INTRODUCTION

The first Jewish leader and ideologue to use a security argument against the idea of having British mandatory Palestine partitioned between Jews and Arabs was Vladimir Jabotinsky, the leader of Revisionist Zionism. He often wrote and spoke against partition on the grounds that the Jewish people had an exclusive national right to the Land of Israel, where an Arab minority could live in peace, prosperity, and human dignity. He based his opinions on a comprehensive ideology, rooted in history, a relative concept of justice, and the existential needs of East European Jews, who, according to his political assessment, had to evacuate that area of the world quickly. The latter argument had an instrumentalist nature: in order to absorb mass immigration, the territory on both sides of the Jordan was needed. Such an argument also reflected geopolitical considerations of the times, but there is no textual evidence that Jabotinsky was aware of this. He also wrote poems on the subject of the “Whole Land of Israel,” as he understood it—one country, on both sides of the Jordan River. A very famous poem of his, entitled “The Left Bank of the Jordan,” has been sung by members of the Betar youth movement ever since:

Poor and small as my country may be
Mine it is, from head to end,
Outstretching from desert to sea—
With the Jordan at midland.

Two banks the Jordan has,
This is ours, that as well.
Such an expressive approach speaks for itself and needs no instrumentalist strengthening. The claim was based on an unconditional conviction, self-evident in the eyes of its supporters. Despite all this, in a memorandum to the British Parliament in 1937 and in a lecture to a group of members of the House of Commons, he criticized very sharply the Peel Commission partition proposal, using instrumentalist arguments as well. He emphasized that, if the country were partitioned, the very existence of Jewish settlements would be questionable, since all of them would be within Arab artillery range.

As shown in this article, the argument itself underwent no change over the years, and, until the territorial debates prior to the 1967 Six-Day War, it was hardly used. As a result of the status quo post bellum following the Six-Day War, a concept of national security was developed to defend the new status quo on grounds of security. Gradually two processes took place with regard to the development of the ideological reasoning. On one hand, fundamental argumentation became more and more infrequent in the writings of political leaders and ideologues of the Greater Land of Israel movement. The security argument, which at first had been complementary to the expressive argument, gradually became the major and most frequent rationale of the policy derived from the ideology—not to relinquish any of the patrimony. On the other hand, the concept of national security was transformed into a concept of personal security. The danger that should be prevented was, between the 1967 Six-Day war and the 1973 Yom Kippur War, a total war, and the argument was that, by holding all the territories occupied by Israel in 1967, the danger of war would be eliminated. In order to avoid cognitive dissonance when that prophecy failed in 1973, the argument underwent a transformation, and terrorism was conceived as the main danger to the personal security of every man and woman. The security argument is that, if the territory were to be relinquished, there would be no personal security for anyone and, thus, holding the territories is necessary for personal security.

This article shows that the transformation of the security argument has been crucial. One indirect result of this transformation was its significant part in preparing the background to the assassination of Prime Minister Yitzhak Rabin. A concept of personal, rather than national, security was an ultimate condition, a causa sine qua non, to the development of the concept of “rodef”—the Halakhic framework that legitimized the murder of Rabin as a religious obligation.
THE RHETORIC OF SECURITY

During discussions in the HaKibbutz HaMe’uchad movement shortly after the Six-Day War (1967), the security argument was used for the first time as a means of lobbying against a territorial compromise. The claim was made that, for propaganda needs, it would be persuasive to present the demand to maintain control over the Greater Land of Israel if it were presented as a matter of security rather than ideology.¹

This argument was based on an instrumentalist ethos⁶ and a rationalistic self-image. The establishment of the former led to a search for a convincing rational argument that would determine once and for all the question of what should be done with the territories and their inhabitants. Even those who are attracted to the Greater Land of Israel ideology for “expressive” reasons may feel a need to rationalize their position—either in order to take part in the debate and convince others, or for reasons of self-image. Ideological, theological, philosophical, or psychological arguments cannot meet the need for a rational argument, nor do they convince those who are not swayed by such considerations. Thus the advocates of the Greater Land of Israel developed a series of claims, either of an analytical nature (“it is impossible to change the status quo”), or of a normative nature (“we must not change the status quo”), which were intended to negate the very possibility of changing the new status quo.

This is the framework in which the security argument for holding the territories forever was developed. From the very beginning, its function was persuasive more than strategic. The main goal of this kind of argumentation has always been to satisfy the need for rational policy-making by demonstrating that the sources and targets of that policy are rooted in realistic concepts and not in ambiguous theological ideas. The background for the security argument was the belief that Israelis would more easily be persuaded if the “Greater Israel” perspective were to be presented to them as the only strategic response to the constraints of reality that could be reached using rational tools.

One of the most prominent exponents of the security debate regarding the territories is Ariel Sharon. A former general in the IDF and a national hero, Mr. Sharon served in several governments in high posts, among them Minister of Foreign Affairs and Minister of Defense. In an interview to mark Israel’s 50th anniversary Sharon spoke, inter alia, of the various arguments used to justify continued Israeli control over the West Bank (Judea and Samaria). He also spoke of the settlement policy, of which he himself was a
central political player in shaping. “The first motive,” Sharon stated, “was historical”—not security-related. Sharon admits that he, along with others, was mistaken in presenting the motive as a matter of security. While there is no substitute for the “problem of minimum territorial depth,” the security argument will inevitably be relative and temporary, since it is based on potential alternatives for achieving a given goal. The “historical interest,” by contrast, “is stronger than anything else”:

The magnet of attraction to the Land of Israel are the Bible stories . . . it is all a matter of history. The Tomb of the Patriarchs. What other people has a memorial site that is almost 4,000 years old, where our forebears, Abraham, Sarah, Isaac, Rebecca, Jacob and Leah are buried? . . . We look at sites that are thousands of years old. This dimension gives us strength and a sense of justice. I admit that I also bear some of the blame for not emphasizing over all these years that this is the real issue of prime importance, and that the security dimension should [only] be associated with this issue."

These comments speak for themselves. Sharon’s settlement policy was founded, not on security considerations, but on a political theology that sees the Bible stories as a description of actual historical events; these stories are then secularized to provide the foundation for political consciousness. Thus, the use of security considerations is manipulative. That is not policy reasoning, but rather rhetoric—presenting policy as if it were based on a realistic, instrumentalist approach.

On these grounds, the security-based argument in favor of the Greater Land of Israel developed from one on the level of national security to one on the level of individual security. This reflects not only the fact that individual security needs are basic, and may therefore be more readily invoked as a tool of persuasion, but also the declining threat of all-out war and the rising role of terrorism against the backdrop of the development of the peace process.

