's coalition.[175] Despite the fast-growing ultra-orthodox population, United Torah Judaism also lost a seat.[176] Fragmentation and internal disputes cost the national-religious, reducing their combined number of seats from nine to seven – four for National Union and three for Jewish Home – a dismal showing compared to the NRP's 1960s heyday, when it commanded twelve seats.[177] Some religious Zionists reportedly voted for Shas – another indication of a growing political overlap between the two religious camps.[178]

In post-coalition negotiations, the two wings went separate ways, further eroding their collective clout. Jewish Home joined the government, while National Union stood in opposition.[179] Where once the NRP had run the education and justice ministries, its successor makes do with the small and less significant science portfolio.

However, the political balance sheet was not entirely negative. Despite their lacklustre electoral showing, religious politicians could take some satisfaction in the right wing's overall gains. Led by a revived Likud,[180] the right jumped from 50 seats in 2006 to 65 seats in 2009, helping bring the national religious movement back into government after four years in opposition. United Torah Judaism also returned to the coalition, while Shas – though not as critical a partner as before – gained the interior and housing ministries, as well as control of the Israel Land Administration[181] and substantial funding.[182]

At the same time, national-religious politicians strengthened their role in mainstream political parties. Though still a distinct minority, five of Likud's 28 parliamentarians are national-religious, up from one in 2003. On the eve of the 2009 elections, a prominent national-religious parliamentarian, Effie Eitam, joined the party, and Netanyahu appointed other national-religious figures to government posts, including Yaakov Neeman as justice minister.[183] Significantly, Netanyahu chose Israel's only national-religious university, Bar-Ilan, as the venue for his major 14 June 2009 policy address on Middle East peace.

This outreach gives Likud the opportunity to tap an expanding voter base.[184] For the national-religious movement, it provides – in the words of a national-

[174] Shas's campaign to stem the drift to Yisrael Beiteinu met with only partial success. Its spiritual leader, Ovadiah Yosef, decried a vote for Avigdor Lieberman's party as "aiding the devil", but many former supporters voted Likud instead. Crisis Group interview, national-religious researcher and journalist Yair Sheleg, Jerusalem, 6 April 2009.

[175] In a political system where a ruling coalition requires 60 seats to form a majority, Shas held the balance of power after Lieberman's Yisrael Beiteinu left Olmert's government on 18 January 2008. Prime Minister Netanyahu currently has a coalition of 75 seats, depriving Shas – which has eleven – of veto power.

[176] "Bickering among UTJ politicians led many to switch votes". Crisis Group interview, ultra-orthodox spokesman Shmuel Poppenheim, Jerusalem, 6 April 2009.

[177] "We, the religious Zionists, lost these elections because we were not smart enough to unite". Crisis Group interview, Temple Institute director Yehuda Glick, Jerusalem, 6 April 2009. Representatives, he added, "spent the campaign attacking each other".

[178] "I am very disappointed that many religious Zionists voted for Shas". National Union leader Yaakov Katz quoted in Arutz 7, 7 April 2009. Prominent national-religious Rabbi Zvi Tau of Har Hamor Torah College called on followers to vote for Shas, which campaigns for social welfare for families on both sides of the Green Line, rather than the national-religious parties which he claimed focus primarily on defence of their personal assets in the West Bank. Crisis Group interview, Shlomo Fischer, analyst of religious Zionism, Jerusalem, May 2009.

[179] "Our seven mandates are split between two parties, and in negotiations, when you're divided, you have much less leverage". Crisis Group interview, Daniel Hershcovitz, Jerusalem, 7 April 2009.

[180] Bereft of its leadership after its leader, Sharon, and most of its parliamentarians left to form Kadima, Likud had won just twelve mandates in the March 2006 elections, its worst ever performance. www.knesset.gov.il.

[181] The Israel Land Administration is responsible for public land administration and distribution both in Israel and to an extent (through interaction with the Civil Administration) in the occupied territories. Crisis Group interview, former military advocate in the civil administration, Jerusalem, 3 July 2009.

[182] Under its coalition agreement with Likud, Shas was promised additional state funding of NIS 1.4 billion ($346 million) for child allowances over three years; NIS 50 million ($12 million) for the Shas-run religious affairs ministry; NIS 130 million ($32 million) for education; and NIS 250 million ($62 million) for Torah colleges. This is a 30 to 50 per cent increase overall. *Haaretz*, 25 March 2009.

[183] Netanyahu has a number of national-religious advisers, including his chief of staff, Natan Eshel, a former managing director of the national-religious newspaper *Hatzofeh*, and his deputy chief of staff, Ari Haro.

[184] Likud activists estimate the party won six mandates from the national-religious public – almost as many as national-religious parties themselves. Crisis Group interview, Dan Diker, Likud activist, Jerusalem, February 2009.

religious Likud parliamentarian, Tzipi Hotoveli – "a way to secure influence through a big party".[185] The Gaza disengagement hastened the influx: some national-religious politicians reached the conclusion that the best way to stymie future withdrawals was to garner greater influence within dominant parties. A national-religious minister said, "national-religious politicians are abandoning the movement and moving to Likud and other parties. People have lost confidence in national-religious parties".[186] In 2007, a hardline religious settler, Moshe Feiglin, challenged Netanyahu for the party leadership; although he failed, he formed one of the largest caucuses in Likud.[187]

Their presence in Likud and the ruling coalition – at least 26 out of 65 parliamentarians from that coalition belong to the religious right – could have longer-term impact on government policy. A national-religious lobbyist claimed: "The atmosphere in the government has changed for the better. Many ministers take an open mind toward our program".[188] In contrast to Olmert, Netanyahu was warmly received on a visit to the foremost national-religious Torah college, Merkaz HaRav. Prior to the growing tensions with the U.S. and subsequent indications the government would seek a compromise on the settlements issue with Washington, settler leaders – boosted by national-religious and ultra-orthodox representation – were looking to the government "to lift the Roadmap restrictions on settlement construction, legalise outposts and build 80,000 units per year".[189]

2. The military

The security forces have been a key conduit for the national-religious movement's upward mobility. Traditionally, young men from the Kibbutzim, the mainly secular Jewish communes instrumental in the state's creation, had filled its elite ranks. However, the profile has begun to change in recent years, as an influx of highly motivated national-religious activists takes their place.[190] To encourage their enrolment, the army has approved more than 50 all-male army *hesder* (arrangement) Torah colleges, in which conscripts mix military service with religious study over a five-year period. A second option – launched in the late 1980s to address nationally falling recruitment levels after the first Lebanon war (1982-1985) – offers recruits a year's study in pre-army Torah colleges (*mechina kdam tzvait yeshivati*) before joining the service. The army also launched an ultra-orthodox unit, the Nahal Haredi, to attract ultra-orthodox men whose study in Torah colleges exempts them from military service "to share the nation's military burden".[191]

Army Torah college numbers have mushroomed in recent years. Nearly half are in the West Bank, graduating thousands of soldiers.[192] Rabbis – whose views range from more hawkish[193] to more dovish[194] – run their

[185] Crisis Group interview, Tzipi Hotoveli, Likud parliamentarian and national-religious activist, Jerusalem, May 2009.
[186] Crisis Group interview, cabinet minister, Jerusalem, April 2009.
[187] Feiglin founded the "Jewish Leadership" faction within Likud, challenging Netanyahu's leadership and garnering 23 per cent of the vote in the 2007 primaries. *The Jerusalem Post*, 16 August 2007. For more on Feiglin's program, including his support for a Jewish theocracy and Palestinian expulsion, see his website, www.jewishisrael.org/jewish_state/security/true.htm. A far-right militant and Likud voter said, "he has garnered support from some radical quarters. We have to act from within and without to challenge the government. Feiglin is our best hope for taking over the state". Crisis Group interview, Yitzhar settlement, May 2009.
[188] Crisis Group interview, Temple Institute director Yehuda Glick, Jerusalem, 6 April 2009. "The primaries prove that Likud has overcome the Sharon period and will lead the return back to the Samaria settlements Sharon dismantled". Crisis Group interview, Boaz Etzni, a Feiglin loyalist, Kiryat Arba settlement, December 2008.
[189] Crisis Group interview, Karnei Shomron settler, Jerusalem, 6 April 2009. Other demands voiced by settlers include legalisation of some outposts; revival and funding of the Jewish Agency's settlement division, which used to fund much settlement construction; and restoration of tax breaks for West Bank settlers.
[190] "Twenty years back the Kibbutzniks were joining elite units, but today the Kibbutz is socially bankrupt, and right now the people with ideology are national-religious. They learn the importance of self-sacrifice for the nation and the state". Crisis Group interview, army reserve commander operating in Gaza during the January 2009 war, Jerusalem, March 2009. "The lack of commitment of non-religious liberals has created a vacuum which the religious are filling". Crisis Group interview, retired national-religious general, Jerusalem, May 2008. "This contract with the national-religious has replaced the old republican contract between the military and the middle class Ashkenazi groups, a contract that had been rendered obsolete". Yagil Levy, "The Embedded Military", *Security Studies* no. 3, July 2007, p. 392.
[191] Nahal Haredi website, www.nahalharedi.org/nahal_haredi_mission_statement.php. Launched in the West Bank with 30 recruits in 1999, the Nahal Haredi brigade now has over 1,000, albeit still a small fraction of the 55,000 eligible ultra-orthodox males the army claims skip conscription. Col. Tziki Sela, head of IDF manpower administration, quoted in Ynet, 1 July 2008.
[192] The government approved two new *hesder* colleges in the wake of the Gaza war, raising the total to 56. www.theyeshivaworld.com, 10 March 2009. They graduate some 2,500 religious soldiers per year. *Haaretz*, 2 January 2009.
[193] Rabbi Elyakim Levanon remains head of his Elon Moreh Army Torah college despite having endorsed the use of vio-

own courses with little apparent intervention from the state that finances their colleges.[195] Religious Jewish laws of *Milchemet Mitzva* (commandment or obligatory war) are widely taught.[196]

Although a small fraction of all conscripts, army Torah college graduates reportedly rapidly rise through the ranks and gravitate toward more dangerous combat units.[197] They figure prominently in the casualty lists of both the 2006 Lebanon and 2009 Gaza wars.[198] Some ultra-orthodox soldiers fought in Gaza.[199] Although the proportion of national-religious officers is not publicly known, sources estimate it at upwards of 30 per cent, with particularly high concentrations in combat and West Bank units in which settlers often serve.[200] According to a national-religious general:

> The army was totally different when I was young. There were perhaps five soldiers and two officers wearing a skullcap in a battalion. Today, over a quarter of young officers wear skullcaps. In the combat units, their presence is two or three times their demographic weight. In the Special Forces it's even higher.[201]

A government minister claimed that half the soldiers in the officer training colleges are religious, as are half the junior officers.[202] A military Torah college head in Jerusalem's Old City Muslim Quarter said, "in a few years, religious soldiers will make up the majority of brigade commanders in all areas – from F-16 fighter jets to submarines. The religious public is fully aware of its new-found responsibility for the army".[203] A national-religious parliamentarian added: "The tasks on religious Zionist shoulders are unbelievable – not just to serve, but to lead the army".[204] Their prominence helps explain why, despite the army's role in dismantling Gaza's settlements, national-religious youth continue to enlist en masse and draft-dodging in their communities – though rising – is limited.[205] Said a secular reservist, "there's a revolution in the ranks: 12 per cent of the population is now dominating the lower army command. In ten years, senior commanders will be largely national-religious as well".[206]

lence against senior military commanders involved in the 2005 disengagement. See below.

[194] The website of the largest army Torah college, Har Etzion in Alon Shvut settlement, declares "the welfare of the Jewish people and its state [takes priority] … over maintaining control of the whole Land of Israel". www.meimad.org.il. The college was founded by Rabbi Yehuda Amital, a Faithful Bloc founder, who subsequently established a dovish religious political party, Meimad. The party maintained a ten-year alliance with the Labour party, earning its leader, Rabbi Michael Melchior, a place in the Knesset. But Meimad failed to win a seat in the 2009 elections after the pact collapsed.

[195] Asked how the army was dealing with allegations that some army Torah colleges were fostering extremism, an army spokesman replied: "The army cannot control how people think". Crisis Group interview, Lt. Col. Avital Leibovich, Jerusalem, 17 June 2009. "Though there's an official body responsible for Torah colleges, it's administrative and doesn't lay down regulations. There's no prescribed curriculum". Crisis Group interview, Stuart Cohen, political science professor, Bar Ilan University, December 2008.

