THE *NETUREI KARTA*'S ETHICAL CHALLENGE TO "THE METAPHYSICS OF FALSE REDEMPTION" IN THE STATE OF ISRAEL

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The typical individual of our times is no longer capable of believing in God... and so he holds fast to his faith in his expanded ego, his nation, as being the highest authority within his reach. And since he has no genuine and vital relation to the truth that is above all nations, to the truth that requires the nation to realize it, he transforms his nation into an idol... And since there is no level above that of the nations, since there is no court of appeal on high, the end must be that the nations... wage war against each other, using every means they can and without balking at anything until they encompass their own destruction.

–Martin Buber, "The Spirit of Israel and the World of Today"

Referring to the teaching of Hegel, our contemporary Jewish philosopher Emil Fackenheim remarked, "philosophy cannot arise so long as a 'shape of life' still undergoes the storms and stresses of its growing pains."[1] For Fackenheim, "Of no contemporary case is this as true as of [the state of] Israel." This is as it must be, "if Hegel is right." Fackenheim is inclined to speak to the need for a philosophy in Israel, even if that wisdom is today "little in evidence." Insofar as this includes Israel's need of a *political* philosophy, Fackenheim offers the state of Israel "fragments" of a philosophical wisdom he can provide.

By contrast, a large number of orthodox Jews throughout the world, known as Neturei Karta International, pose a determinate ethical challenge to the "secular" wisdom that perpetuates international support for the state of Israel and the Zionist ideology that undergirds its national policies. Their task is (a) to distance themselves from the dominant framework of ideological interpretation according to which the Arab–Israeli conflict is understood; and (b) to honor both religious and humanitarian obligations that are essential to orthodox Judaism in its responsiveness to Palestinian demands for justice.

In this paper, I examine and evaluate the politico–philosophical position of Fackenheim and that of the Neturei Karta International as two representative but contraposing perspectives on the Arab–Israeli conflict. In doing so,

1 Emil Fackenheim, "A Political Philosophy for the State of Israel," in his *Jewish Philosophy and Jewish Philosophers* (Bloomington: Indiana University Press, 1996), pp. 195–

I recognize a credible authority in the position of the Neturei Karta International. Theirs is an authority that derives from an orthodox commitment to Torah and Talmud, but which for the most part has been marginalized by the dominant "secular" voices in the centers of power.[2] To provide some sense of the "cultural" context of this contraposition of voices, I consider also various historical observations of both Yeshayahu Leibowitz, a respected "religious Zionist" in Israel, and Yoram Hazony, culture critic and social analyst at The Shalem Center in Jerusalem.

I. Fackenheim's Fragments of Wisdom

We may readily grant it to be a matter of fact that Israel still undergoes its storms and stresses, these being part of its "growing pains." What concerns Fackenheim, however, is this: What should be seen as an abnormal condition of civil society is taken by outsiders as normal: "Israel has been under siege since the day of her birth... An all–but–natural fact, the siege is not new, nor does it make the news... On their part... the besieged cannot take so nonchalant a view of their own condition, nor can they accept it as all–but–natural."[3] Yet, "the Arab–Israeli conflict"–those words that are said to capture the essence of this "all–but–natural" condition–is eliciting wearisome responses among many, including critics from otherwise supportive Western democracies. Worse, "the besieged are tired of the siege themselves." Take the war of words between "the Israeli Right" and "the Israeli Left" on the issue of Israeli withdrawal from Judea and Samaria and you have, says Fackenheim, a fight "in Fanon style"–with a difference, however: "Colonized Algerians at length expelled the colonizers; besieged Israelis cannot end the siege even by mighty military victories." The polarization of the Israeli Right and the Israeli Left is such, asserts Fackenheim, that "each side fears–*has reason* to fear!–that the policy advocated by the other will lead to the destruction of Israel."[4]

Fackenheim takes as axiomatic "an unyielding insistence that Israel's right to exist is no more to be questioned than that of any other state." He notes that any challenge to this "principled refusal" to debate the question would have to broaden the debate reasonably "so as to include neighboring

2 See Mitchell Kaidy, "Special Report: Neturei Karta, Shunned by Media, Makes Jewish Anti–Zionism Known," *Washington Report*, Middle East Affairs, November/December 1996, p. 40. See also Nafeez Mosaddeq Ahmed, "Occupied Palestine and the Politics of Terrorism: Post–Modern Colonialism, Suicidal Rage and the Propaganda System," *MediaMonitors Network*, 2002, available at http: //www.mediamonitors.net