Dialectically, the security debate led to a process whereby “the means swallows the ends.” The same rhetoric that was intended to legitimize a fundamental position, has led to the reduction of policy-reasoning to that very dimension that lends itself to instrumentalist argumentation, and the “inner morality” of the argument is thereby overlooked. The fundamental position thus loses coherence and, in turn, creates the possibility of a retreat from the unconditional commitment to this position. Rabbi Moshe Levin-ger, one of the founders of the settlement movement in the territories, wrote in 1982 (the year when the settlement of Yamit in Sinai was vacated) that, while “the security argument is very convenient in explaining our
position,” it was a double-edged sword, since it sidestepped the “true argument.”

The Land of Israel is not an overnight refuge or a security prop. It is immutably associated with the moral and eternal destiny of the People of Israel.\cite{12}

The fundamental position that emerges from these comments is an antithesis to the central stream of Zionism, since it negates the security function and describes it as a mere “overnight refuge or security prop.” Daniel Shalit, one of the leading ideologues of the second generation of “religious” settlers, continued Levinger’s approach, drawing on the writings of Rabbi Abraham Yitzhak Kook\cite{13} to present a three-part system in which each of the components represents a partial identity: the right-wing have adopted “the heroism of David and Judah” without “their complete spiritual world”; the left-wing have taken the human and moral dimension alone; and the ultra-Orthodox seek to “live solely on the religious plane, according to the pattern developed in Exile.” These partial identities are doomed to failure. “We have no choice other than a complete identity.”\cite{14} The stance on the Greater Land of Israel should be defined from this completeness: beyond the “physical” argument; i.e., that beyond relating to security, lies a moral argument, and beyond that lies a religious argument. The religious dimension is superior to the moral and human dimension, and thus “we have a Kulturkampf.”\cite{15}

Some ten years after the publication of Levinger’s article, and shortly before the negotiations in Oslo became public knowledge, Hagai Segal, one of the members of the extremist settler terrorist group imprisoned in the early 1980s, strongly criticized the emphasis on the security argument in the debate about the Greater Land of Israel. He reminded his readers that, in fact, “the national camp” was opposed to any negotiations with “Ishmaelite” over the future of the sacred patrimony.\cite{16}

Upon the signing of the Oslo Accords, Rabbi Yehuda Amittal, the head of the Alon Shvut Yeshiva and a leading ideologue, criticized ironically “rabbis who speak of security dangers.”\cite{17} He referred to some prominent figures in the rabbinical world and to their line of thought that purported to vindicate the analysis of security problems by rabbis based on identification of national security with individual security. Rabbi Avraham Shapira, a former chief rabbi and a spiritual leader of the National Religious Party, established categorically that a withdrawal on the part of the security forces “increases the danger to human life.” While he acknowledged that “there are also . . . murders at present, their scope is small and restricted, just as in
many countries there are bands of robbers and murderers.” If Israeli control of the territories were to be relinquished, however, “it will be replaced by an organized regime of murderers, and anarchy will reign.”

Rabbi Shapira analyzed the assessment of the situation in Halakhic terms and concluded that, given the doubt as to whether concessions would save lives or jeopardize lives, no part of the Land of Israel should be ceded. Moreover, “there is concern that [the concession] might actually endanger life.” Apparently he based his position on an instrumentalist approach employing rational logic. An examination of his writings and rulings, however, reveals that, even if a solution were found that removed the concerns he raised regarding individual security, this would not legitimize any partition of the Land of Israel. According to Rabbi Shapira the only case in which withdrawal would be permissible would be if military experts believed that a particular area could not be defended, and that, even after soldiers had died defending it, it would still have to be vacated. As a general rule, however, “there is an absolute obligation to prevent the creation of a new Exile, an Exile of Judea, Samaria, and the Golan.” This unequivocal opinion was stated in a letter of acclamation that he wrote to Eliav Shochetman, a former yeshiva student of his and currently a professor of law at the Hebrew University, who very strongly defended the “faithful” opinion; i.e., that not even an inch of the sacred patrimony should ever be relinquished. In this letter, Rabbi Shapira expressed some of his fundamental beliefs. There was no place for instrumentality in his approach, since it was a “Torah opinion.” He stated that: “Torah obligations or prohibitions are supreme obligations that bind all Jews above other obligations”; and “in Halakhic terms, no one is authorized to relinquish any of the Jewish sacred elements: no part of the Torah, and no part of the Land of Israel.” The “inner morality” of this degree of fundamentalism leaves no room for an alternative approach. The political position is sacred, unconditional, and absolute, and so are the duties derived from it. This is not a matter of security-oriented policy-reasoning. Rather, it is rhetoric aimed at effective persuasion toward a policy whose real basis is elsewhere.

THE DEVELOPMENT OF THE SECURITY ARGUMENT

Yitzhak Tabenkin, ideological leader of the HaKibbutz HaMe’uchad movement and the Achdut Ha’Avoda [Unity of Labor] section within the Labor Party, was a leading opponent of the partition of the Land of Israel as early as the 1930s. After the Six-Day War, he based his arguments against any
territorial relinquishment on security considerations. He presented the Greater Land of Israel as the preferred mechanism for maintaining national security, since the Arabs intended to destroy Israel just as the Nazis had aimed to annihilate the Jews. The way to thwart this danger, according to Tabenkin, was to establish settlements in all those territories captured by Israel during the war. The defeat of the Arabs in the war did not remove the threat that “feeds on the shame of defeat”; accordingly, he declared, if “the military victory is not consolidated through settlement,” a further war might be expected within a decade. That war would be even more dangerous due to the development of military technology and due to the fact that “the defeat increased both the Arabs’ hatred and their experience.”

In order to prevent such a dangerous war, Tabenkin suggested mass Jewish immigration and rapid settlement of the whole country. That “will secure the state, including the Arab minority that lives within its borders.”

In his eyes, an intense settlement policy was the guarantee against a second Holocaust, and the danger of a second Holocaust also provided the ultimate justification for settlement.

There was a tendency in the Greater Land of Israel movement to see the War of Attrition (1969–1970) and the increasing acts of terrorism during this period as a direct continuation of Hitler’s policy of annihilating the Jews. This was expressed overtly in an editorial in the movement’s journal following the murder of the Jewish athletes at the 1972 Munich Olympics. The terrorist outrage was seen as a “neo-Hitlerian attack,” yet the Jewish people and the State of Israel had the power to “smash the Arab Nazi forces” if only the Jews could steer clear of the “feeble-mindedness” that stems from “illusions” about the prospects of peace. “Wherever the Jews settle, terror will be eliminated,” the author of the editorial stated categorically. Thus, on one hand, the Arabs are the reincarnation of Hitler, and, on the other hand, the Jewish people can overcome them if only they resist the “illusions” of peace. The threat is total, directed not only against Israel but also against the entire Jewish people. Yet the establishment of settlements will be sufficient to prevent it. Terror will be eliminated through settlements, thus leading to the demise of “neo-Hitlerianism.”