[196] State-funded Torah colleges visited by Crisis Group teach the dictum of Rabbi Babad (1801-1874): "One of the wars you have to go to is to conquer the land of Israel and keep control". They also teach Rabbi Maimonides (1135-1204), who defined three obligatory wars: destroying Amalek (see below), capturing Israel's land from the seven nations that occupied it in the time of Joshua and protecting it from enemies that attack it. Rabbi Nahmanides (1194-1270) added a fourth category: conquering Israel's land at any time. Crisis Group interview, Rabbi Aviner's spokesman, Jerusalem, May 2008.

[197] Some 85 per cent of graduates from the preparatory Army Torah colleges sign up for combat duty and 30 per cent – three times the national average – become officers. Amos Harel, *Haaretz*, 11 December 2003.

[198] Four of the eleven soldiers killed in the January 2009 Gaza war were national-religious recruits, including three who graduated from army Torah colleges. Arutz 7, 28 February 2009.

[199] Crisis Group interview, medical officer serving in the Gaza war, Jerusalem, March 2009.

[200] Crisis Group interviews, Yagil Levy, associate professor at Israel's Open University, Tel Aviv, June 2008; reserve officer, Tel Aviv, June 2009.

[201] Crisis Group interview, retired national-religious general, Jerusalem, June 2008. The high proportion of national-religious officers has yet to be reflected in the upper echelons: of the armed forces' twenty two-star generals in June 2008, only three wore knitted skullcaps, the badge of the national-religious camp.

[202] Crisis Group interview, cabinet member, Jerusalem, April 2009.

[203] Crisis Group interview, Rabbi Nati Harel, head of Mechinat Ateret Yerushalyim, Muslim Quarter, Jerusalem, April 2006.

[204] Crisis Group interview, Rabbi Binyamin Elon, former parliamentarian and National Union chairman, Jerusalem, May 2008.

[205] Some commentators say national-religious motivation dipped after the Gaza pullout. "Disengagement badly bruised religious Zionist commitment. Rather than serve as a commando, a conscript wants to serve as a cook". Crisis Group interview, Arutz 7 journalist, Baruch Goodman, Bet El settlement, May 2008.

[206] Crisis Group interview, army reserve officer and military expert, Tel Aviv, 7 April 2009.

The gradual change is not without consequence. It influences who is sent on what missions (for instance, the 2005 removal of Gaza's settlers).[207] Moreover, although the army says it takes action to prevent the entry of inflammatory literature,[208] Crisis Group found provocative material freely available on army bases.[209]

The role of chaplains has increased, particularly under the current chief army rabbi, Avichai Rontski, himself a former combat soldier. Whereas they traditionally restricted their role to religious affairs, monitoring and promoting enforcement of dietary codes and Sabbath observance,[210] they have expanded their mandate and influence, increasingly using religious rhetoric to boost troop morale.[211] In some cases, army rabbis have been known to deliver pre-battle addresses.[212] They also accompany their soldiers into battle, increasingly on the front lines.[213] During the Gaza war, "it was common to see rabbis on the battlefield", said a veteran.[214] A secular Gaza war veteran said:

> I've served in my platoon for ten years. Most of the commanders are religious, yet up until the last war there was complete separation between their private world and their military position. But in the Gaza war, the rabbis prepared us for a Biblical struggle and portrayed the fighting not as a battle to stop the Qassams, but [as] a sanctification of the holy name. No one said it directly, but they wanted us to go back to Gaza to show that the Jews were strong. [215]

Some defence ministry officials also see indications of soldiers advancing their own agenda in the West Bank. A former senior official was one of several who

[207] Concern at troop loyalty reportedly led the army to replace the Golani and Givati combat brigades, half of whose company commanders are religious, with non-combat units. Crisis Group interview, Yagil Levy, Israeli military analyst, June 2008.

[208] An IDF-issued pamphlet, "Daily Torah studies for the soldier and the commander in Operation Cast Lead", quotes Rabbi Shlomo Aviner as saying, "when you show mercy to a cruel enemy, you are being cruel to pure and honest soldiers. This is terribly immoral". He also compares Palestinians to the Philistines "because the Philistines of the past were not natives. … They invaded the Land of Israel, a land that did not belong to them and claimed political ownership over our country.... Today the problem is the same". Another section advises: "[There is] a biblical ban on surrendering a single millimetre of it [the Land of Israel] to gentiles, through all sorts of impure distortions and foolishness of autonomy, enclaves and other national weaknesses. We will not abandon it to the hands of another nation, not a finger, not a nail of it". One soldier testified he had received a flyer with military rabbinate stamps calling for the rebuilding of Netzarim, a former Gaza settlement. Material and testimonies provided to Crisis Group by Breaking the Silence. The military said it "severely reprimanded" an officer for distributing such religious booklets and claimed they were distributed without approval. Crisis Group interview, Lt. Col. Avital Leibovich, Jerusalem, 17 June 2009. See *Haaretz*, 28 January 2009.

[209] On a CD entitled "Zero Hour – War in the North", freely distributed at an army kiosk, Rabbi David Koren claims that Hizbollah is the party of unbelievers. On another, "The Last Train" (*Ha-Rekevet Ha-Achrona*), a preacher claims that the Arab threat to Jews is greater than that once posed by Adolf Hitler. Crisis Group observation, Bet El military base, June 2009.

[210] For instance the military rabbinate contains a Torah Law and Technology Department to introduce automated devices, such as ovens, security barriers and electric plugs, so as to avoid "desecrating the Sabbath". "Halakhik Electronics in the IDF", Israeli army website, http://dover.idf.il/IDF/English/News/today/09/default/1701.htm, 17 June 2009.

[211] "Under Ronski, the military rabbinate openly says it is not only satisfying kosher needs, but trying to influence the army's mission. He has increased the involvement of military chaplains in combat units, which are increasingly dominated by religiously observant conscripts". Crisis Group interview, *Haaretz* military affairs correspondent, Amos Harel, Jerusalem, March 2009.

[212] "Before we headed into battle, an officer in military fatigues from the Jewish awareness division of the IDF military rabbinate lectured my platoon on 'the Jewish fighting spirit' and lessons of David and Goliath. He said our convoy would be protected by a host of heavenly angels. The Torah escort appeared to be an inseparable part of our combat procedures". Crisis Group interview, Shamir Yeger, infantry reservist who participated in the Gaza war, Tel Aviv, April 2009. An Israeli rights group run by army veterans, Breaking the Silence, provided Crisis Group with further testimony from soldiers who fought in the January 2009 Gaza war. The testimony claimed military rabbis delivered sermons "about holy war against Israel's Arabs and how we mustn't show any mercy", and the forthcoming battle of "sons of light" against "the sons of darkness".

[213] "In the Gaza War, the rabbis accompanied their units into battle to strengthen the fighting spirit. It was a change from previous wars: rabbis were on the front lines, not in the rear with doctors. They carried weapons and were combat-trained". Crisis Group interview, senior reserve army chaplain and settler, 2 June 2009.

[214] Crisis Group interview, infantry reservist, Tel Aviv, 7 April 2009. "Rontski was on the battlefield in Zeitoun, motivating the soldiers". Crisis Group interview, Major Idan, Jerusalem, March 2009.

[215] Crisis Group interview, Shamir Yeger, infantry reservist who served in the January 2009 Gaza war, Tel Aviv, 7 April 2009. A senior officer endorsed the notion of a holy war: "All wars are holy wars. The conflict is not just over real estate; it is religious. If it wasn't, you could pay all of us a million dollars to move to Europe". Crisis Group interview, serving general and West Bank settler, Jerusalem, 19 May 2009.

claimed that some soldiers serve as settlers' "eyes and ears within the security apparatus", providing advance notice of military manoeuvres to collect settlers' weapons or remove outposts.[216] Some national religious settlers alleged that they are given weapons by soldiers.[217] Settlers, international observers and Palestinian villagers similarly cited cases of officers aiding settlers in confrontations with Palestinians.[218] A former intelligence head said, "the militants are only strong against the Arabs when the security forces give them protection".[219]

While downplaying the influence of the military rabbinate, a reserve general advising the government on settlement policy described a settler rabbis' ban on outpost removal and support for resistance against evacuation as "very influential" and said it poses "a big dilemma for soldiers and officers, pitting their commitment to the IDF and to follow orders against their commitment to a particular rabbi".[220]

National-religious leaders are aware of the leverage they have gained as a result of the army's reliance on their numbers.[221] Some religious settlers think, rightly or wrongly, that their army reserve duty bestows immunity from an assault on their settlements – both because the state is indebted to them for wartime services and because it cannot risk turmoil in army ranks. Said one, "I spent weeks fighting in Lebanon in the 2006 war, and I'm part of the army. Even if they have orders to evacuate my settlement, they can't open fire on me".[222] Prior to the 2009 election, a national-religious Knesset member argued: "If Olmert and Barak think that they would give the IDF the order 'forward' and the expulsion would be carried out, it is better for them to conclude that they would have no army to carry out this order".[223]

In defiance of official government policy but without sanction, some army officers and reservists live in outposts, complicating plans for their removal.[224] A secular reserve officer said, "disengagement from Gaza has created a crisis with national-religious soldiers in the best combat units that has yet to be resolved. If we take action against outposts, they see us interfering with their ideological goals, and when their colleagues

[216] Crisis Group interviews, former military official, Herzliya, June 2008; and intelligence officer, Jerusalem, September 2008. "The soldiers in Amona gave us advance warning of the security forces' plans and movements". Crisis Group interview, settler, Amona outpost, May 2009. An army reservist involved in planning outpost evacuation scenarios said that secrecy was crucial to the successful removal of settlers from Hebron's House of Contention. "Settlers have informers in the army from the highest ranks down. You need to limit the number of decision-makers to retain an element of surprise". Crisis Group interview, army reservist, Tel Aviv, June 2009.

[217] "We have more followers in the army inside the Green Line than in the West Bank. They help us obtain weapons". Crisis Group interview, Yisrael Ariel, assistant to Rabbi Yitzhak Ginsburgh, Jerusalem, September 2008.

[218] Within hours of a reported attack on Yitzhar settlement, army personnel opened fire on the Palestinian village below, while settlers descended from their hilltop and threw stones. Video footage from Asira al-Qibliya seen by Crisis Group. The UN reported that Israeli forces arrested two Palestinians who had tried to reopen the entrance to Qaryut village between Shilo and Eli settlements that settlers had blocked while building a new access road (14 January 2009); used tear gas to disperse demonstrators protesting land confiscation near Nilin village (13 March 2009), and bulldozed Palestinian land in Burin, an adjoining village (7 April 2009). Crisis Group interviews, UN monitors, Jerusalem, January-April 2009. In April 2009, the army suspended work on a park in Beit Sahour funded by the U.S. Agency for International Development (USAID) and confiscated workers' tools, following settler demands to resettle a disused army base, Shedma, on the hilltop above. An Israeli human rights watchdog, B'Tselem, claimed instances of military support for settler attacks on Palestinians. "On 30 November, about 50 settlers entered a Palestinian neighbourhood [of Hebron] at 2:00 A.M., accompanied by an army jeep. The settlers threw stones that shattered windowpanes of houses and of some 25 cars, and punctured the tyres of the cars. They then threw stones at houses in the neighbourhood and shattered windowpanes". "Hebron: Wilful abandonment by security forces", B'Tselem statement, 10 December 2008.

[219] Crisis Group interview, Carmi Gillon, Jerusalem, 19 May 2009. A reserve army chaplain said that rabbis inside the army preach "the same Torah" as the settler rabbis who appeal to soldiers to refuse orders. "Certain orders are considered illegal". Crisis Group interview, reserve army chaplain, 2 July 2009.

[220] Crisis Group interview, Tel Aviv, June 2009. He added that although many commanders were reluctant to address these issues, it was not clear how soldiers would decide. The longer the government postponed removal of outposts, the harder it would become.

[221] "If you control the army, you control the country". Crisis Group interview, Rabbi Nachman Kahane, Jerusalem, May 2008.

[222] Crisis Group interview, religious settler, Kfar Tapuach settlement, September 2008.

[223] National Union parliamentarian Ariyeh Eldad, *Maariv*, 10 August 2007. A reserve officer acknowledged a risk: "If four or more officers in a battalion are national-religious, that could pose a problem". Crisis Group interview, Tel Aviv, June 2008.