3 Fackenheim, p. 196

4 Ibid., p. 197

Jordan, a state established on two–thirds of Palestinian soil by a now–defunct empire that, some sixty years ago, imposed an alien monarchy on the native population."[5] Engaging the question of the state "as a moral entity" Fackenheim accounts for the historical fact of Jewish exile and considers whether there is moral value to a state that intends to end two millennia of exile. Recalling a debate in 1916 between the two prominent Jewish philosophers Hermann Cohen and Martin Buber, Fackenheim notes that "neither took a high view of a *Jewish* state," both having been "influenced by a tradition in Judaism that makes power forever subject to criticism by prophetic spirit." Jewish powerlessness prior to WWII and the Nazi genocide of European Jews could not possibly be sustained after these two events; to do so, says Fackenheim, is to indulge "in a moral luxury."

Such moral luxury is inconsistent with the demands of the social contract: "If the state is a moral entity," Fackenheim claims, then "the idea that comes next to the philosophical mind is that of a social contract," given that the modern state rests "on the presumed consent of its citizens."[6] Essential to the social contract in the modern state is the state's "minimal duty, i. e., the legally enshrined protection of its citizens." The problem in the case of Israel, says Fackenheim, is that "while Israel is a more–than–minimally moral state, the social contract idea has yet to enter significantly into her political discourse." This deficiency Fackenheim would see remedied even in "the current period of storm and stress" in Israel, especially given the "secularist–religious tension" in the state; but also given the unsatisfactory status quo of Jewish–Arab coexistence in the state. Speaking to the latter tension, Fackenheim extends the concept of obligation to a social contract to the Israeli Arabs and asserts: "responsible Israeli Arabs have claimed a right to two loyalties–one to their state, the other to fellow Arabs in revolt against it–insisting at the same time

5 Ibid., p. 200. Fackenheim's reference to the status of the state of Jordan is not without reason. One must bear in mind that Jordan, too, has been a source of complaint from the Palestinian community. The British and UN actions that enabled the establishment of the state of Israel dispossessed the indigenous Palestinians, converting them into stateless refugees, many of whom moved into the territory of Jordan. Yet, as Gordon and Lopez point out, the Zarqa hijacking of 1970 "brought to a showdown the mounting tension between the Palestinian refugees and King Hussein of Jordan, who felt that his sovereignty was being eroded as a result of Palestinian activity in the country. After a few months of fighting between the Jordanian army and the PLO, an estimated 3,000 PLO combatants and civilians were killed, and about 150,000 Palestinians were expelled to Syria; most of then sought refuge in Lebanon." In short, Palestinian refugees have been stateless refugees moving from their indigenous homeland to Jordan to Syria to Lebanon, not counting those in the state of Israel who continue to face garrison state conditions. See Neve Gordon and George A. Lopez, "Terrorism in the Arab–Israeli Conflict," in Andrew Valls, ed., *Ethics in International Affairs* (Lanham: Rowman & Littlefield, 2000), pp. 99–113.

6 Ibid., p. 201

that between these two loyalties there is not and cannot be a conflict."[7] Fackenheim is sympathetic to the concept of dual loyalty, given that Jews themselves "have a long history of claiming that right themselves." However, the social contract imposes a restraint upon Israeli Arab expectations here. Fackenheim presents his argument thus:

> One could not deny Israeli Arabs the right to solidarity with Palestinian Arab claims to autonomy or even statehood, even though they are made against the state to which they, the Arab Israelis, profess loyalty. The purpose of many engaged in the current turbulence, however, includes the destruction of Israel; a mortal threat to Israel could even be its unintended outcome. In these circumstances unqualified claims to dual loyalty made by Israeli Arabs are therefore a luxury to which they are not entitled; indeed, so long as it is vague and unspecified, Israeli Arab solidarity with Palestinian Arab aspirations is tantamount to a break in the social contract with their own state.[8]

Fackenheim turns from Arab–Jewish tensions to the tension between Jew and Jew. This tension is much more troublesome for Fackenheim inasmuch as "one brings the social contract idea to bear on it only to fail." The Law of Return obligates Israel "to receive Jewish immigrants without restriction," a point central to the claim that "Israel is not only a modern democratic state–it is also a Jewish state," i. e., a state that is "Jewish in essence," such a state requiring "Eretz Israel, though not necessarily all of it." Here we have what Fackenheim calls "a new *category* of legitimacy–the return to its ancient land, of a people cut off from it by the power of enemies for nearly two millennia," power wielded by the Roman emperor Hadrian, Christians, Muslims, and Turks. In referring to this claim to an ancient land, a political philosopher may "invoke Jewish faith in a divine promise," yet he "must stop short... of invoking a divine promise," says Fackenheim. The distinction has its pragmatic rationale: To invoke a divine promise "would invite a clash between 'the religious' who believe in divine promises and the 'non–religious' who reject them; between 'the religious' themselves, i. e., those who see the state as fulfilling the divine promise, and those who see it as an antidivine rebellion; last but not least, between Jew, Christian, and Muslim, each appealing to a divine promise of his own."