As long as he was a member of the government of national unity (1967–1970), Menachem Begin never publicly raised the security argument that combined instrumentalist and fundamentalist considerations in his formula that “the Jewish people’s right to the Land of Israel . . . includes its right to security and peace.” This formula notwithstanding, Begin did not detail the components of this security and peace. The context of his comments
shows that the thrust behind them was to negate a peace settlement based on the partition of the Land of Israel. In the context of his profoundly expressive arguments, Begin also declared that security and peace would be promoted by maintaining the new territorial status quo. Only after resigning from the Government of National Unity (in August 1970) did Begin express his security arguments as he explained his resignation from the government. The partition of the Land of Israel through territorial compromise with Jordan would bring in “Al-Fatah” in the wake of the Jordanians; and Fatah has Katyusha rockets capable of striking almost every town in Israel. Begin gave the Knesset a detailed inventory of these rockets and their ranges (up to 21.9 kilometers), together with a list of 16 cities and towns within that range. Given the technical possibility, he said, there would be no doubt that Fatah would attack these towns by rockets. He named all these towns and asked: “What would we do then? What would we do?” His answer was that we would return fire on the source of the attacks, and this would probably lead to “a war of destruction and bloodshed of a cruelty unprecedented in human history.” He foresaw that Israeli cities would become ghost towns, and this would be also the fate of “Arab populated cities of Judea and Samaria.”

This speech was reminiscent of Jabotinsky’s appeal to British parliamentarians in 1937. Begin developed it by identifying, in deterministic fashion, the possible with the actual. His calamity scenario was based on the assumption that, if the Palestinians had a technical capacity to attack the cities of Israel, they would indeed do so, leading to the most cruel war in human history. Personal memories and historical lessons of the Second World war and the Holocaust were central in Begin’s mind and directed his policies. Unlike Tabenkin, Begin distinguished between a war and a Holocaust. The “war of destruction and bloodshed” which he predicted was not seen as a return of the Holocaust—something prevented by the establishment of Israel and the might of the IDF. Rather it would be a repeat of the war in Europe; i.e., a total, cruel war entailing terrible bloodshed, which would occur due to the deterministic nature of the realization of the enemy’s assault potential. An instrumentalist approach to resolving the problem presented by the capacity of the threat against Israel might have led Begin to advocate a strictly-enforced disarmament agreement along the lines to which he himself would later agree with the Egyptians in Sinai. His opposition to this or any similar arrangement in the West Bank and Gaza Strip reveals the fact that he had other reasons, above and beyond national security policy reasoning, which directed him in shaping his position.
The Non-Party Public Committee for Preventing Withdrawal repeated the same technological determinism. The committee included Knesset members from all Zionist parties, as well as representatives of the Movement for the Greater Land of Israel. The purpose of the committee was to provide broad-based legitimacy for opposition to a withdrawal. The committee explained its activity as “out of concern” for the future and “for the security and well-being of the nation,” and urged the public “to participate in the fateful political struggle” on the basis of the combined arguments of the Jewish right to the Land of Israel and its right to security:

If, God forbid, the areas of Judea and Samaria are transferred to alien rule, inevitably leading to the arrival and attacks of Fatah murderers and their like, every city in Israel will lie within the lethal range of the Katyusha rockets.”

The statement named the towns that would “inevitably” be targets to rocket assaults, and, apparently, it presented an ostensibly instrumentalist argument. However, all the signatories of this statement were members of bodies that had already expressed fundamental opinions against any territorial relinquishment. According to the speeches and writings of Begin, Tabenkin, Katz, Moshe Shamir, and their colleagues, the status quo post bellum was transmuted. The very concept of the integrality of the patrimony prohibited a “territories for peace” trade-off. Any potential solution to the security problem, which presumed a territorial change, could not be seriously considered.

Beyond this general observation, we have to understand the function of Begin’s technological determinism, as expressed in his Knesset speech and in the Committee’s statement. On the deeper level—presuming that, if an enemy could use a weapons system, he would have used it—this approach prevents the development of an instrumentalist approach, since it rules out the very possibility that reality might be influenced by political agreements. If changing the territorial status quo would inevitably and immutably lead to a war of unparalleled cruelty, there can be no alternative but to maintain the status quo, regardless of the content of any political arrangement. It hardly needs to be pointed out, however, that, during his period in office as Prime Minister, Begin based his policy on very different assumptions. The demilitarization of Sinai and the withdrawal in Judea and Samaria to “specified security locations,” as undertaken in the Camp David accords, reflect a non-deterministic instrumentalist approach, which distinguishes between potential and actual events, and also establishes arrangements and institutions aimed at restricting potential risks.
Begin’s son, Ze’ev Binyamin Begin—known in Israel as “Benny” Begin—continues to develop his father’s mode of argumentation. According to his analysis, the control of the West Bank is the only effective response, indeed the only response at all, to the threat of ground-to-ground missiles. “Given the possibility of a surprise attack” on Israel by the Arabs, which would impair the ability to recruit reserve troops through missile attacks on population centers, Z.B. Begin concludes that “the vital nature of territory increases immeasurably.” However, young Begin is completely unwilling to consider territorial changes, even if all his security demands were to be met. Even if all the national and individual problems are solved, he asserts, there will still be no “moral and logical alternative” to this “natural and historical right.” The “inner morality” of his position is that the entirety of the Land of Israel is a value that cannot be transmuted by other values.

The rhetoric of security that developed after the Six-Day War presented Israeli control of the territories administered by the IDF as a defense against a renewed Arab attack. Alongside the emergence of the “secure borders” doctrine that guided the government, the advocates of the Greater Land of Israel came to claim that Israeli control of Sharm el-Sheikh and the Suez Canal, Mount Hermon, and the Golan Heights, as well as the Jordan valley and the central mountain range constituted a complete neutralization of the military threat to Israel and a reality of peace. Issar Harel, former head of the Mossad and the security service and later a member of the Knesset, summarized this position succinctly:

Against the thesis that peace may be obtained in return for the territories, one must present an antithesis: it is precisely within these new borders and in the new situation created in these territories, as we fortify ourselves in these areas and stand by them without flinching, that the prospects for peace lie.