[224] "Some officers and their men live in the outposts, but though the outposts are illegal, it is not a matter for the army to tell its soldiers where to live". Crisis Group interview, Israeli security official, Tel Aviv, June 2008. Crisis Group observation, Givat Asaf and Amona outposts, May and June 2009.

attack us, it's very serious – it's your own people attacking your army".[225] A senior officer explained that he would resist an order to conduct another withdrawal:

> An order to withdraw [from the West Bank] will destroy Israel. It will split the army and turn part of it against the state. I would rather give back Tel Aviv than Hebron. We are not just a state of Jews, or a Jewish majority, but a Jewish state defending the land that is promised to us by the Bible, by God. It is Jewish land. This ideology is the backbone of the army, and so I will not obey such an order. I will defend Jewish land by all legitimate means – and if that isn't enough – by illegitimate means. It can be by force.[226]

Some former senior security officials caution against alarm, maintaining that rabbinical directives and family and faith loyalties so far have proved incapable of superseding military discipline. They have history, and most clearly the Gaza withdrawal, on their side. A former government minister said, "I had many occasions to speak with military commanders on these issues, and I cannot see that the change in the sociological structure of the army has changed its fundamental ethos. The IDF is not going to split along the lines of the national divide on the issue of withdrawal or on any other issue".[227] An academic researching army Torah colleges agreed: "Even those in army Torah colleges who become right-wing are professionals once they put on a uniform. They might not discard their loyalties, but they are trained to obey orders".[228] An army officer stated that contrary claims are made by secularists motivated by a sense of jealousy at their waning military primacy.[229]

The composition of the uppermost echelons remains largely unchanged, and religious officers reaching the higher ranks are widely respected for their professionalism; Yair Naveh, the West Bank commander who prepared and administered removal of four settlements in 2005, is himself national-religious. Even among lower ranks, national-religious graduates – with a handful of exceptions[230] – disobeyed hardline rabbis and followed military orders to dismantle Gaza's settlements,[231] evict settlers from the Hebron House of Contention and leave Gaza in January 2009.[232] The army further dismisses allegations regarding the enhanced role of army rabbis, noting that the rabbinate is a small unit, and many bases do not have a full-time rabbi. They add that military rabbis spent "only a few hours" on the battlefield in Gaza; and that they cater to the spiritual needs of religious soldiers and still focus primarily on maintaining the army's synagogues, dietary codes and other rituals.[233]

3. Education

The national-religious and ultra-orthodox movements exercise substantial control over state-funded schooling, operating separate and autonomous education systems for their children.[234] Ultra-orthodox education is split into three parts: "independent" schools (*hinuch atzmai*) that are state-maintained and administered by Agudat Israel; *El Maayan* (To the Source) Torah schools that are state-maintained and Shas-administered; and those that decline state financing and teach largely in Yid-

[225] Crisis Group interview, Tel Aviv, April 2009.
[226] Crisis Group interview, serving Israeli general, Jerusalem, 19 May 2009.
[227] Crisis Group interview, former cabinet minister, December 2008.
[228] Crisis Group interview, Stuart Cohen, political science professor, Bar-Ilan University, December 2008.
[229] For instance, officers alleged that Danny Zamir, who runs the secular Kibbutz movement's pre-army college, aired such grievances in order to promote his own pedagogic system. Initially published on the college's website, the charges subsequently appeared in *Haaretz* and then media across the globe. "Zamir knows that today the best soldiers come from the religious pre-army institutes, not from the Kibbutz, and is trying to fight to replace these religious institutes". Crisis Group interview, commander who fought in the Gaza war, Jerusalem, March 2009.
[230] For instance, an army driver from Kedumim settlement was jailed for twenty days for refusing to remove Maoz Esther outpost. Arutz 7, 27 March 2009.
[231] "Of the 73 soldiers in my unit, 65 were religious. Removing Jews was the hardest choice they had to make, but at the end of the day, they knew it was their mission and they did it". Crisis Group interview, Nina Lebitsky, commander during the Gaza disengagement, Jerusalem, March 2009.
[232] Former Gaza settlers staged a press conference during the Gaza war in which they called on Israel "to return to [ie, resettle] Gaza". *Yediot Ahronot*, 11 January 2009. "The soldiers who fought realise that disengagement was a mistake and that we have to return to Gaza, or else Gaza will return to us". Crisis Group interview, Zvi Hendel, ex-Gaza settler and former National Union parliamentarian, Yad Binyamin, 6 April 2009.
[233] Crisis Group interview, Lt. Col. Avital Leibovich, army spokeswoman, Jerusalem, 17 June 2009.
[234] Under the terms of its 2009 coalition pact, Shas secured Netanyahu's agreement to nominate a deputy education minister to oversee the ultra-orthodox education system, reinforcing the divide between secular and religious education. A former education minister called Israel's segregated education system the "original sin" of Israel's first prime minister, David Ben Gurion. "It was political not pedagogical interest which split them apart". Crisis Group interview, Yossi Sarid, Tel Aviv, May 2008.

dish.[235] In addition, the state provides grants to some 100,000 ultra-orthodox adult students (*avreich*) for full-time religious studies, a 67 per cent increase over the past decade.

Similarly, national-religious (*mamlachti dati*) school children attend separate institutions, although their syllabus largely follows that of the secular system except in the subjects of history and scripture.[236] The state also subsidises national-religious higher education. The first national-religious Torah college, Merkaz HaRav, opened in 1924, and has since spawned dozens of sister institutions, graduating military chaplains, rabbis, judges and teachers. Religious educational facilities provide considerable resources and employment opportunities,[237] enabling the religious right to disseminate its views. Although curriculums differ depending on individual teachers, rabbis and schools, a former national-religious leader claimed that rabbis are filling more leadership positions in national-religious schools and youth groups and that religious-based precepts to conquer and hold land play an increasingly prominent role.[238]

C. A PARALLEL SYSTEM

Many settlements, religious and secular alike, maintain their own military arsenal and operate their own paramilitary squads of settlement volunteers, known as *kittot konenut*, designed to act as first responders in emergencies.[239] Formed in the mid-1990s, their number increased rapidly when settlements came under attack during the second intifada. Today more than 2000 volunteers, each allegedly equipped with an automatic weapon, bullet-proof vest and radio, man some 200 squads operating in settlements and outposts across the West Bank.[240] The secretary of a national-religious settlement near Nablus said, "our 15-man volunteer squad is better equipped and trained than some army forces. The army provides us the rifles, M16s, but we augment that with thousands of shekels of extras, including the best telescopic sights on the market".[241] A Yesha Council official said it helped raise funds – particularly from the government and from overseas donors – to secure armoured land rovers, ammunition and weapons training from private security companies.[242] Yitzhar, an ultra-orthodox settlement near Nablus, has used donations from Jewish organisations abroad to purchase armoured vehicles.[243] At least one externally-funded settler-run private security company trains mainly religious, including some ultra-orthodox, settlers, often on abandoned army training sites.[244] The army

[235] Jerusalem's Edah Haredis community claims to teach 6,000 schoolboys without state-subsidies. "Our rabbis say we shouldn't talk to the education ministry". Crisis Group interview, Hassidic teacher, Jerusalem, May 2008.

[236] Some 250,000 schoolchildren attend state-funded national-religious schools. Crisis Group interview, education ministry official, Jerusalem, July 2008. Although there are many types of national-religious schools, they differ from secular schools by teaching history as a lesson in divine intervention. Crisis Group interview, national-religious teacher, Jerusalem, December 2008.

[237] In 2009, the government budgeted 1,486 million NIS ($373 million) for ultra-orthodox schools, including Shas, 854 million NIS ($214 million) for non-army adult Torah colleges, and 51 million NIS ($13 million) for army Torah colleges. Figures for national-religious schools (*mamlachti dati*) are not specified. Israel Budget – official Government website, www.mof.gov.il/BudgetSite/StateBudget/Pages/Budget2009HPP.aspxl; on fixed annual budget for preparatory army Torah colleges see *Maariv*, 30 July 2008. Municipalities provide further support. Community leaders use school buses to assemble supporters en masse for rallies. Crisis Group observation, Bnei Akiva rally attended by over 10,000 youths, Latrun, April 2008.

[238] "When I joined the movement a generation ago, 99 per cent of Bnei Akiva [the leading national-religious youth group] was a lay movement, and the Bible played a marginal role. Joshua's conquest was not a practical model, and we put the Messiah aside. But three generations on, it's changed. The number of Torah colleges has grown dramatically, and the Bible is taught as a political manual. You hear young Israelis saying if we want our own state, we have to drive out non-Jews, that non-Jews have no rights. The mixture of religion and politics in education is a big mistake". Crisis Group interview, Yesha Council founder and former head, Jerusalem, May 2008. "The rabbis teach us the Torah is our *tabu* [land registry]". Crisis Group interview, student at Mitzpe Yericho Torah college, Jerusalem, May 2009.

[239] Formally under army command, the squads are normally under the direct control and supervision of the settlement security officer, or Ravshatz, a resident army officer paid by the state. Crisis Group interview, former West Bank brigade commander, Tel Aviv, July 2009. "You get an army weapon if you're in the reserves. Settlements protect themselves; the police are secondary". Crisis Group interview, Yesh Din human rights monitor, Jerusalem, June 2008.

[240] Crisis Group interview, Yesha Council security officer, Jerusalem, 8 July 2009. He said some large settlements, including the ultra-orthodox Modiin Illit and Beitar Illit, maintain more than one squad.

[241] Crisis Group interview, Yisrael Blonder, Kfar Tapuach settlement secretary, Kfar Tapuach, September 2008.

[242] Crisis Group interview, Yesha Council security officer, Jerusalem, 8 July 2009.

[243] Crisis Group interview, Yitzhar defence operative, Yitzhar settlement, September 2008.

[244] For instance, Israel Danziger, a Brooklyn-born follower of Rabbi Meir Kahane's Jewish Defence League, runs a military company, Mishmeret Yesha, which provides bullets, night-vision equipment and building materials to West Bank outposts and claimed to have trained hundreds of religious Zionist settlers in "elimination of terror" tactics. Crisis Group interview, Israel Danziger, Yad Yair outpost, May

recently outsourced security in some settlements east of the separation barrier to a private company.[245] While settler leaders insist that the volunteers and private security companies will not turn their weapons on the armed forces under any circumstance,[246] military observers express concern about how well-organised, trained and armed militias, operating in cells with secure communication systems, might be deployed.[247]

In addition to their military capabilities, many religious communities operate their own legal systems under rabbis with authority to interpret and impose Torah law, which some communities regard as overriding secular law.[248] Where rabbinic rulings do not conflict with state law, Israeli courts accept this parallel legal system as a form of adjudication; quicker and cheaper than the formal legal system, it relieves pressure on state courts.[249] This practice is more developed within ultra-orthodox communities, but in recent years – particularly since the Gaza withdrawal – rabbis in national-religious communities also have broadened their prerogatives. A justice ministry official said:

> In the past only the ultra-orthodox operated their own courts, but the Gaza disengagement has increased disaffection with the state and its legal system. There's a whole national-religious public which now has a problem relating to authority and feels the state judiciary is estranged from the Jewish values it holds.[250]

Though encompassing a broad spectrum of legal opinion, in extreme cases some national-religious rabbis not only bypass state authority but also authorise resistance against it. Consequences are examined below.

The internet and other media outlets have helped rabbis disseminate rulings and ideologues their ideas. In addition to traditional means of communication such as pamphlets and sermons in synagogues and Torah colleges, political religious movements use party newspapers, some freely distributed on both sides of the 1967 lines.[251] In the late 1980s, Shas and national-religious groups circumvented tight governmental airwave controls by launching several pirate radio stations, including from a ship in the Mediterranean.[252] When these are banned or raided by the authorities, activists send mobile phone text messages and emails to their constituencies as well as the broader public.

Arutz 7 – which describes itself as "the voice of a liberation movement for religious Zionism" and whose licensing requests have been blocked by the Supreme Court[253] – broadcasts streamed Hebrew and English radio from studios in Bet El settlement. It also maintains multilingual news sites, including what it claims to be Israel's third largest English news site, receiving 10 million hits per month. Established as the mouthpiece of a hardline rabbi from Beit El settlement, Zalman Melamed, it broadcasts calls to resist state orders to evacuate outposts.[254]

2008. See also Matthew Wagner, "Jews with guns", *The Jerusalem Post*, 3 April 2008. For footage of Mishmeret Yesha's training program, see "Combatting terror – Real Battlefield", www.orgreality.com/ yesha/videos.php?id=7.