Nevertheless, more fundamentally, claims Fackenheim, "One cannot... invoke divine promises and remain within the limits of philosophical discourse."[9] The fact of the 1950 Law of Return is a legal fact, not a religious fact, and, thereby, a pertinent politico–philosophical factor for Fackenheim. The point here is to distinguish between a positive law passed by the Israeli Kne-

7 Ibid., p. 203

8 Ibid.

9 Ibid., p. 204

sset and a religious law declared by a council of rabbis as a matter of *halakhah* (Jewish religious law). Thus, Fackenheim is quick to remind us: "What was, and was not, of the state's Jewish essence was thus democratically decided." Likewise, the post–war situation after Israel's capture of the Old City of Jerusalem on 07 June 1967 gives pause to many who see Jerusalem as the city of "the Messianic dream." Yet, for Fackenheim, "The Messianic Jerusalem is beyond the sphere of the political. It is therefore also beyond the scope of political philosophy."

Having recovered the Old City "for Jewish sovereignty," "the Jewish state decided that it would not lose her again."[10] This, too, is a matter of democratic policy, not one of religious law. Fackenheim concludes by recognizing that many Jews are "sustained by Messianic fragments;" but to recognize the state of Israel as a state is to see the "realm of the political" as a domain of power, the latter entailing "conflict and fear." Fackenheim is not prepared to see the Law of Return rescinded, and so this is for him one of the "pillars of Zionism." Commenting on the occasion of Buber's reply to Ghandi's claim that Palestine belonged to the Arabs, Fackenheim identifies what is for him "the Zionist essence" of Buber's reply:

> Zion is the prophetic image of a promise to mankind but it would be a poor metaphor if Mount Zion did not actually exist. This land is called "holy"; but it is not the holiness of an idea, it is the holiness of a piece of earth. That which is merely an idea and nothing more cannot become holy; but a piece of earth can become holy.[11]

In citing Buber here, Fackenheim obliquely faults Buber, given the events of 1939: "despite *Kristallnacht* and its revelations–Jewish defenselessness, homelessness, abandonment–Buber did not yet recognize another pillar of Zionism: there is no mention of a Jewish state in his letter to Ghandi." The state of Israel is for Fackenheim the second pillar of Zionism. Buber, as Fackenheim admits, "thought little of statehood. He thought less of Jewish statehood in Palestine out of concern for its Arab inhabitants." Faced with the events of the 1990s, Fackenheim argues that if there were no Jewish state and no Law of Return, then there would be "a repetition of the unholy spectacle of the 1930s: increasing numbers of Jewish refugees from anti–semitism or the justified fear of it–and the closing of borders by civilized states, exactly in proportion to the need."[12]

It is in the foregoing context that Fackenheim speaks of what he calls "the 614th Commandment" for post–Holocaust Jews: "they are forbidden to give

10 Ibid., p. 207
11 Ibid., p. 210
12 Ibid., p. 212

Hitler posthumous victories."[13] This commandment Fackenheim issued in 1967, his emphasis being on Jewish *survival*, even if Jews are "unable to believe in a 'higher' purpose." The fact of the Holocaust entails a wary vigil concerning the future of Jews: "having once been a fact, a Holocaust is known to be a possibility; *precariousness therefore attaches henceforth to Jewish survival–and also to Judaism."*[14] Fackenheim adds: "In the Holocaust–so survivors have testified–along with Jews themselves, Jewish hope died... *Whenever Jews bring up Jewish children, and whenever they take actions that help secure the Jewish state and make it flourish, the agents, even if unaware of the fact, participate in the resurrection of the hope that died.*" It is in this sense that Fackenheim emphasizes the centrality of Jewish "survival:" It is "a testimony to a hope without precedent in the annals of history."[15]