The Movement for the Greater Land of Israel published a statement in this spirit arguing that negotiations toward territorial compromise would damage the prospects for peace, whereas settling the territories would bring peace nearer. Smaller right-wing groups made the same claims. The Movement for the Greater Land of Israel drew a distinction between peace treaties and peace; Eliezer Livneh even took pains to explain that peace treaties may sometimes actually bring war closer. Until the Yom Kippur War (1973), some of the advocates of the Greater Land of Israel continued to argue that maintaining control of the territories would deterministically lead to peace, while a partition would lead to perpetual and bloody war. When public attention focused on Defense Minister Moshe Dayan’s initia-
tive to reach a partial agreement with Egypt entailing an Israeli withdrawal from the Suez Canal, the movement’s publication mocked American diplomats who claimed that the alternative to an interim arrangement was war: “Any withdrawal from the Canal will lead to war,” the editor claimed. Any territorial compromise in Sinai, wrote Binyamin Oppenheimer (a professor of Bible studies) presented a “mortal danger” to Israel, bringing the war “right up to our homes, when the Soviets establish their missile systems right near Ashkelon.” He had no doubt that any territorial compromise in Sinai would “end within a few days with the redeployment of the Egyptian armored corps in its former positions, ahead of a third attempt to attack and destroy Israel.” Such a move would be like “handing the dagger back to the murderer so that he can try his luck for a third time.” Based on this perspective, the Council of the Movement warned the Israeli government that “a withdrawal from the Canal would endanger the security of the State of Israel.” Shmuel Katz explained the rationale behind this strategic assessment: there was now “a de facto state of peace, no danger of war, and no threat of war on the front between us and the Egyptians.” Eliezer Livneh made a similar point: “There is currently peace in the Land of Israel; for decades we have not known such a peace.” One year later the Yom Kippur War erupted.

Following the Yom Kippur War, when it became evident that holding the territories did not prevent war, two cumulative arguments were offered. The first was that a further war with the Arabs was inevitable; accordingly, strategic considerations made it essential that Israel maintain control of the territories. The second was that had more settlements been established before the war, it might have been avoided. Moreover, in the political discourse of the 1970s, refraining from settling the territories was presented as an affront to Israeli independence, since the US was pressuring Israel not to settle the territories; accordingly, even those who did not advocate the integrality of the Land of Israel should support the settlements in order to maintain our national independence.

The activities of Gush Emunim placed the settlements at the heart of the debate over the future of the territories and political agreements. Assuming that settlements would establish the borders of Israel by “creating facts on the ground,” along the lines of the policy of the Yishuv during the pre-state period, Gush Emunim moved from theory to practice. They began “campaigns” to seize land and launch attempted settlements. By the time Begin’s government came into office (1977) the settlements were already a focus of dissent among the Israeli public. The initial response of the Movement for the Greater Land of Israel to the Likud victory in the
elections to the Ninth Knesset was to predict a new era of “rapid settlement of the Land of Israel from the Suez Canal and the Red Sea to Mount Hermon and the Jordan River.”45 Alongside the classic argument of Israel’s right to settle any part of the Land, the Begin government also developed the argument of the security importance of settlements: “Settlement of the Land of Israel is a right and an integral part of the nation’s security.”46 It was the new government, not the security establishment that decided on the security value of the settlements. Ideology was the basis for the new policy, a classic example of the differentiation between “metaphoric” and “calculating” policy-reasoning.47

A political decision on the security value of the settlements was taken by the government in the Elon Moreh case (a settlement in Samaria that symbolized the ideology and tactics of Gush Emunim. The Labor governments in the 1970s refused to settle the Elon Moreh group. They tried several times to place themselves somewhere in Samaria, but had to evacuate time and again. When Begin was elected in 1977, he promised that there would be “plenty of Elon Morehs.” In order to establish the settlement on a mountain near Nablus, the military governor had to confiscate a piece of cultivated Palestinian land for road construction. From a legal point of view, only on the ground of security needs could such a confiscation be justified. The government decided that there were such needs, despite the position of Defense Minister Ezer Weizman and Deputy Prime Minister Yigael Yadin, a former Chief of the General Staff. Following the decision, the IDF confiscated private land in the area intended for the establishment of Elon Moreh. The landowners petitioned the Supreme Court.48 During the hearings, Chief-of-Staff General Raphael Eitan confirmed that it was the Ministerial Committee for Defense that initiated the establishment of Elon Moreh on that hill. The IDF had not prepared any plan of its own to establish the settlement, although General Eitan believed that its establish-
ment was of security value. Moreover, an affidavit submitted by the settlers themselves openly stated that they went there since “we have been commanded to inherit the Land” given by God to Abraham, Isaac and Jacob. They did not agree with the rhetoric of the government:

   The settlement . . . is not due to security reasons or physical needs, but is based on the force of destiny and the return of the People of Israel to its Land . . . the security argument . . . neither adds to nor detracts from this.

   The Supreme Court annulled the confiscation orders and forbade the government to establish the settlement on the chosen site. This case clarified the limits of the efficacy of the security argument as policy reasoning and shows its rhetorical nature. As stated in the settlers’ affidavit, they were not motivated by an instrumentalist reason. The establishment of Elon Moreh was never meant to achieve any external goal, be it security or anything else. Rather, it was the settling down itself, the inheritance of the sacred land, that they felt they were obliged to commit, because this was a divine commandment. Security or other instrumentalist reasons did not reflect the real meaning of their position, or that of the government. Had the government really based its policy on security-related reasons, it would not have referred to Elon Moreh as a permanent settlement. The legal basis of a settlement depends on it temporality: there would be no legal justification for any confiscation of private lands if the army withdrew from that area.

   As a result of the Supreme Court verdict, the government had to change its settlement policy and refrain from confiscation of Palestinian private lands. Thus the rhetoric of security led to an ideological failure, since it was the Supreme Court of Israel that decided that it is essential for a settlement to be temporary.
PERSONAL SECURITY AND THE ASSASSINATION OF YITZHAK RABIN

The advocates of the Greater Land of Israel were, of course, utterly opposed to the agreement reached between the Israeli government and the PLO leadership in September 1993, since it called for the partition of the Land between the two peoples that now politically recognized each other. However, the arguments raised by the opponents of the agreement were based, not on ideological considerations, but on security. They warned of the security dangers inherent in the agreement, sometimes in terms of national security, but more often in the realm of individual security. Analogies with the Nazis were rife. The agreement with the PLO was likened to the Munich Accord, when Czechoslovakia—under pressure from Britain and France—yielded to Hitler’s demand to cede areas of strategic value. This concession did not prevent the looming world war. Thus, this compromise was seen as comparable to Israeli concessions to the Palestinians in an equation in which the PLO played the role of the Nazis, Arafat was Hitler, and Israel was Czechoslovakia, and would thus face the fate Czechoslovakia suffered in the Second World War.49