[245] Crisis Group observation, and interview, Yesha Council security officer, Jerusalem, 8 July 2009.

[246] Ibid. He added, "We'll protest all we can, and maybe not every soldier will accept orders, but we won't shoot. Even Ginsburgh [a firebrand rabbi] will not give the order to open fire".

[247] Crisis Group interview, former Israeli intelligence officer, Jerusalem, September 2008. "The militias were originally established as self-defence forces, but even at the outset questions were asked about their potential to turn their weapons on those who armed them. Today, we see that these militias are less guided by the IDF and more and more direct their weapons against the Palestinians in the struggle for space and roads. Potentially they could also use their weapons against the military, particularly during an evacuation process. Most are national-religious. You can hardly find any secular Israeli in the so-called ideological settlements. They're not engaged in creating friction with Palestinians or fighting evacuation". Crisis Group interview, Yigal Levy, military analyst and associate professor at Israel's Open University, Tel Aviv, 24 June 2009.

[248] Crisis Group interview, Dov Lior, Yesha rabbinical council chairman, Kiryat Arba settlement, October 2008.

[249] "People are free to ask an arbitrator to adjudicate under Jewish law". Crisis Group interview, former senior judge, July 2008. Secular critics, however, charge that ultra-orthodox rabbis are creating their own "Torah state within a state". Crisis Group interview, Yossi Sarid, former education minister, Tel Aviv, June 2008.

[250] Crisis Group interview, justice ministry official, Jerusalem, October 2008.

[251] The national religious movement publishes a free weekly newspaper, *Besheva*, with a print run of 120,000.

[252] In 1995, the authorities raided the boat and confiscated its equipment. "It is harder to establish a radio station than a settlement". Crisis Group interview, Arutz 7 news editor Baruch Goodman, Bet El settlement, May 2008. Some 40 mainly religious pirate stations reportedly operate in Israel. *Israel Insider*, 7 March 2003. Among them is Shas's popular Voice of Truth.

[253] In March 2002, the Supreme Court overturned a law passed three years earlier licensing Arutz 7 on the grounds it encouraged violation of the country's rule of law. *Israel Insider*, 21 October 2003.

[254] Crisis Group interview, Arutz 7 news editor Baruch Goodman, Bet El settlement, May 2008.

To maintain their autonomous institutions, national-religious settlers – like other religious communities – have established multiple fundraising networks, many of which operate as charities benefiting from tax breaks abroad.[255] A U.S. charitable association – One Israel Fund – finances projects in outposts.[256] A fund-raiser and settler activist claims his trips to the U.S. helped raise $500,000 to buy land for an outpost near Ramallah.[257] Some national-religious activists market luxury apartments on occupied land to Jews abroad. Others have targeted Christian Zionist donors.[258]

V. FROM CIVIL DISOBEDIENCE TO VIOLENCE

From the outset, the national-religious movement has had to deal with Palestinians opposed to its land seizures. Over time and as the settlement project expanded, daily interaction grew more confrontational and acquired a religious dimension. The movement increasingly saw the Palestinians as obstacles standing in the way of their project. An analyst described how it saw the world: "The land is not theirs [the Palestinians']. The best they can hope for is to get the individual rights of what the Torah calls 'resident alien', the alien who fully recognises the hegemony of the Jewish nation and is consequently allowed to have full individual residence rights".[259]

Such views have acquired currency among the national-religious, particularly the more messianic streams. As noted above, prominent heads of army Torah colleges teach that reclaiming land is a religious obligation to be pursued by means that include force. Some leading settler rabbis advocate the removal of the Palestinian population from Greater Israel.[260] A small minority has gone as far as to liken Palestinians to Amalek, a Biblical people it claims God has commanded Jews to eradicate,[261] though this view faces strong opposition, including from within the national-religious movement.[262]

[255] Susiya settlement in the south Hebron hills solicits donations on its website, www.sussya.org.il, payable to P.E.F. Israel Endowments Funds, Inc, a tax-exempt U.S.-registered charity; Ariel University Centre, a settlement college near Nablus, advertises U.S. contact numbers for a "Special Tax Opportunity" on its website; the Hebron Fund raises an average of $1.5 million a year to support Jewish settlement in the city, including the Hebron house evacuated by Israeli forces in December 2008. Reuters, 25 August 2008. In response to a parliamentary question, the Charity Commission – the British government's regulator – said "it is unacceptable for a charity to support violent or unlawful activities, either in the UK or overseas". Reply from Andrew Hind, chief executive of the Charity Commission, dated 24 October 2008, Hansard parliamentary record, 3 November 2008.

[256] Crisis Group observation, Mevot Yericho outpost, May 2009. The One Israel Fund claims to be "the largest North American charity whose efforts are dedicated solely to the citizens and communities of Yesha". www.oneisraelfund.org/history.php.

[257] Crisis Group interview, Yad Yair outpost, May 2008.

[258] "Christians are among our major contributors". Crisis Group interview, Yisrael Blonder, Kfar Tapuach settlement, September 2008. For a list of settler projects supported by evangelical Christians see www.cfoic.com/communityprojects.

[259] Ehud Sprinzak, "Fundamentalism, Terrorism and Democracy: the Gush Emunim Underground", The Wilson Center, Washington, 1986. Some Torah colleges inculcate a similar doctrine. "Non-Jews on Jewish land have no rights to own land or vote". Crisis Group interview, senior teacher, Torah College, Kochav HaShachar settlement, 7 May 2009.

[260] Crisis Group interview, Yesha rabbinical council chairman and Kiryat Arba chief rabbi Dov Lior, October 2008. Elsewhere Lior is quoted as saying, "we must cleanse the country of Arabs and resettle them where they came from, if necessary by paying. Unless we do, we will never enjoy peace in our land". "Rabbi: cleanse country of Arabs", *Yediot Ahronot*, 17 November 2007.

[261] "Before battle, rabbis tell soldiers they are soldiers of God facing Amalek". Crisis Group interview, army reservist, Jerusalem, April 2009. "The campaign is a war against Amalek". Shmuel Eliyahu, Safed's chief rabbi and son of former Chief Rabbi Mordechai Eliyahu, addressing a Bnei Akiva youth group during the 2009 Gaza war, quoted in *Haaretz*, 17 January 2009. On Amalek, see Exodus 17: 9-16.

[262] Mainstream national-religious rabbis argue that the commandment to kill Amalek no longer applies, because the Assyrian Empire "muddled up all the peoples, and so the bottom line is the people of Amalek no longer exists". Crisis Group interview, Stuart Cohen, political science profes-

Others legitimise more limited forms of violence. Palestinians in villages adjoining settlements or isolated outposts that lack military protection speak of threatening practices. These are designed, in the words of a settler at an outpost near Yitzhar settlement, "to keep Arabs away".[263] They reportedly include torching fields, uprooting olive groves,[264] rustling sheep and hindering harvests.[265] A hilltop youth on guard at a tiny outpost said, "when Palestinians come too close, we chase them off by training our guns on them".[266] Tensions run high in rural areas where Bedouin tent-dwellers, another fast-growing population, compete with settlers over diminishing land. According to a Bedouin university undergraduate encamped with his family near Kochav HaShachar settlement between Ramallah and the Jordan Valley, "over the past year settlers have pulled down our tents, taken our sheep and broken our tractors".[267] Some national-religious parents speak with pride of children who stone Palestinians to keep them away.[268]

National religious activists also are suspected of setting fire to an ancient mosque near Bethlehem in January 2008 and desecrating Muslim graves and mosques in Hebron.[269] Hebron settlers forcibly prevented Muslim imams from reaching al-Ibrahimi Mosque to sound the call to prayer.[270] Settlers built their Yitzhar settlement around a Muslim shrine, blocking Palestinian access.

The presence of settlements also generates Palestinian violence: international observers and settlers report recent Palestinian attacks, including drive-by shootings,[271] Molotov cocktails, bombs at settlement gates and a series of stabbings. Stone-throwing at Israeli cars in the West Bank has become a frequent occurrence.[272] Some rabbis have responded by authorising reprisals. After the killing of eight students at Merkaz HaRav college in 2008 by an East Jerusalem Palestinian, prominent rabbis circulated rulings sanctioning retaliation.[273] Within hours of a reported stabbing of a child in Yitzhar settlement,[274] its ultra-orthodox Lubavitch and Breslev residents raided a neighbouring Palestinian village.[275] Yitzhar's security chief emphasised the raid's intended deterrence effect: "If we didn't counter-attack, there would be another attack. You have to impose sanctions on villages and destroy the homes of stone-throwers".[276]

Similarly, after a Palestinian axed a boy and wounded another in Bat Ayin settlement, settlers forcibly occupied four commercial shops in Hebron's old city, raided nearby Beit Umar village, opened fire on Safa town and set its farmland aflame.[277] They also laid claim to

sor specialising in military ethics, Bar-Ilan University, December 2008.

[263] Crisis Group interview, Tekouma outpost, Yitzhar settlement, May 2009. He added: "Arabs don't come here. They are afraid". Unlike most settlements, Yitzhar and Bat Ayin both bar Arabs' entry. Crisis Group interview, Yesha Council security officer, Jerusalem, 8 July 2009.

[264] Maale Levona settlers allegedly uprooted and damaged trees belonging to Sinjil village, north of Ramallah. Crisis Group interview, UN monitor, Jerusalem, May 2009.

[265] For a discussion of farmers hospitalised during the olive harvest see *Haaretz*, editorial, 9 April 2006. There also are unsubstantiated claims of sheep-poisoning. Crisis Group interviews, Palestinian villagers, Asira al-Qibliya near Yitzhar settlement, September 2008. In turn, Yitzhar settlers claimed that Palestinians prune olive trees and then accuse them of destroying their crops. Crisis Group interviews, Yitzhar settlement, September 2008 and Yesha Council spokesman, Jerusalem, June 2009. See Arutz 7, 11 October 2008. In early May 2009, boars allegedly belonging to settlers attacked Palestinian properties in Salem village, southeast of Nablus city, and in Yasuf village, east of Salfit city. Crisis Group interview, UN monitor, Jerusalem, May 2009.

[266] Crisis Group interview, Yad Yair outpost, June 2008.

[267] Crisis Group interview, Bedouin shepherd and university student, Ain Samiya, beneath Kochav HaShachar settlement, May 2009. "The settlers have taken our donkeys, and shot at us when we take our sheep to the pastures in the hills. They are trying to scare us away, but we'll stay". Crisis Group interview, Bedouin shepherd, near Maskiyot settlement, May 2009.

[268] Crisis Group interview, Itamar settler, May 2008.

[269] Crisis Group interview, UN official, Jerusalem, June 2008. In June 2006, a U.S. immigrant in the Nahal Haredi ultra-orthodox army brigade entered and shot at a West Bank mosque, before killing himself. *The Jerusalem Post*, 6 June 2006. Religious settlers in Hebron desecrated the Muslim al-Ras cemetery. *Haaretz*, 26 October 2008.

[270] "International Religious Freedom Report 2007", U.S. State Department.

[271] Crisis Group interviews, UN officials and relative of a settler shot and injured near Kochav HaShachar settlement, Jerusalem, February 2009. On 15 March 2009, two Israeli police, one a settler, were shot and killed near Masua settlement, north of Jericho.

[272] In 2008, Palestinians killed three settlers and wounded 27 more. UN Office of the Coordination of Humanitarian Affairs (OCHA) data compiled for Crisis Group, December 2008.

[273] A poster called on "everyone to match the enemy's plots measure for measure". Crisis Group observation, May 2008.

[274] Though the perpetrator was not found, Yitzhar settlers said he was Palestinian. Crisis Group interviews, Yitzhar, October 2008.

[275] See above.

[276] Crisis Group interview, Yitzhar settlement, October 2008.