II. The Cultural Context: Hazony and Leibowitz

The question that polarizes the Israeli Right and the Israeli Left, i. e., whether to concede the occupied territories to the Palestinians, has in recent time added to increased unrest that has led to even more "extreme" views articulated by the two groups.[16] But perhaps more important is the claim that the "spiritual" task associated with the state of Israel is itself very much in conflict with the "political realist" assessment of what is to be done about the polarization among Israelis and the Palestinian question that is now even more at the heart of the Arab–Israeli conflict. This concern for the spiritual dimension of "the Jewish state" (*Judenstaat*) has been expressed by a number of intellectuals in Israel, notably the religious Zionist Yeshayahu Leibowitz, hailed by some as "the conscience of Israel," his views presented in a volume of essays published in 1992 under the title, *Judaism, Human Values, and the Jewish State*. More recently, a similar concern about the status of "Israeli identity" has been summarized by Yoram Hazony (former aide to Bejamin Netanyahu and President of The Shalem Center in Jerusalem) in a book he published in 2000, entitled *The Jewish State: The Struggle for Israel's Soul*.

13 Fackenheim, "The 614th Commandment Reconsidered," op. cit., p. 193

14 Ibid.

15 Ibid., p. 194

16 Fackenheim summarizes the views thus: "At one extreme it is held that no political concessions are possible unless the violence has first been put down by whatever means necessary; that even then the concessions possible are more problematic than ever; and that in any case to yield now would be the beginning of the end of the Jewish state. At the other extreme it is held that, if Israel is to survive–by no means only 'spiritually' but physically as well–not a day is to be lost for the most far–reaching concessions."

A. Hazony's "Culture" Critique

Writing in his recent book on the Jewish state, Hazony tells of "winds blowing across Israel's cultural landscape", such that the idea of the Jewish state has grown "so dubious and confused among educated Israelis that one could seriously question such a state would continue to exist". Disputes between torah–observant Jews and secular Jews within the state of Israel bear witness to a fundamental disagreement about the status of this nation–state, about whether it is to be–consistent with an Enlightenment, thus modernist, prejudice–a "liberal state" in the manner of a secular republic among other republics, or whether it is to be "illiberal", a "Jewish" state that is indeed a theocracy implementing the Torah and *halachah* as the legitimate basis of domestic positive law. The state of Israel was created ostensibly with the intent of redeeming Jews of the diaspora "from persecution or restoring their dignity through national independence".[17] Yet, as the Israeli poet Nathan Zach commented in recent time, "Who and what has it not disappointed?... Who and what has it not betrayed?... What abomination has its soul been spared?... What lie and hypocrisy has not issued from its throat? The dream is a monstrosity."[18]

Hazony concerns himself with what he calls the phenomenon of the "post–Jewish" condition in Israel, that situation in which "an exhausted people, confused and without direction" seem not to understand why they should fight for the existence of the state of Israel; the consequence of which is that this condition is manifest in national policy moving Israel in the direction of a "*non*–Jewish state: a political state for which the ideals and memories, traditions and interests of the Jews would be–simply irrelevant."[19] For Hazony, there are two reasons that made the state of Israel "a desperate necessity," reasons articulated by Theodor Herzl: (1) "personal security and liberty for the Jews was an aim inextricably bound up with Jewish political power;" and (2) "the Jewish empowerment entailed in creating a Jewish state was not merely a matter of guaranteeing external, physical security of the Jews," but also "to provide an *internal* security of the soul, which is the indispensable precondition for the emergence of a noble, uniquely Jewish character and civilization."[20]

Hazony is especially concerned with those who argue "that a specifically Jewish state is *intrinsically* illegitimate." On this point, claims Hazony, "without a satisfactory answer to [this charge]... it can only be a matter of time until

17 Hazony, op. cit., p. 16

18 Ibid., p. 30

19 Yoram Hazony, *The Jewish State: The Struggle for Israel's Soul* (New York: Basic Books, 2001), p. xx

20 Ibid., pp. xxi and xxii

the political constellation on which this state is predicated begins to collapse."[21] Hazony has in mind "Israeli–Jewish intellectuals, whose political and moral concepts have deep roots in German–Jewish anti–Zionist philosophy." At issue here is the prospect of "a state of perfect equality in which Arabs and Jews will have identical standing and 'foreign' Jews–the Jews of the Diaspora–will have none at all" if the Law of Return of 1950 is abandoned.[22] In short, within Israel's intellectual community there are more "daring criticisms" of the state of Israel such that "Israel's public culture is undergoing a massive shift away from the ideas and norms that characterized it as a Jewish state."[23] In other words, asserts Hazony, there is "a systematic attack" under way "leveled against Israel's legal, political, and moral status as the state of the Jewish people." This attack comes from German–Jewish intellectuals primarily at the Hebrew University in Jerusalem, many of whom are disciples of Buber–"the most important Jewish interpreter of the view that the movement for a Jewish state was based on morally questionable premises."[24] It is at Hebrew University, charges Hazony, that "leading figures... [have] continued to refine the very same historical and philosophical theories that had constituted the conceptual undercarriage of Jewish anti–Zionism... ." The attack from this intellectual group, warns Hazony, is so formidable that "today there exists the possibility that Buber's ideological children are on the verge of transforming Israel into precisely that which the early dreamers of Zionism had fought to escape: A state devoid of any Jewish purpose and meaning, one that can neither inspire the Jews nor save them in distress."[25]