This historical analogy ignores the element of capability—an essential part of any meaningful situation evaluation. An accurate analysis of the balance of power is needed prior to any conclusion about its consequences. Without such an analysis, the historical analogy is groundless, and no basis in reality can be supplied to the speculation that the Israeli-Palestinian, or even the Israeli-Arab balance in the 1990s is parallel to the one that existed between Czechoslovakia and Nazi Germany in the late 1930s. Moreover, the assumption that the holding of the territories in question is a safeguard from the strategic superiority of Israel’s enemies and that trading the territories for peace will inevitably lead to a destruction is dubious. However, it is not the logical validity or the factual accuracy of a claim that establishes its persuasive function. “Rhetorical thought is neither logical nor illogical; it is psychological.”50 Those who drew this analogy warned against ignoring what they saw as the lesson of the Munich Agreement: territorial concessions by a democratic state to undemocratic elements is perceived as weakness, leading to further pressure and an inevitable bloody war in the end. This argument is a manifestation of persuasion by a grand narrative, and “most histories show that any philosophy can be appropriated for any politics, given the right rhetorical circumstances.”51

The instrumental rhetoric of the secular right-wing soon began to
move beyond the arguments that had been previously used by them. During the two years between the signing of the agreement and the assassination of Rabin, the tone of public debate became increasingly extreme and was accompanied by a clear element of delegitimization. The Accords were presented as a criminal offense and it was declared that one day the “criminals of peace” would be brought to justice for their crimes; this claim accompanied the description of the agreement and its implementation as impending destruction. Yet despite the ideological polarization, the use of hate-mongering symbols, and increasingly fierce propaganda, which culminated in comparisons of Prime Minister and Defense Minister Rabin to criminals sentenced to death or to executed despots—Netanyahu compared Rabin to Ceausescu, Eitan compared him to Quisling, Sharon and Zeevi compared him to Petain, and Sharon compared the Rabin government to the British Mandatory government55—there is no evidence of any illegal organization or discussion of the possibility of using violence in order to thwart the implementation of government policy.

The developments within the religious right-wing were different.

A few weeks after the agreement was signed between Israel and the PLO, the Union of Rabbis for the People of Israel and the Land of Israel convened a large group of rabbis in Jerusalem in order to examine what the “Torah opinion” was of the new political situation. From the standpoint of the supporters of the Greater Land of Israel in general, and the settlers in particular, the new situation was perceived as a disaster that might transform their life’s work into a fleeting dream. The decisions of this conference were published officially in the Declaration of the Rabbis of Judea, Samaria and Gaza,53 which, by this stage, had already become the official and binding organ of the settlers’ rabbis.54 The Declaration opens with a highly expressive statement concerning the right to the Land based on Divine intervention in
history; however, the normative section of the statement, which approaches the status of a Halakhic ruling, is based on an instrumentalist rationalization of their fundamentalist approach:

B. According to the Torah, it is forbidden to transfer parts of the Land of Israel in our possession to non-Jews. This also applies to Jews outside Israel, insofar as the Land of Israel belongs to all the generations of the entire Jewish people.

C. Any decision to concede parts of the Land is devoid of authority and contradictory to Jewish belief and tradition throughout the generations. It will not be accepted by the nation and one must act to ensure that it is nullified as if it had never been.

D. The agreement with the PLO is liable to create a real danger to life, not only for those who live in Judea, Samaria, Gaza, the Golan and the Jordan Valley, but for all the inhabitants of the Land. The lawful transfer of weapons to an Arab police force recruited from among the terrorist organizations and murderers will present a mortal danger to the entire people.

Accordingly anyone who fails to prevent the implementation of the “agreement” transgresses against the negative commandment: “Neither shalt thou stand aside from the blood of thy neighbor” (Leviticus, 19:16b).

Ostensibly these sections do no more than reflect the national-religious consensus consolidated since the Six Day War: the theological opposition to trading territories for peace. However, the rabbis’ ruling does not confine itself to a passive analysis. Rather, it also imposes an active obligation phrased in both positive and negative terms: “One must act” to ensure that “any decision” relating to territorial compromise is nullified, and “any person who is slack in preventing the implementation of the agreement” transgresses against a negative commandment. The positive formulation raises no particular difficulties; but what is that “slackness” in “preventing the implementation” of the agreement, concerning which the rabbis warn that the person so behaving transgresses against a negative commandment in the Torah – and moreover one of those to which Maimonides referred in noting that “these ‘no’s’ are grave, since any who causes a Jewish life to be lost is considered as one who has caused an entire world to be lost”?

In order to understand the significance of this reading, we must return to its Talmudic source:
Our rabbis taught: How do we know that if one man is pursuing his fellow to kill him, it is permissible to attack him to save the other? Because the Torah says: “Neither shalt thou stand aside from the blood of thy neighbor.”

This is the Talmudic origin of din rodef [the Law of the Pursuer], a law based on the extension of the social responsibility of each individual member of society to create an obligation to act and concomitant legal protection. A person who injures a “pursuer” in order to save the pursued person does not face legal liability for his actions. In other words, even at this early stage of the opposition to the Oslo Accords, din rodef was already mentioned—albeit indirectly and by allusion—as the source of the demand to thwart implementation of the agreement. This is the meaning of blaming a person who “was slack” in preventing the implementation as a transgress against an express negative commandment of the Torah—a commandment so grave that Maimonides stated that the transgressor’s offense was tantamount to destroying the entire world. The substantive and associative context of these comments creates the clear impression that implementation of the agreement, and particularly the delivery of weapons to the “Arab police,” was tantamount to the establishment of the Halakhic relations of “pursuer” and “pursued.” It thus follows that the pursued must be rescued, even at the cost of the life of the pursuer. Who is the pursuer, however? In this early statement the rabbis did not state toward whom their Halakhic opinion was addressed, whether it related solely to the “Arab police,” or referred also to those who would give weapons to these police; i.e., the Prime Minister and his cabinet. The hidden message was ambiguous.

From this point on, and through to the assassination of Rabin, right-wing rabbis engaged in a clarification of din rodef and its possible ramifications relating to the Prime Minister. The very act of raising the question, even if on a principled Halakhic level, of whether this law applied to the actions of the Israeli government and its head is a direct result of the security argument against the Oslo Accords. The familiar expressive argument concerning the exclusivity of the Jewish right to the Land and the prohibition against giving any of the Land of Israel to non-Jews would probably not by itself have raised questions about the legitimacy of acts of violence intended to prevent implementation of the agreement. Only by placing the question of pikuach nefesh [mortal danger] at the center of opposition to the agreement was the foundation laid for a calm Halakhic discussion of whether it was permissible, or perhaps even obligatory, to kill the Prime Minister. Only if mortal danger is present may there be a “pursued,” and if there is a
“pursued” than there is certainly also a “pursuer.” And only if the concept of
decurity focuses on personal, rather than national security, can a sense of
acute mortal danger develop.