[277] Crisis Group interview, UN observer, Hebron, May 2009. The 2009 attack may itself have been a reprisal for settler attacks: ten days earlier settlers from Bat Ayin had attacked

an adjoining hill. Said a Bat Ayin settler, "we want to redeem the boy's death by building a synagogue on the hilltop, settling it and linking Bat Ayin to the neighbouring settlement".[278]

In some cases, national-religious and ultra-orthodox activists resort to violence to deter Israeli authorities from moving against their settlements. A Yitzhar settler warned: "For every attempt to evacuate us, we will exact a price throughout the area".[279] After Israeli forces demolished an unauthorised trailer home in Yitzhar in June 2008, a Torah student fired several improvised mortar shells at a nearby village.[280] After riot police removed nine religious families on 4 December 2008 from the Hebron House of Contention, settlers waged what Prime Minister Olmert denounced as a "pogrom" against Palestinians.[281]

Violence quickly spread across the West Bank, culminating in the worst settler attacks since disengagement. In Hebron, masked religious activists armed with rocks, clubs, iron bars and other weapons shot and stoned Palestinians, injuring 103, set fire to a mosque, homes, cars and olive groves, desecrated graveyards and blocked main roads.[282] At Susiya settlement further south, a Bedouin tent was set alight and, to the north, national-religious and ultra-orthodox activists blocked roads, slashed the tyres of UN and Palestinian vehicles and set fire to two ambulances,[283] uprooted olive trees and hurled Molotov cocktails at homes, injuring eight.[284]

While many national-religious leaders have been slow to publicly condemn anti-Palestinian violence by their followers,[285] there are notable exceptions.[286]

In confronting Israeli authorities, religious dissidents generally have opted for resistance and civil disobedience. When security forces move against outposts, the more militant activists tend to barricade themselves in targeted buildings, erect roadblocks, burn tyres or summon mass protests.[287] In February 2006, the largest showdown to date, thousands of predominantly religious activists gathered to resist dismantlement of nine unauthorised buildings in Amona, one of the oldest and largest outposts in the West Bank. Although this did not prevent the demolition, many participants considered the demonstrations a success. In the resulting violent clashes, 80 security personnel and 120 settlers, including two Knesset members, were wounded;[288] some activists and observers claim this deflated the momentum for further planned withdrawals.

The December 2008 move by security forces against Hebron's House of Contention produced a similar outcome. Hundreds of schoolchildren, chiefly from national-religious settlements in the northern West Bank,

farmers from Beit Umar to prevent them from reaching their land.

[278] Crisis Group interview, student, Bat Ayin settlement, 5 May 2009.

[279] Crisis Group interview, Yitzhar settlement, September 2008.

[280] In mid-2008, settlers from Yitzhar and the nearby settlement of Bracha fired several mortar shells at the neighbouring Palestinian village of Burin. *Haaretz*, 13 July 2008. They allegedly also rampaged in Burin, stoning Palestinian cars, destroying property, assaulting farmers and setting fields on fire. Ynet, 24 July 2008.

[281] "The sight of Jews firing at innocent Palestinians has no other name than pogrom. Even when Jews do this, it is a pogrom. As a Jew, I am ashamed". Israeli cabinet statement released 5 December 2008. Justice Minister Daniel Friedmann accused Israel's security forces of permitting "a shocking pogrom. We were always infuriated abroad when the authorities did not protect Jews. Here we see Jewish rioters going wild harming Palestinians, and we stand and look and are shocked". *Yediot Ahronot*, 7 December 2008.

[282] "West Bank – Contextual Update", UN Relief and Works Agency (UNRWA), March 2009.

[283] Crisis Group observation, Hawara checkpoint, December 2008.

[284] If the violence was intended to provoke a broader battle between Palestinians and Israelis, it failed. Palestinians, not least their security forces newly deployed in Hebron, showed "formidable" restraint. Crisis Group interview, Israeli foreign ministry official, Jerusalem, December 2008. Settler attacks also are timed to coincide with steps in the Israeli-Palestinian diplomatic process. They surged in the year preceding the Gaza withdrawal, climaxing on the eve of disengagement, when two settlers shot dead eight Palestinians, four working in a factory in Shilo, a national-religious settlement, and four aboard a bus in Shefa Amr (Shefarm in Hebrew), an Israeli-Arab town. Likewise, in the year following the onset of the Annapolis process, officials said settler attacks roughly doubled compared to the previous year. Army figures showed 429 settler attacks against Palestinians in the first half of 2008, compared to 551 in all of 2007. *Haaretz*, 15 August 2008. In 2008, the UN reported a 118 per cent increase compared to the previous year. "West Bank – Contextual Update, UNRWA, op. cit. In 2008, UN figures show settlers killed five Palestinians, and wounded 157 others. UN OCHA figures compiled for Crisis Group, December 2008.

[285] Settler representatives say much of the violence is perpetrated by Palestinians seeking to besmirch religious settlers. Crisis Group interview, Yesha spokesman, Jerusalem, June 2009.

[286] For instance, Yud Bet B'Heshvan, a forum of religious Zionists, rallied with Israeli Palestinians in Umm al-Fahm to protest an inflammatory visit by far-right national-religious activists a fortnight earlier. Crisis Group observation, 5 April 2009.

[287] Crisis Group observation, Yad Yair outpost, September 2008.

[288] The two Knesset members – Effie Eitam and Ariyeh Eldad, who broke his hand –were both National Union parliamentarians. Ynet, 1 February 2006.

defied military closures and converged on the building; some broke through a police cordon and barricaded themselves inside.[289] Riot police stormed and evacuated the building, but the events exposed deep social fault lines, pitting almost exclusively religious activists against predominantly secular government forces.[290] Inside Israel, ultra-orthodox Torah students joined national-religious demonstrators in blocking main roads, including the Jerusalem to Tel Aviv highway, clashing with riot police armed with water-cannon and military jeeps.

There are other means of retaliation against the authorities. Citing a Talmudic law against treachery (*din moser*),[291] national-religious communities ostracised two of their own, Maj. Gen. Yair Naveh, who oversaw the 2005 West Bank dismantlement of four settlements, and Yonatan Bassi, who headed the Disengagement Authority that helped relocate Gaza's settlers.[292]

That said, the national-religious have been reluctant to attack fellow Israelis. There is good reason. Despite tensions, even radical religious Zionists continue to coordinate closely with the military. In addition to protection, the army provides escorts for busloads of ultra-orthodox and national-religious pilgrims to access holy sites inside Palestinian towns, including Joseph's Tomb in Nablus and Joshua ben Nun's Tomb at Kifl Harith village, north of Salfit.[293] In their Hebron enclave – which includes the Cave of the Patriarchs/ Ibrahimi Mosque, the second holiest shrine between the Mediterranean Sea and the Jordan River for Jews and Muslims alike – a 300-strong military and police force for decades has protected the three religious activist movements that settled there, the anti-Arab Kahanists, the ultra-orthodox Lubavitchers and mainstream followers of Rav Kook.[294]

There are some exceptions. Dov Lior, the chief rabbi of Kiryat Arba settlement – unofficially known as the West Bank's chief rabbi – informed followers: "If they use violence against us, we have to use it against them".[295] Targets have included law-enforcement authorities,[296] anti-settlement activists[297] and even fellow settlers campaigning for financial support for those willing to relocate west of the separation barrier. In 2007 at Shavei Shomron settlement, police intervened to protect settlers who had gathered to discuss their eventual departure from 200 protesters who sought to overturn their cars.[298] Settler leaders who negotiated a deal to vacate Migron outpost (in exchange for a much larger settlement expansion nearby) had their car tyres slashed.[299]

A leader of Kfar Tapuach, a national-religious settlement, said, "I have to defend myself against Jew or Arab. If someone is coming to attack your home, you kill him. The only law here is the law of survival".[300] A news editor at a national-religious radio station said Amona taught activists that the threat of violence works: "In Gaza our leaders favoured non-violent, symbolic acts in a futile attempt to win public support. Had we resisted, the army could not have stopped us".[301]

A small number of national-religious rabbis and scholars have reiterated the relevance of the Talmudic law of the pursuer (*din rodef)*, the rabbinic license for a Jew to kill a fellow Jew pursuing him with the intent to murder, to any Jew who relinquishes the Land of Israel to non-Jews, on the grounds that such action endangers Jewish life. This interpretation was invoked

[289] Many were minors, complicating the prospect of prosecution. Crisis Group interview, security official, Tel Aviv, December 2008.
[290] Very few of the hundreds of activists who joined the nine settler families inside the house were secular. Crisis Group interview, Mati Barnea, secular protester in Hebron, Givatayim, December 2008.
[291] *Din moser* literally means the duty to kill someone who intends to turn a Jew over to non-Jewish authorities.
[292] Bassi said he was hounded as "the very devil". Crisis Group interview, Beerot Yizhaq, May 2008.
[293] Crisis Group interview, UN official, Jerusalem, 13 March 2009.
[294] The quarter, known as H2, is separated by walls, checkpoints and turnstiles from the rest of Hebron, known as H1, which since 1997 has been under Palestinian Authority rule.

[295] Crisis Group interview, Dov Lior, Kiryat Arba, October 2008.
[296] See below, note 305.
[297] Militants detonated a pipe-bomb, injuring Zeev Sternhell, a professor and anti-settlements campaigner, in his Jerusalem home. Pamphlets found at the site signed "Army of Liberators" stated: "The State of Israel, our 2,000-year-old dream, has become a nightmare. This country is ruled by a mob of wicked people, haters of the Torah who want to erase the laws of God. The state of Israel has become our enemy. The time has come to establish a state of Torah law in Judea and Samaria". They also offered a financial reward to killers of Peace Now activists. Matthew Levitt and Becca Wasser, "Violence by Extremists in the Jewish Settler Movement: A Rising Challenge", Policy Watch #1434, The Washington Institute for Near East Policy, 25 November 2008.
[298] Crisis Group interview, Benny Raz, founder of Bayit Ehad, which campaigns for compensation for settlers choosing to leave, Karnei Shomron, 4 May 2009.
[299] See *Haaretz*, 28 May 2008.
[300] Crisis Group interview, Kfar Tapuach official, September 2008.
[301] Crisis Group interview, Arutz 7 news editor, Bet El settlement, May 2008.

by Yigal Amir as justification for his 1995 assassination of Prime Minister Rabin. A far larger though less outspoken body of national-religious rabbis repudiate this interpretation. Nevertheless, the minority ruling was cited during the debate over disengagement.[302] Senior commanders overseeing the recent dismantlement of small outposts claim to have received death threats from Torah students.[303]

While an underground movement is not unprecedented, observers see the emergence of a new, better-armed and larger paramilitary force preparing for group action. Some activists in both Amona and Hebron were armed; in the latter location, acid and potatoes spiked with nails were found.[304] Though in neither case were arms used against Israelis, the numbers of injuries resulting from clashes is rising,[305] and security officials believe that more widespread use of firearms may be only a matter of time.[306]

A West Bank officer commanding the security forces in the Amona clashes said that activists "expand in underground cells and display violence of a magnitude not seen before. It is a most dangerous phenomenon".[307] A reserve general advising the government said settlers are preparing for clashes in the event of outpost removal – particularly in the dozen outposts near Nablus and Hebron that the defence ministry has earmarked for dismantlement and that have a history of violence and of acting independent of Yesha Council authority.[308] Another reserve officer involved in planning evacuation scenarios expected a repeat of the Amona clashes at every outpost, or "worse".[309]

While some activists continue to indulge in cat-and-mouse games that characterised settler-army relations during the first decades of the settlement enterprise, several on both sides now view the future as a militarised confrontation and plan their strategies accordingly.[310] In times of tension, civilian officials from the Civil Administration – which coordinates army activity in the West Bank and monitors settlement construction – only enter settlements accompanied by a military convoy.[311] Significantly, though, there has yet to be a genuine armed confrontation. Activists appear wary of turning public opinion decisively against themselves. "Most still understand that by using force

[302] "It should be known that anyone who wants to give away Israeli land is like a *rodef*". Rabbi Avigdor Neventzhal quoted by *Haaretz*, 30 June 2004. "According to Torah law, one who has the status of *rodef* can be killed by a member of the community without due process". Crisis Group interview, Shlomo Fisher, a specialist on religious Zionism, Jerusalem, April 2008. Elyakim Levanon, rabbi of Elon Moreh military religious college, signed a rabbinic order stating it "was accurate in principle" to kill Gen. Yair Naveh. *The Jerusalem Post*, 18 January 2007.

[303] A former senior officer in the West Bank alleged religious right activists had tried to intimidate him by planting a hidden camera in his home, campaigning for his dismissal and posting a death threat at his home. Other senior officers and their families, he said, have also received death threats. Crisis Group interview, July 2009. Most recently Central Command chief Maj.-Gen. Gadi Shamni reportedly received a death threat. *Yediot Ahronot*, 4 June 2009. The Ashkenazi chief rabbi responded by issuing a ruling that "there is no halachic, moral or religious permission to use violence, including verbal violence … even if the objective is protecting the Land". *Yediot Ahronot*, 9 June 2009.