Without relating to these concepts—at least not explicitly—Rabbi
Shlomo Goren—who is a former chief rabbi of Israel, a previous chief rabbi
of the IDF, a general by rank, and a member of the General Staff—combined
the expressive and instrumental arguments in ruling that this was a matter
of mortal danger; i.e., one to which the passive obligation to devotion
applied (“one should be killed rather than transgress”), as distinct from the
obligation to act to save the pursued. According to Rabbi Goren, self-
sacrifice is needed against “the wicked attempt to vacate Hebron”:

The destruction, God forbid, of Hebron should be considered tantamount to
mortal human danger, to which the Halakha of “one should be killed rather
than transgress” applies.59

The state of “mortal danger” is an essential prerequisite for the possible
emergence of a condition of “pursuance” in the context of din rodef. With-
out mortal danger there can be no “pursuer,” certainly no direct pursuer,
since, by definition the purpose of this law is to save the life of the pursued.60

A step beyond that was made by a group of rabbis in an announcement
headed “The Torah Opinion from the Great Rabbis the Gaonim Shalita,
Concerning the Ceding of Parts of the Land of Israel to Non-Jews.” The
rabbis signed a decision that the ceding of territories is a serious prohibition
amounting to mortal danger, according to the law relating to “non-Jews
who have laid siege to the cities of Israel.” According to this Halakhic law,
in towns close to the periphery one must break the Sabbath in order to repel
the non-Jews, “even if they came to argue about straw and thatch.”61 The
announcement was signed by some of the leading rabbis of the national-
religious public.62 Here, too, the rabbis do not state who is responsible for
this mortal danger; i.e., the announcement does not amount to a positive
identification enabling one to apply din rodef to the person whose actions
have created this mortal danger.

At an earlier point, an important stage had been passed clarifying this
Halakha in an article published in Hatzofeh daily (the official organ of the
National Religious Party) under the signature of the Ashkenazi rabbi of
Ramat-Gan, Rabbi Yaakov Ariel. The article is brief, taking the form of an
answer to the following question: “Does din rodef apply to the Prime
Minister in the context of his political actions?” The rabbi begins his answer
by expressing outrage at the fact that the question is being asked, adding: “I do not blame only those who ask this question, but also those who caused it to be asked.”

Thus, some two years before the assassination, a rhetorical paradigm emerges in which indirect responsibility is placed on the victim for what was done to him. In his reply Rabbi Ariel completely rejects the use of the category of *rodef* against Rabin, explaining his ruling by a series of instrumental considerations, the essence of which is that this act would not achieve its purpose. The article does not include a moral negation of the murderous idea behind the question. It contains only a series of functional and instrumental arguments. The learned rabbi states that Rabin is indeed “an indirect pursuer,” and “in saving oneself from him it is permitted to injure him.” However, “injuring the indirect pursuers would not prevent the danger; on the contrary, it would destroy the sole framework currently offering any defense to the People of Israel, with God’s help.” Thus the ruling depends on an assessment of the situation and on tactical considerations. Is it possible that the rabbi might have reached a different operative conclusion had he formulated a different assessment of the situation? His text offers no answer to this question. Accordingly the prohibition against murdering the Prime Minister is not an absolute one, but rather one that is dependent on circumstances.

A completely different approach was expressed by Rabbi Shlomo Aviner (rabbi of the West Bank settlement Beit El and head of the Ateret Kohanim Yeshiva in Jerusalem, which concentrates on clarifying Halakhic issues relating to the establishment of the third Temple and the associated rituals, including sacrifices). During the trial of a woman accused of charges associated with Rabin’s assassination, Aviner testified that he received “hundreds” of requests to offer his opinion as to whether *din rodef* applied to Rabin, and that he replied in the negative. On various occasions, he opposed violence and hatred, both in writing and orally, and even labeled “a spiller of blood” anyone who fails to answer such a question with a resolute and unconditional “no.” He referred to the person who presented the question as “reprehensible.” In May 1994, he wrote:

> There is no greater “pursuer” than he who says that the Prime Minister is a pursuer. This is what will destroy the People of Israel . . . A political party that calls another party “rodef” itself meets the terms of *din rodef.*

Aviner explained that Rabin “also wants what is best for the People of Israel, no less than we do;” that political matters belong to the realm of uncertainty
(“are no more than an estimate”); and that it is impossible to kill on the basis of speculation. Moreover, “We do not know the secrets of the Divine leadership.” Aviner quoted Middle East experts who believed that peace would eventually improve the security situation, and attacked the extremists: “It is disingenuous to make the security situation the banner for this struggle.” He also stated that “those people whom some wish to describe as rodef” are performing good acts precisely in the field of national security. Thus from a principled perspective based on a balanced evaluation of the security dimension, Aviner rejected what might be implied in the opinions of some of his colleagues.

Approximately eight months before the assassination of Rabin, three leading rabbis in West Bank settlements, Dov Lior, Daniel Shilo, and Eliezer Melamed sent a letter to some forty Halakhic authorities [poskim], including chief rabbis and town rabbis. They asked, “What law applies to this evil government and the person who heads it?”—both in terms of their responsibility for the acts of murder already committed by Arab terrorists and in terms of their responsibility for future acts. The latter question, the authors of the letter noted, was “harder” in Halakhic terms. The authors of the letter quoted Halakhic sources relating to din rodef and din moser [the law of the “informer”—one who is likely to repeat his offense], and asked: “What law applies to public elected representatives who perform such an act in the context of their position?” The doubt in the questioners’ minds was due to their “fear of anarchy”; however, the letter reflected no doubt that, as individuals, Rabin and his ministers deserved the fate prescribed by Maimonides in this Halakha: “One may kill the informer in any place, and even in these times when capital penalties are not the rule.” The urgent need to clarify the Halakha and provide practical rulings was explained by the authors of the letter in terms of the current reality:

One may no longer keep silent over the question that is arising in the anguished hearts of many Jews in Israel and in the Diaspora, among them some who discuss this matter gravely; and some orphans and bereaved parents attacked by the terrorists have turned to us with this question, and the voice of our brother’s blood cries out to us from the ground . . . In the light of the reality we face, we are fearful and anxious that the situation may, God forbid, become so severe that such questions will become a matter of general concern, and that feelings of revenge will be aroused in many of those injured, and each person will do as they see fit. Accordingly it would be better to act and discuss the matter first in the Beit Midrash.”
It is hinted in these wordings that taking revenge for terrorist activities might be directed at Israeli leaders. Thus the desire for revenge after the event interferes in examining the Halakha, which sees *din rodef* solely as a means for preventing injury to the pursued before the event, and solely on condition that the pursuer has yet to commit the deed. Once he has done so, *din rodef* does not apply since he is no longer a threat, and the regular legal process now applies to him. There is one exception to this Halakha: if someone is “prone to inform”—i.e., if it may be assumed that in the future he will repeat the same act—*din rodef* and *din moser* continue to apply. Accordingly, killing such a person is a preventative act: “If the *moser* has done what he plotted to do, it would seem to me that he may not be killed, unless he is ‘prone to inform’, in which case he is to be punished lest he inform [perform unlawful acts] on additional individuals.”