[304] At least one national-religious activist also deployed firearms in the Hebron struggle, though against nearby Palestinians, not the security forces.

[305] Settlers reportedly broke a soldier's arm during the dismantling of the Yad Yair outpost. *Haaretz*, 14 September 2008. As noted above, masked settlers clubbed and hospitalised a soldier guarding Palestinian olive farmers near Othniel settlement. *Haaretz*, 23 October 2008. Police arrested two settlers from Havat Gilad outpost who damaged a police vehicle on 8 March 2009 and a female settler who assaulted a soldier while protesting against the demolition of five outposts near Kokhav HaShachar settlement on 26 March 2009. Crisis Group interview, UN official, Jerusalem, March 2009. See also Arutz 7, 26 March 2009.

[306] Internal intelligence chief Yuval Diskin was quoted as saying in a cabinet meeting: "[In the event of outpost removal] the scope of the conflict will be much larger than it is today, and than it was during the [Gaza] disengagement. Our investigation found a very high willingness among this public to use violence – not just stones, but live weapons, in order to prevent or halt a diplomatic process". The Israeli media interpreted his comments as referring to use of force against Israeli political figures as well as Palestinians. *Haaretz*, 3 November 2008.

[307] Retiring Samaria Brigade Commander Colonel Yuval Bazak, interviewed by Ynet, 9 August 2006

[308] Crisis Group interview, Tel Aviv, June 2009.

[309] Crisis Group interview, Tel Aviv, June 2009.

[310] "If the state tells us to leave, some will depart with the soldiers, some will open fire". Crisis Group interview, Bet El settler, Yad Yair, June 2008. "People will almost necessarily be killed, based on the way in which Yesha rabbis are currently leading their students at the outpost. … Their students currently understand that they have the green light to resort to any means in this struggle. Every day that goes by without anyone dying in this struggle is a miracle". Rabbi Yoel Ben Nun, himself a settler and former Gush Emunim activist, writing in *Yediot Ahronot*, 11 June 2009.

[311] Although civil administration employees do not don helmets and bullet-proof vests, it is "factored into our scenarios". Crisis Group interview, IDF officer, Bet El military base, November 2008. "We're waiting for a bullet to hit a soldier". Crisis Group interview, Talia Sasson, author of an Israeli government-commissioned report on settlement outposts, Tel Aviv, November 2008.

they'd be cutting the branch they're sitting on", said an Israeli monitor of settler activity.[312]

VI. THE STATE'S RESPONSE

Until now at least, the government has mostly been reluctant to take strong action against growing religious militancy in the occupied territories. Instead, it has treated the issue within the broader context of its ambiguous policy on settlement expansion, tackling some violent excesses but leaving the institutions and support mechanisms intact. Even within those narrow bounds, law enforcement has been lax.[313] With few exceptions, the defence ministry's steps against illegal West Bank settler construction have been ineffective, largely targeting temporary outposts or structures empty of residents.[314]

Reasons for the state's ambivalence are manifold. In part, it results from its own history of promoting settlement expansion for ideological, territorial and security reasons.[315] The government continues to allocate disproportionate municipal funds to settlements[316] and

[312] Crisis Group interview, Dror Etkes, Jerusalem, December 2008.

[313] Very few of the cases cited in this report resulted in prosecution. The authorities seldom launch investigations proactively, relying instead on Palestinians to allege abuse. The overwhelming majority of files are closed without bringing charges. Crisis Group interview, researcher, Israel human rights monitor, Yesh Din, Jerusalem, September 2008. In response to the violence sparked by the December 2008 House of Contention eviction in Hebron, the authorities charged a Kiryat Arba settler, Zeev Braude, with causing harm, after he was filmed shooting and wounding three Palestinians in Hebron. However, the state attorney's office withdrew the indictment following the defence ministry's legal intervention. Crisis Group interview, Braude's lawyer Ariel Atari, telephone interview, 2 July 2009. See *Haaretz*, 14 June 2009. Four settler girls, aged between fourteen and sixteen, were also arrested and charged with throwing stones at police. They remain under partial house arrest. Crisis Group interview, their lawyer, Naftali Hertzberger, telephone interview, 2 June 2009.

[314] From 2002 to 2008, the authorities evacuated 31 outposts or encampments, of which about half were unpopulated. *Haaretz*, 7 January 2008.

[315] See Crisis Group Middle East Report N°16, *The Israeli-Palestinian Roadmap: What a Settlement Freeze Means and Why it Matters*, 25 July 2003.

[316] The Adva Centre, an Israeli NGO, reported that in 2006, the most recent year for which it has analysed data, settlements received government grants of NIS 1,105 ($248) per capita compared to NIS 370 ($83) inside Israel. Adva noted that the central government funded 53 per cent of construction starts in the settlements compared to 20 per cent inside Israel. "Governmental Preferences in Municipal Financing", 16 November 2008. www.adva.org/UserFiles/File/settlements%202000-2006%20final.pdf. Some ministries continue to classify settlements as preferential areas, entitling them to larger development grants, mortgage support and subsidised land sales. For instance, the agriculture and in-

to allow some settlement growth, particularly in the large settlement blocs abutting the 1967 lines.[317] There also are institutional concerns behind the reluctance to take stronger action against militancy. For a number of Israelis, settlers are the modern incarnation of the early twentieth century Zionist pioneers, who carved out the future state's contours.[318] Many soldiers continue to live in outposts as well as settlements.

Moreover, the defence ministry appears loath to act against law-breakers: military officers warn of the possible detrimental consequences for army discipline and cite the fallout from the few instances of confrontation. As noted, security forces won the battle to demolish nine outpost buildings in Amona in 2006, but the fratricidal violence it unleashed – the number of injuries was higher than at any single settlement during the Gaza disengagement[319] – suggested there was danger in confronting religious opposition. Olmert aides believe it cost him several seats in the 2006 elections two months later.[320] Rocket fire from Gaza and Lebanon in the wake of Israeli withdrawals further weakened the executive's ability and resolve to remove settlers.

Faced with external and in particular U.S. demands, the government is likely to take some action. With a few notable exceptions, until now, it generally has deferred to the courts,[321] and when these ruled in favour of evacuation, has opted for drawn-out negotiations with the Yesha Council to achieve voluntary evacuation of outposts and relocation of their residents to existing settlements.[322] For example, it reached agreement to substantially expand Adam, a settlement east of the separation barrier, in order to accommodate settlers who are housed in Migron's 50 caravans.[323]

Some security officials candidly explain their reluctance to take forceful action in terms of its potential impact on the army. In the words of an army officer, "the less the military involvement in policing activities, the better it is for the Israeli army and broader society. Disengagement was very problematic for relations between the army and society".[324] Although the IDF purportedly coordinates with the Jewish Department of the internal intelligence agency, Shin Bet, to vet conscripts for militant activity,[325] the high ratio of the national-religious in what remains a people's army means that confrontation could split ranks.[326]

In general, commanders have favoured limiting army involvement in outpost evacuations to maintaining an outer security cordon,[327] while delegating responsibil-

dustry ministries classify settlements as preferred Area A, entitling them to tax rebates and exemptions as well as construction grants. See www.tamas.gov.il/NR/exeres/7D03B207-004C-489B-843E-A24F2971152E.htm. Income per settler family reportedly is 10 per cent higher than the Israeli average, even though a third of settlers are ultra-orthodox, elsewhere the poorest Israeli Jewish sector. Unpublished Peace Now report provided to Crisis Group, June 2009.

[317] 'During 2008, 1,518 new structures, including caravans, were built or set up in settlements and outposts, compared to 898 structures in 2007". Peace Now website. Peace Now further claims that 2008 saw an eight-fold increase from 2007 in settlement housing tenders. By the end of its term, the Olmert government had overseen construction of almost 7,000 new housing structures in the occupied territories, including 560 in outposts. See "2008 – the Year in Settlements in Review", Peace Now report, February 2009. In the last weeks of Olmert's tenure, his government expropriated 423 acres adjoining Efrat settlement south of Jerusalem for the construction of 2,500 housing units. Associated Press, 17 February 2009.

[318] "The national psyche finds it difficult to break the back of pioneers walking in the footsteps of the Zionist dream". Crisis Group interview, human rights activist and former national-religious student, Jerusalem, May 2009.

[319] National-religious leaders and government officials each accuse the other of excessive violence. "Amona was a pogrom. 350 children were sent to hospital, and Knesset members had their limbs broken". Crisis Group interview, national-religious journalist, Bet El settlment, May 2008.

[320] Crisis Group interview, official in the prime minister's office, Jerusalem, November 2008.

[321] Four years after Peace Now petitioned the Supreme Court to evacuate a West Bank outpost, the court gave the state four months to present a planned schedule to evacuate its eighteen structures. *The Jerusalem Post*, 13 July 2009.

[322] The government has engaged in four rounds of negotiations with the Yesha Council on voluntary withdrawal from the outposts. Crisis Group interview, army negotiator, Tel Aviv, June 2009.

[323] *Haaretz*, 4 February 2009.

[324] Crisis Group interview, army officer, Bet El military base, November 2008.

[325] Crisis Group interview, reserve army commander, Jerusalem, July 2009. He noted that the army had threatened not to enlist protesters at the time of the Gaza disengagement, but had later realised it could not afford to alienate this population sector. However, some outpost settlers of conscript age claimed that the army had refused to enrol them because of their record of participation in anti-disengagement protests. Crisis Group interview, settler activist, Yad Yair, May 2008. Following a July 2009 presidential pardon for protesters accused of acting violently against soldiers during the Gaza disengagement, "these files will not affect their prospects for military service". Crisis Group interview, former senior military officer, Tel Aviv, July 2009.

[326] Crisis Group interview, former defence ministry official, Herzliya, June 2008.

[327] Crisis Group interviews, Lt. Col. Avital Leibovich, army spokeswoman, Jerusalem, and army reservist involved in scenario planning for outpost evacuation, Tel Aviv, June

ity for removing illegal construction and evacuating residents to the police and Shin Bet, (though these agencies face somewhat similar personnel issues and suffer from limited capacities).[328] Former security officials and analysts speak of substantial obstacles to effective monitoring, including harassment of agents in settlements.[329] Security officers say infiltration compromises operations. "It's very difficult to keep something secret from the settlers. Whatever you plan, they know it first".[330]

Israeli security forces have taken some measures to track and contain the perceived threat posed by militant religious settlers. Crisis Group witnessed police recording ID card details of identifiably religious Jews visiting the Temple Mount/al-Aqsa compound in Jerusalem;[331] security forces have imposed military closures around some outposts during visits by leading U.S. officials; and in the wake of the August 2005 shooting of Israeli Arabs by a national-religious soldier using an army weapon while on leave, the army tightened controls on weapons issue and collection.[332] The army also performs periodic weapons searches and confiscation in settlements.[333] At the same time, a former intelligence officer noted institutional aversion to confront religious activists on this score, fearing it could damage "a process of consensual decommissioning through dialogue with settler leaders and rabbis".[334]

Authorities have sought other, more indirect ways to weaken or marginalise more hardline religious settler activists. The West Bank barrier separates most of the so-called "quality of life" settlers from most of the religious hardliners to its east.[335] The latter complain of tighter curbs on construction and housing shortages for family members.[336]

The violent response of some religious militants to occasional demolition of unauthorised construction in settlements east of the barrier[337] has further widened the rift between the two settler communities, as well as with society at large. Particularly at the end of its tenure, Olmert's government heightened its public denunciations of extremist activity. President Shimon Peres and Olmert both warned of risks of civil war.[338] In its final months, the Olmert cabinet agreed on a multi-agency plan to coordinate future operations against settlement outposts and Jews perpetrating violence and increased available resources (including raising police numbers in the West Bank from 2,500 to 3,000).[339]

2009. Army commanders told Crisis Group that bailiff duties were not a fitting military operation and would be better left to the police. Crisis Group interview, military officer, Beit El settlement, November 2008. That said, a reserve army general noted that by law the IDF is in charge of the West Bank and so is party to planning any operation. Crisis Group interview, Tel Aviv, June 2009.

[328] Crisis Group interview, military officer, Bet El, November 2008. Israel's West Bank police are responsible for 20 per cent of Israeli-controlled territory but receive only 2.5 per cent of the state policing budget. "They only had three patrol cars in the southern West Bank". Crisis Group interview, Yesh Din legal adviser, Jerusalem, June 2008. Police officers say they have recently boosted their forces. Crisis Group interview, police spokesman, Jerusalem, November 2008.

[329] "Intelligence agents and police officers living in settlements are boycotted by their neighbours. It's very difficult for an agent to live in a settlement, in a small community". Crisis Group interview, former senior military official, Herzliya, June 2008.

[330] Crisis Group interview, former military official, Herzliya, June 2008.

[331] Crisis Group observation, Jerusalem, April 2009.

[332] Crisis Group interview, army commander, Bet El settlement, October 2008.

[333] The army reportedly confiscated weapons from settlers suspected of attacks on Palestinians. Associated Press, 13 July 2008.

[334] Crisis Group interview, former intelligence officer, Jerusalem, June 2008. The officer said the violence security personnel used in Amona may have weakened the standing of moderate settlers vis-à-vis dissidents.

[335] Crisis Group interview, military commander formerly operating in the Nablus area, Tel Aviv, December 2008.

[336] Crisis Group interview, Efrat settler, Gush Etzion bloc, October 2008. Although settlers built 1,463 new structures east of the barrier during Olmert's tenure, most were locally assembled caravans. Crisis Group interview, Hagit Ofran, Peace Now settlement watch director, Jerusalem, April 2009.

[337] For instance, hours after the army demolished a caravan and storage container in the ultra-nationalist Yitzhar settlement, religious militants set fire to Palestinian fields and assaulted farmers, and a student at the local Torah college fired a rocket at Burin, a neighbouring Palestinian village. "Settler arrested in failed rocket attack on Palestinian town", Associated Press, 13 July 2008.

[338] *Haaretz*, 20 November 2008. The prime minister said, "I pray and hope that the State of Israel will know how to make difficult and heart-rending decisions without a civil war". *Haaretz*, 4 December 2008. After an attack by Yitzhar settlers on a neighbouring Palestinian village, Olmert told his cabinet: "This phenomenon of taking the law into one's hands, of violent disturbances, of brutality by Jewish elements living in communities in Judea and Samaria … is intolerable and will be dealt with sharply and harshly by the law enforcement authorities of the State of Israel. There will be no pogroms against non-Jewish residents in the State of Israel". Government press statement, 14 September 2008.

[339] Crisis Group interview, police spokesperson, Jerusalem, December 2008. He ascribed the increase, at least in part, to the need to contain settler disturbances.

The plan tested the political and security force resolve at a series of smaller sites which had become flashpoints. It charged the army with maintaining an outer cordon and enforcing a closed military zone; the border police and other riot control forces with evicting activists; the judiciary with prosecuting offenders; and politicians with conducting a media campaign. Drawing on lessons learned from Amona, security forces prepared scenarios for enforcing military closures in order to prevent protesters, some armed, from converging on areas designated for evacuation.[340]

In September 2008, security forces cleared the fledgling Yad Yair outpost – little more than a container on the edge of Ramallah – of its hilltop youth, and in an unusual move briefly detained its spiritual mentor, Rabbi Yigal Shendorfi.[341] As noted, in December 2008 they evicted settlers from Hebron's House of Contention, sparking a showdown with hundreds of religious activists who had converged on the contested site. Security forces forcefully responded to protests and roadblocks elsewhere in both the West Bank and Israel proper, detaining protesters and deploying water cannon, police horses and military jeeps on Jerusalem's streets.[342]

With Netanyahu as prime minister, settlers voiced optimism that such actions would end. As seen, many members of his government are ideologically closer to the settlers and their outlook.[343] National religious groups take succour not only from the return of one of their parties to government but also from the appointment of ministers with whom they have a long history of cooperation.[344] Ultra-orthodox parties such as Shas also are potential allies.[345] Before the Obama administration began its strong push for a comprehensive settlement freeze, a national-religious minister voiced confidence: "This is a government which will favour settlement expansion".[346]

So far, Netanyahu has sought to balance the conflicting demands of his right-wing coalition and the Obama administration. In the 14 June Bar-Ilan speech in which he acquiesced in the concept of a two-state solution, he praised the settlers as pioneers, promised continued construction for natural growth and pointedly made no mention of outposts. Defence officials have reiterated their willingness to remove the remaining 22 outposts they say were constructed after 2001,[347] but action remains pending, and security forces have resorted to the largely token measures of dismantling makeshift shacks. The defence ministry also reportedly authorised construction of hundreds of housing units in Givat HaBrecha, an outpost east of the separation barrier

[340] Crisis Group interview, reserve general, Tel Aviv, June 2009. The failure to do this, he said, was one of the "tactical mistakes at Amona".

[341] Crisis Group interview, Rabbi Yigal Shendorfi, Nachliel settlement, June 2009.

[342] Crisis Group observation, December 2008. In addition, security forces arrested four Bat Ayin settlers, including two soldiers, suspected of opening fire on the neighbouring Safa village. Crisis Group interviews, UN monitor and Bat Ayin settler, May 2009.

[343] In his election manifesto, Netanyahu committed to "safeguard the Jewish people's right over the Land of Israel as an unassailable eternal right, persist in settling and developing all parts of the Land of Israel, and apply State sovereignty over them". www.netanyahu.org.il (in Hebrew).

[344] Crisis Group interview, Temple Institute director Yehuda Glick, Jerusalem, 6 April 2009. Lieberman's party, Yisrael Beiteinu, controls key ministries: internal security, national infrastructure and tourism (which oversees holy sites). Though some religious opponents dismiss Yisrael Beiteinu as secular and despite tensions with religious parties, the dividing line is not so clear. Among the party's parliamentarians is David Rotem, a national-religious politician. "Yisrael Beiteinu is not a secular party, it is traditional but wants the rabbinate brought under state authority. It is not Shinui [an anti-clerical party], it is not anti-religious but state religious". Crisis Group interview, political commentator, Jerusalem, 6 April 2009. As seen, ahead of the elections Shas's spiritual leader characterised a vote for Yisrael Beiteinu as "aiding the devil", a reaction to its call for civil marriages but also an attempt to deter traditionally Shas voters from switching camps. The two parties patched up differences after the elections and were among the first to join Netanyahu's coalition. Speaking after the election, a Shas politician said: "Shas says it's opposed to Avigdor Lieberman entering government, but practically there's no problem. Lieberman's wife and daughter are both religious and his call for civil marriage is only electioneering for the Russian vote". Crisis Group interview, Shas politician, Jerusalem, 11 February 2009. Tellingly, Yisrael Beiteinu also voted against an opposition bill to license civil union between Jews and non-Jews. *The Jerusalem Post*, 10 June 2009.

[345] In a letter to over a thousand demonstrators who gathered at Homesh, a settlement dismantled in September 2005, Shas Chairman and Interior Minister Eli Yishai wrote: "Your courage and determination are commendable. I am certain that we will succeed in rebuilding [Homesh]". *Yediot Ahronot*, 13 May 2009. He has since strongly opposed measures to limit expansion.

[346] Crisis Group interview, Daniel Hershcovitz, Jewish Home chairman and science minister, Jerusalem, 7 April 2009.

[347] Crisis Group interview, reserve army general, Tel Aviv, June 2009. See *Haaretz*, 28 May 2009. Peace Now lists 46 outposts constructed after 2001 and says their population now exceeds 800. Crisis Group interview, Hagit Ofran, Jerusalem, 23 June 2009. Over half of the 23 outposts the defence ministry has earmarked for evacuation are located near Hebron and Nablus and are surrounded by settlements with a reputation for militancy.

near Ramallah.[348] Construction elsewhere continued apace. Israeli officials voiced surprise that Netanyahu's concession (the nod to the two-state solution), while welcomed in Washington, had done nothing to diminish pressure on the settlements front[349] and that the administration dismissed reports of an implicit deal between the Bush team and its Israeli counterparts.[350]

The Israeli government and U.S. administration are in the midst of intense discussions over the definition of a possible settlement freeze or moratorium. The Obama administration has steadfastly maintained its opposition to any settlement construction, natural growth included,[351] and though the shape of an agreement remains unknown, significant Israeli steps (albeit almost certainly less than the comprehensive freeze being demanded) are to be expected.[352] Some government ministers have expressed alarm.[353]

However, some Israeli analysts advocate a more inclusive approach, co-opting religious leaders and seeking their help in dealing with militant groups. They point to several incidents as illustrations: participation by a number of national-religious rabbis in inter-faith dialogue with Palestinians;[354] the efforts of Israel's then-chief rabbi, Eliyahu Bakshi Doron, to quell the furore resulting from Torah students in Hebron posting cartoons insulting the Prophet Mohammed by visiting Hebron's chief mufti;[355] and a Gaza meeting between Rabbi Menachem Fruman, a Faithful Bloc founder, settler rabbi who teaches at a Hebron college, and former

[348] The Defence Ministry deposited its plans in April 2009, although construction is already far advanced. Crisis Group interview, Alon Cohen, architect and West Bank coordinator of Bimkom, an Israeli NGO monitoring planning administration, 2 July 2009. *Haaretz*, 23 June 2009.

[349] Washington "wants to see a stop to settlements – not some settlements, not outposts, not 'natural growth' exceptions.... That is our position. That is what we have communicated very clearly". Secretary of State Hillary Clinton, quoted in *The New York Times*, 27 May 2009. One explanation for the tough U.S. position is that, in contrast to Netanyahu's confrontation with Washington in the late 1990s, the administration enjoys broad congressional backing, particularly on the issue of settlement construction. Crisis Group interviews, members of Congress, Washington, June 2009. Few are prepared to defend Israeli settlement expansion, though some members expressed discomfort at the sight of a public spat with Israel and the apparent lack of reciprocal U.S. pressure on the Palestinian Authority or Arab states.

[350] Crisis Group interviews, U.S. and Israeli officials, June 2009. A U.S. diplomat said that, at one point, an Israeli official remarked that Israel had reached an understanding with Elliot Abrams – the former Bush administration point man on the Middle East. The U.S. diplomat reportedly responded: "Perhaps you have not noticed, but I am not Elliott Abrams". Crisis Group interview, Washington, June 2009. The Obama administration has rejected any suggestion that a deal existed, pointing to the absence of any clear written accord to that effect. "With respect to the conditions regarding understandings between the … former Israeli government and the former government of the United States. … There is no memorialisation of any informal and oral agreements. … The obligations that Israel undertook pursuant to the Roadmap … are very clear". U.S. Secretary of State Hillary Clinton, quoted in *The Jerusalem Post*, 6 June 2009. A joint U.S.-Israel team had been appointed to demarcate boundaries around existing settlements within which construction might be allowed but it never completed its work, reportedly due to Israeli backtracking. Crisis Group interview, former U.S. and Israeli officials, June 2009. For the different sides to the debate, see Elliott Abrams, "Hillary is wrong about the settlements", *Wall Street Journal*, 26 June 2009; Daniel Kurtzer, "The settlement facts", *The Washington Post*, 14 June 2009. A U.S. official said, "privately, we made generous allowances, but Israel didn't follow the guidelines and instead built everywhere". Crisis Group interview, U.S. official, June 2009. An Israeli military officer party to the negotiations endorsed this reading. "Kurtzer was right. Sharon sent [his adviser Dov Weisglass] to stop the American team from coming to demarcate settlement boundaries". Crisis Group interview, Tel Aviv, Israeli reserve general, June 2009.

[351] "Netanyahu's speech is welcome, but he's not off the hook. We understand the internal constraints, but it's not enough. We still have expectations on settlement construction, and we want a swift follow through. Netanyahu is back in the game, but he has yet to serve". Crisis Group interview, U.S. official, 16 June 2009.

[352] For a discussion about the improbability of a comprehensive, airtight freeze and the need to deal with settlements in the context of their evacuation and an overall Israeli-Palestinian deal, see Crisis Group Report, *The Israeli-Palestinian Roadmap*, op. cit. "A close examination of the requirements for implementing an effective settlement freeze reveal a dauntingly complex undertaking. Indeed, it could be argued that the decisions required of the Israeli government are such as to make the call for a freeze either unrealistic – and thus damaging to the credibility of any diplomatic process that incorporates it – or unnecessary, since any government willing to freeze settlements effectively would be prepared to evacuate them". (p 16.)

[353] Daniel Hershkowitz, science minister and Jewish Home party leader, likened the U.S. demand to suspend natural growth in settlements "to Pharaoh's demand that all first-born sons be thrown into the Nile". Interior Minister Eli Yishai dubbed the demand "an expulsion order for [settlement] youths". *Yediot Ahronot*, 31 May 2009.