As far as we know, the addressees did not reply to this letter. The statement by the authors that this matter was already of concern to many shows that the idea of preventing the continued implementation of the agreement by murdering the Prime Minister had been raised among the public which they represented during the year preceding the assassination. The rabbis’ rhetoric in justifying their opposition to peace with the Palestinians by describing its implementation as an on-going intensification of terrorist actions against individuals was the element that enabled them to establish the legal structure of *rodef* and *moser*. Even the application of just one of these epithets to Rabin could, from the assassin’s viewpoint, justify the crime, as Yigal Amir himself wrote to the teacher of a young girl who was in love with him, attended his trial, and maintained regular correspondence with him.

**CONCLUSION**

In examining the security-related arguments against “territories for peace,” we have seen, first, that the transformation of the concept of security from national to individual laid the grounds for the assassination of Rabin. The discussion of *din rodef* and *din moser* differs from political propaganda and the accompanying incitement, since the latter need not automatically lead to any act beyond the act of propaganda itself. The process of examination and discussion that began at the conference of rabbis immediately after the signing of the Oslo Accords developed and accelerated to a point where they led the murderer to take action. The rabbis did not confine themselves to expressive discourse and to the adoption of a fundamentalist position,
but added the dimension of a security-related examination of Halakhic categories; and the concept of security was personal rather than national. It was this fact, and this alone, that enabled the rabbis to move on to a discussion of the applicability of din rodef and din moser to Rabin. Yet, paradoxically, this entire debate was essentially no more than rhetoric: these rabbis rejected the idea of Israel's conceding any territory under any circumstances, since they saw this as the transgression of a number of Torah
commandments. Accordingly, even if a reasonable security solution had been found, the rabbis would have been unable to accept it, as a matter of principle. Despite this, it was only the foundation of the debate on the pseudo-instrumentalist dimension, only its presentation as a matter of individual security, that provided the murderer with the conceptual framework which, from his perspective, imposed on him the obligation to murder Prime Minister and Defense Minister Yitzhak Rabin.

Second, we have seen that the security-related argument fails to achieve its target. In a security discourse, there are always alternatives to achieve targets, and this kind of rhetoric does not reflect the real policy-reasoning. The experience during the Netanyahu term in office demonstrates it very clearly. Three years after the assassination, Prime Minister Netanyahu signed the Wye Agreement regarding the terms of implementation of the Oslo Accords. During the election campaign of 1996 and during negotiations with US mediators and Palestinian representatives, Netanyahu and his aides did not raise the ideological argumentation against Oslo; i.e., that the land in question belongs exclusively to Israel and to the Jewish people. For obvious reasons they refrained from such a total, fundamentalist rejection of the Oslo process. Rather, they raised security-related arguments and objections. Whatever their intentions regarding the future of the territories might have been, the result was legitimization of the “territories for peace” strategy—a partition of the patrimony—this time by a right-wing government. Israel under Netanyahu negotiated the implementation of the Oslo Accords, and agreed on the necessary conditions. As had happened in the Elon Moreh case, the security argument for the Greater Land of Israel failed to achieve its target. Using a security argumentation as the main, let alone the sole, basis of the case thwarts any prospect of success, despite its domestic value as a means of public persuasion and political mobilization.

Notes


3. On the distinction between expressive and instrumental approaches to policymaking, see T. Parsons, *The Social System* (New York, 1951). On the use of these concepts in analyzing the partition dispute, see Galnoor, *Territorial Partition*. 
6. The modern Israeli neologism “Itsumism” (which might be translated “do-
   ism”) reflects a technocratic approach that stands in contrast to the view that policy
   should be based on ideological foundations; as such, it is part of the ethos of
   instrumentalism. On “Itsumism” and its political manifestations in Israel in the
   1950s, 1960s, and 1970s, see Dan Horowitz and Moshe Lissak, *Troubles in Utopia:*
   *Israel—An Overloaded Society* (Tel-Aviv, 1990) 181 [Hebrew]; an English edition
   was published by SUNY Press, 1989). The authors argue that, since the Six Day War,
   it has no longer been possible to “refrain from adopting a position of the fundamen-
   tal ideological issues” of Israeli foreign and defense policy. The instrumentalist rhetoric
   of Greater Land of Israel advocates was designed to circumvent this difficulty by
   using instrumentalist arguments to justify the fundamental position.
   Neglected Hill”, *Ma‘ariv*, 10 April 1998, Passover supplement, 24–1. The author of
   the article was Sharon’s media adviser when he served as Minister of Defense, and
   has expressed Sharon’s positions for many years
8. See C. Schmitt, *Political Theology: Four Chapters on Sovereignty*, translated
   with an introduction by G. Schwab (Cambridge, MA, 1985) 36.
10. P. Selznick, *The Moral Commonwealth, Social Theory and the Premise of Com-
    1982, 7.
    (5729[1969]) 40, published in Jerusalem by the Rabbi Kook Institute [Hebrew].
14. Daniel Shalit, “Morality versus Morality,” *Internal Discussions* (Tel-Aviv,
    5755[1995]) 210–19 [Hebrew].
    Supplement, 23 [Hebrew].
17. Rabbi Yehuda Amital, “Facing the Challenge of the New Reality,” *Nekuda*,
    172 (October, 1993) [Hebrew].
    *Juda, Samaria and Gaza*, No. 13, 12 Kislev 5754[1993], 1–2 [Hebrew].
19. “Comments by Maran Hagaon Rabbi Avraham Shapiro, Shalita, Head of
    Merkaz Harav Yeshiv,” an Introduction to Shuchtman, *Va’ya’ameida l’Tnuov
20. Yitzhak Tabenkin, “Settlement of All the Territories,” *The Lesson of the Six Day*
    *War: Settlement of the Undivided Land* (Tel-Aviv, 1971) 22 [Hebrew].
    107; “Settling the Land: An Existential Necessity for the Jews,” 112–13 [Hebrew].
23. Editorial, *Zot Ha'Aretz* [This is the Land], 29 September 1972, 1 [Hebrew].


34. See the advertisements of “Yes to the Land of Israel” list to the Knesset elections, headed by Y. Eldad, *Yedi’ot Ahronot*, 20 October 1969 [Hebrew].