[354] Yaakov Ariel, a prominent rabbi who ran a Torah college in Yamit, a Sinai settlement, has engaged in such dialogue. "When you don't meet, the enemy is impersonal. When you do, you feel you want to be tolerant and start speaking a different language. You feel there is someone to talk to". Crisis Group interview, Jerusalem, June 2008.

[355] "Pig drawing set off latest Hebron strife", *The Washington Post*, 5 July 1997.

Hamas leader Ahmed Yassin to discuss a ceasefire.[356] Under this view, participation of religious parties such as Shas or Aguda in Israeli-Palestinian deliberations would help legitimise an eventual agreement and soften opposition, however unlikely it is to either reach or affect those most strongly opposed.

VII. CONCLUSION

It would be a mistake to exaggerate the ability of the more extreme religious activists to obstruct progress toward peace, should the Obama administration in particular maintain its forceful approach. Despite threats to jump ship in the event Netanyahu yields to U.S. demands, few religious politicians believe they could secure a more favourable configuration than exists today. Moreover, settler leaders can take little succour from their record of confronting the government: from Yamit to Gush Katif and from Hebron to Amona, they have lost every major clash. Nor do they appear to enjoy deep or widespread support among many Israelis.

But it would be equally short-sighted to downplay or disregard their influence. Entrenched in many West Bank settlements, they benefit from demographic trends: Israel's army is becoming increasingly dependent on their manpower and politicians on their vote.[357] Moreover, a West Bank evacuation would be a task of a very different order of magnitude from the Gaza precedent in both scale and balance of power. Unlike what happened during the Gaza disengagement, national religious activists are convinced that ultra-orthodox Jews would rally to their cause, not least to defend their West Bank possessions. Already, militant religious groups treat every move against their interests as a test of strength. As national-religious groups intended, the struggle for control of a single Hebron house revealed the size of the task ahead. In short, the national-religious appear to have adopted a strategy of continuing the settlement drive with one foot in the establishment and one kicking against it – maximising their leverage by securing their assets, while defying efforts to rein in their growth.

More work is required on peaceful ways to remove the obstacle settlements pose to a two-state solution. A formal and agreed Israeli-Palestinian border demarcation, far more than a heretofore elusive settlement freeze, would advance the process, making clear which settlers could remain in place and which ones could not, thereby resolving the issue of where settlement construction could proceed. An early evacuation compensation package also could help persuade some settlers to leave voluntarily, narrowing the problem to a smaller group. For those who value their attachment

[356] See *Haaretz*, 27 January 2006. "Religion can lead to war and to peace. The two sides of Hamas – the side that brings hatred and the side that inspires peace – are also reflected in me. If you understand Hamas, you understand me". Crisis Group interview, Rabbi Menachem Fruman, Tekoa settlement, May 2008.

[357] "Israel's leaders need to reach a two-state settlement now, because they know that in another three decades ultra-orthodox and national-religious Jews will be a majority". Crisis Group interview, Israel Zeira, head of Rosh Yehudi, an Israeli NGO propagating religious Zionism, Jerusalem, December 2008.

to the land over their attachment to the state, efforts could be made to examine how and under what conditions they might live under Palestinian rule and the extent to which Palestinians might accept them.[358]

Likewise, a clear offer by the Palestinian leadership to guarantee and protect Jewish access to Jewish holy sites under its control could send Israel's religious sectors a positive signal of its vision for post-conflict relations. Finally, foreign actors – the U.S. included – could reach out to religious parties – Shas and Agudat Israel prominent among them – to make them feel a part of the diplomatic process, not mere outsiders.

There remains a security component, of course. The government should apply its laws more consistently, whether regarding settlement and outpost construction in the West Bank or acts of violence and incitement against Palestinians.[359] It should take steps against paramilitary settler groups that have assumed law enforcement responsibility.[360] And there ought to be stricter regulation of army Torah college curriculums as well as of the content of literature brought onto army bases. Finally, security forces should seek to ensure that personnel living in settlements (like personnel inside Israel) are posted to duty away from their homes, so as to reduce the potential for conflicting loyalties.[361]

Jerusalem/Brussels, 20 July 2009

[358] A senior Palestinian negotiator raised this possibility. "I told [U.S. Secretary of State] Condoleezza Rice and [Israeli foreign minister Tzipi] Livni that residents of Maale Adumim or Ariel who would rather stay in their homes could do so under Palestinian rule and law, just like the Israeli Arabs who live among you. They could hold Palestinian and Israeli nationalities. If they want it – welcome. [But] Israeli settlements in the heart of the territories would be a recipe for problems". Palestinian chief negotiator Ahmed Qurei, in *Haaretz*, 26 May 2009. The late Israeli parliamentarian, Rabbi Avraham Ravitz of United Torah Judaism, broached similar proposals.

[359] Torah college heads found guilty of incitement "should lose their financial allocation the next day". Crisis Group interview, former senior defence ministry official, Herzliya, June 2008. He added: "Rabbis are treated very softly. No one interrogates them".

[360] "As the occupying force, the IDF is militarily responsible for protecting the population. It must realise its duty". Crisis Group interview, Yesh Din, legal adviser, an Israeli human rights monitor, Jerusalem, June 2008.

[361] "The West Bank police force should be free of settlers. You can't arrest your neighbour and interrogate him. It creates unfair pressure". Crisis Group interview, former military official, Tel Aviv, June 2008.

APPENDIX A

MAP OF ISRAEL AND WEST BANK/GAZA

Map No. 3584 Rev. 2 UNITED NATIONS
January 2004

Department of Peacekeeping Operations
Cartographic Section

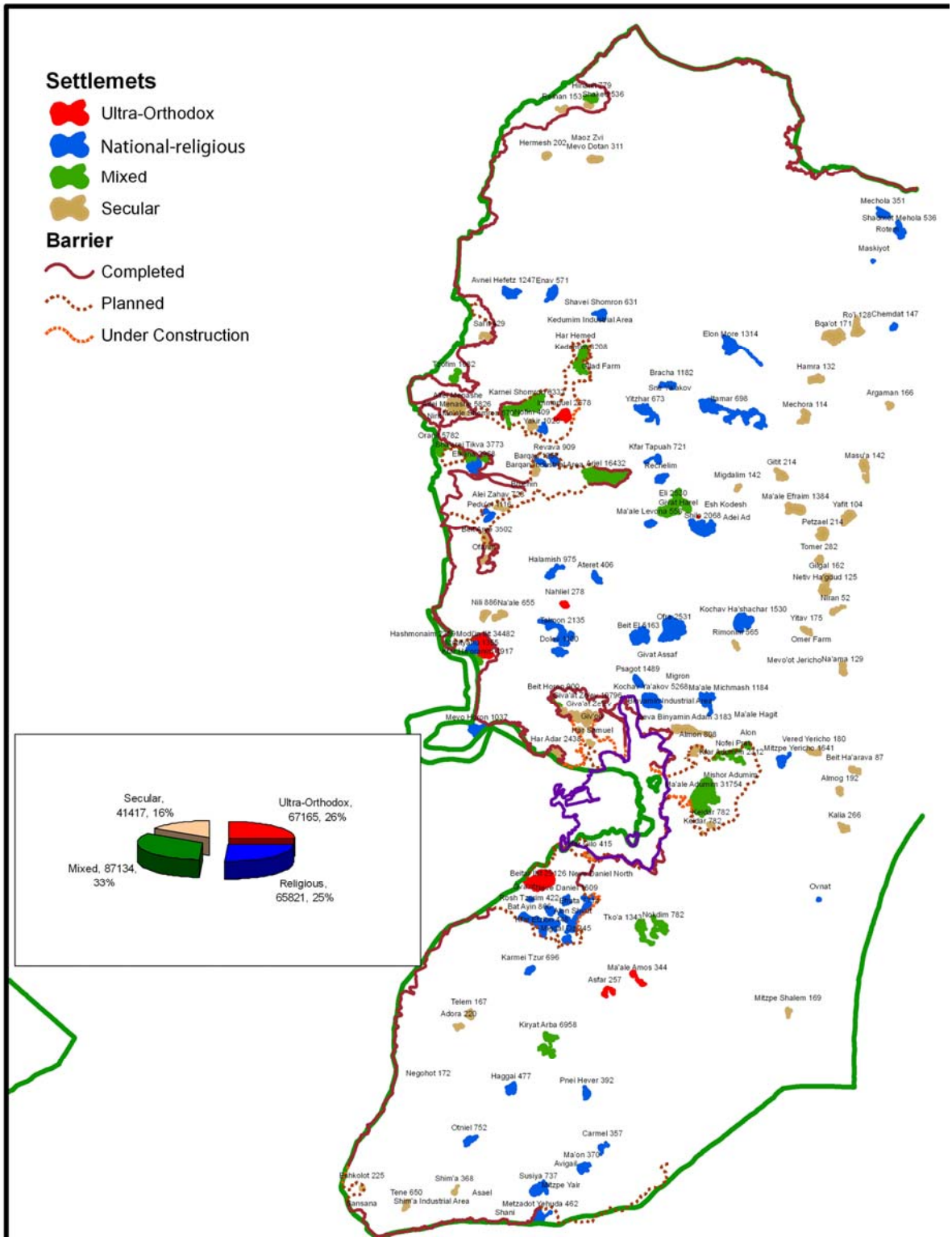
APPENDIX B

MAP OF ISRAELI AND PALESTINIAN SECURITY CONTROL

Map of Israel and the Occupied Territories without the Green Line, showing some settlements and West Bank towns. The shaded areas are Areas A and B of the West Bank, which the 1995 interim accords assigned to partial Palestinian Authority control. Map courtesy of Israeli Tourism Ministry website www.goisrael.com.

APPENDIX C

MAP OF RELIGIOUS COMPOSITION OF SETTLEMENTS



APPENDIX D

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 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 co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in eighteen additional locations (Abuja, Baku, Bangkok, Beirut, Cairo, Colombo, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Ouagadougou, Port-au-Prince, Pretoria, Sarajevo, Seoul and Tehran). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Nigeria, Rwanda, Sierra Leone, Somalia, South Africa, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh, Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, Russia (North Caucasus), Serbia, Turkey and Ukraine; in the Middle East and North Africa, Algeria, Egypt, Gulf States, Iran, Iraq, Israel-Palestine, Lebanon, Morocco, Saudi Arabia, Syria and Yemen; and in Latin America and the Caribbean, Bolivia, Colombia, Ecuador, Guatemala, Haiti and Venezuela.

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Lebanon at a Tripwire, Middle East Briefing N°20, 21 December 2006 (also available in Arabic and Farsi)

After Mecca: Engaging Hamas, Middle East Report N°62, 28 February 2007 (also available in Arabic)

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The Israeli-Palestinian Conflict: Annapolis and After, Middle East Briefing N°22, 20 November 2007 (also available in Arabic)

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Ruling Palestine I: Gaza Under Hamas, Middle East Report N°73, 19 March 2008 (also available in Arabic)

Lebanon: Hizbollah's Weapons Turn Inward, Middle East Briefing N°23, 15 May 2008 (also available in Arabic)

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Gaza's Unfinished Business, Middle East Report N°85, 23 April 2009 (also available in Hebrew)

Lebanon's Elections: Avoiding aNew Cycle of Confrontation, Middle East Report N°87, 4 June 2009 (also available in French)

NORTH AFRICA

Political Transition in Mauritania: Assessment and Horizons, Middle East/North Africa Report N°53, 24 April 2006 (only available in French)

Egypt's Sinai Question, Middle East/North Africa Report N°61, 30 January 2007 (also available in Arabic)

Western Sahara: The Cost of the Conflict, Middle East/North Africa Report N°65, 11 June 2007 (also available in Arabic and French)

Western Sahara: Out of the Impasse, Middle East/North Africa Report N°66, 11 June 2007 (also available in Arabic and French)

Egypt's Muslim Brothers: Confrontation or Integration?, Middle East/North Africa Report N°76, 18 June 2008 (also available in Arabic)

IRAQ/IRAN/GULF

In their Own Words: Reading the Iraqi Insurgency, Middle East Report N°50, 15 February 2006 (also available in Arabic)

Iran: Is There a Way Out of the Nuclear Impasse?, Middle East Report N°51, 23 February 2006 (also available in Arabic)

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U.S.-Iranian Engagement: The View from Tehran, Middle East Briefing N°28, 2 June 2009 (also available in Farsi)

Iraq and the Kurds: Trouble Along the Trigger Line, Middle East Report N°88, 8 July 2009

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