35. Livneh, “The Decision Cannot be Postponed.”

36. “Announcement of the Non-Party Committee to Prevent a Withdrawal,” *Zot Ha’Aretz*, 21 July 1972, 7 [Hebrew].


41. Eliezer Livneh, “Peace of an Agreement?” ibid., 27 October 1972, 2 [Hebrew].

42. See, for example, the following articles from Zot Ha’Aretz: Shmuel Katz, “On the Brink of Disaster,” 23 May 1975, 2; editorial “The Rhineland and the Canal-Land,” 9 May 1975, 1; E. Israeli, “Portrait of the Next War,” 20 June 1975, 4; K. Eubank, “When Détente Was with the Nazis,” 29 August 1975, 4 [Hebrew].

43. Eliezer Livneh, “Clarity of Thought and Capacity of Action,” ibid., 21 December 1973, 2 [Hebrew].


45. “The Victory of the Land of Israel—The Rout of those Who Sell the Homeland, the Expectation of Massive Settlement,” ibid., 3 June 1977, 1 [Hebrew]. Not long would pass before the newspaper began to express disappointment with the new government’s settlement policy: “Where are the Likud’s Settlements?” it asked (ibid., 26 August 1977, 1 [Hebrew]. The agreement between Foreign Minister Moshe Dayan and the US on the establishment of settlements within military camps created opposition in the movement, particularly because of its symbolic significance.

46. Principles of Government Policy, Section 9, Divrei Ha’Knesset, 5 August 1981 [Hebrew].


48. The summary of the facts is quoted according to the verdict of the Supreme Court, SC 390/79, Izzat Muhammed Mustafia Dwikat et al. v Government of Israel, Verdicts [Piskay Din], 34(1), 1ff. [Hebrew].

49. Benny Begin, Confrontation Lines, 21–2; H. Misgav, Conversations with Tzistluk Shamir (Tel-Aviv, 1997) 95–6 [Hebrew]; Binyamin Netanyahu, A Place Under the Sun (Tel-Aviv, 1995) 156–61 [Hebrew].


52. See the comments by MK Binyamin Netanyahu comparing Rabin to Ceausescu (Ha’Aretz, 19 October 1995 [Hebrew]); Raphael Eitan, who defined the Rabin government as “the quisling government” (Ha’Aretz, 21 January 1995 [Hebrew]), and the discussion below of the comments by Ariel Sharon and Rehavam Zeevi, who compared Rabin to Petain. Sharon also compared the Rabin government to the British Mandate government in Palestine.

53. Statement of the Rabbis of Judea, Samaria and Gaza, 1 (see Note 18, above). The report is headed “From the Decisions of the Conference of the Union of Rabbis for the People of Israel and the Land of Israel.” The report makes no mention of the State of Israel. The wording of the title (From the decisions) implies that other decisions may also have been reached, but not published for whatever reason. The
former chief rabbi and head of the Merkaz Harav Yeshiva, Avraham Shapira, is quoted as distancing himself from the acting chief rabbis, and did not attend the conference, although he believed it was their duty to reveal the “Toranic opinion” and to struggle for this viewpoint. (“Listeners’ Questions,” Channel 7 TV, 24 November 1993 [Hebrew]; Channel 7 is a pirate radio station operated by West Bank settlers.)


55. Literally, Leviticus 19:16b reads: “Neither shalt thou stand against the blood of thy neighbor.” Other interpretations of this verse include, “Neither shalt thou stand forth against the life of your neighbor,” and “Neither shalt thou stand aside when mischief befalls thy neighbor.” Its very ambiguity and the contention surrounding its interpretation down through the ages makes it a very insecure foundation to use in justifying the designation of Rabin as rodef.

56. Maimonides, Mishne Torah, Laws of the Murderer, Section A, Halakha 15 [Hebrew].

57. Babylonian Talmud, Sanhedrin, 73a. The Tosefta interpretation: “The language here means that one saves the pursued person by taking the life of the pursuer.” The same ruling appears in Maimonides, Laws of the Murderer, Section A, Halakha 10, and in the Shulchan Arukh, Hoshen Mishpat, 425, Section A. These references are all in Hebrew.


59. Hatzofeh, 7 March 1994 [Hebrew].

60. On the application of din rodef to property crimes in order to avoid damage, see Ben-Zimra, “Need” and “Obligation,” 242–83.

61. Babylonian Talmud, Eruvin, 45a, and Rashi’s interpretation of this Halakha, that in the case of the periphery there is reason to fear that the Land may be easily conquered by non-Jews if the Sabbath is not violated; accordingly, even when there is no immediate mortal danger one should break the Sabbath in order to repel them. Maimonides follows this ruling in Mishne Torah, Hilchot Shabbat, Section 2, Halakha 23 [Hebrew].

62. Among the signatories: Rabbi Moshe Zvi Nerya; Rabbi Shaul Israeli of Jerusalem; Rabbi Shaar Yishuv Cohen, the Rabbi of Haifa; Rabbi Yaakov Ariel, the Chief Rabbi of Ramat-Gan; Rabbi Dov Lior, the Rabbi of Kiryat Arba and of the Hesder Yeshiva in that town; Rabbi Eliezer Melamed, the Rabbi of the Har-Bracha Yeshiva and the chairman of the Rabbis of Judea, Samaria and Gaza; as well as rabbis of other locales. (Ha’aretz, 17 April 1995) [Hebrew].

64. Articles in Ha’aretz, Ma’ariv, Yediot Ahronot, 18 March 1998 [Hebrew].

65. Shlomo Aviner, “Civil War,” Chapters in the Honor of Jewish Sovereignty and the Land of Israel (Beit-El, 5756 [1996]) 113 (the comments were broadcast on Channel 7 [see Note. 53 in Sivan 5755 [1995]]); “The Prime Minister is Not a Traitor,” His Land, His People—The Struggle for the Land of Israel (Beit-El) (the comments were written in Shvat 5754 [1994]).

66. Shlomo Aviner, “Of Course Din Rodef Does Not Apply to the Prime Minister,” in ibid., 47–50.


69. Din moser is the law relating to informers. Maimonides, Mishne Torah, Hilchot Hoval, Section 8, Halakha 9–11; and Shulchan Arukh, Hoshen Mishpat, 388 [Hebrew].

70. Arielli-Horowitz, Religion and State in Israel, 123.

71. Maimonides, Hilchot Hoval, Halakha 11 [Hebrew].

72. In June 1995, the Secretariat of the Rabbis of Judea, Samaria and Gaza announced that “the rabbis are still considering the question as to the proper Halakhic definition for the crime committed by the government in abandoning Jewish life, and what the punishment should be for all the parties to this crime in accordance with the Halakha”; Ha’aretz, 23 June 1995.