The challenge to the state of Israel posed by intellectuals at Hebrew University is not isolated, given the policies of the Likud and Labor Socialist par-

21 Ibid., p. xxiv

22 Joseph Gorney, in his "Foreword" to the anthology edited by Eliezer Ben–Rafael, entitled *Jewish Identities: Fifty Intellectuals Answer Ben Gurion* (Leiden: E. J. Brill, 2002), characterizes what concerns Hazony here as a perspective of "general normalization" in the debate about Jewish identity: " 'General normalization' regards the nation as a territorial–civil entity, and thus denies the notion of the existence of the Jewish People in the universal sense. In this approach, only the Jewish religion, like the Christian or the Muslim, is trans–territorial. This view, propounded by intellectual circles in the Diaspora, can also be found in Israel. In essence, it combines post–Canaanite ideas with the principles of Western liberalism. Its 'normalist' nature is embodied in the call to repeal the Law of Return, not only because it is anti–democratic and anti–liberal, discriminating between different categories of individuals in Israel itself (Jews against Arabs), but also because it is seen as to symbolize the desire to artificially, even arbitrarily, preserve and promote an abnormal identity of the Jewish people."

23 Hazony, p. xxvi

24 Ibid., p. xxviii

25 Ibid., p. xxx

ties in the state. One can take the examples of Jeff Halper (professor of anthropology) and Lev Grinberg (political sociologist and director of the Humphrey Institute for Social Research) at Ben Gurion University. Halper, writing in the fall 2000, complains:

> Only a decade after the fall of apartheid in South Africa, after we all thought we had seen the end of that hateful system, we are witnessing the emergence of another apartheid–style regime, that of Israel over the incipient Palestinian state in the West Bank, Gaza and parts of Jerusalem... Whether a Palestinian state actually emerges from the Oslo process or Israel's occupation becomes permanent, the essential elements of apartheid–exclusivity, inequality, separation, control, dependency, violations of human rights and suffering–are likely to define the relationship between Israel and the Occupied Territories/Palestine.[26]

Grinberg, writing in April 2002, complains of Israeli "state terrorism" thus:

> What is the difference between State terrorism and individual terrorist acts? If we understand this difference we'll understand also the evilness of U. S. policies in the Middle East and the forthcoming disasters. When Yassir Arafat was put under siege in his offices and kept hostage by the Israeli occupation forces, he was constantly pressed into condemning terror and combating terrorism. Israel's State–terrorism is defined by U. S. officials as 'self–defense', while individual suicide bombers are called terrorists.[27]

Grinberg speaks to the cumulative effect of Israeli security policy with a severe indictment:

> ... Israeli aggression is the direct responsibility of Ariel Sharon, Benjamin Ben Eliezer, Shimon Peres and Shaul Mofaz... Sharon's responsibility for Israeli war crimes is being completely ignored. Who should be arrested for the targeted killing of almost 100 Palestinians? Who will be sent to jail for the killing of more than 120 Palestinian paramedics? Who will be sentenced for the killing of more than 1, 200 Palestinians and for the collective punishment of more than 3,000,000 civilians during the last 18 months? And who will face the International Tribunal for the illegal settlement of occupied Palestinian Lands, and the disobedience of UN decisions for more than 35 years?[28]

Given such an indictment, it is no surprise that the Israeli Information Center for Human Rights in the Occupied Territories charges the Israeli Defense Force with a loss of "moral compass": "They continue to engage in actions that constitute grave breaches of international humanitarian law."[29]

26 Jeff Halper, "The 94 Percent Solution: A Matrix of Control," Middle East Report, 216, Middle East Research and Information Project (MERIP), Fall 2000; available at http://www.merip.org/mer/mer216/216_halper.html

27 Lev Grinberg, "Israel's State Terrorism," *Tikkun Magazine*, 1 April 2002

28 Ibid.

29 B'Tselem, Press Release, 12 March 2002, "The IDF has lost any moral compass"

The problem with the contemporary cultural landscape and the battle over ideas and the praxis of daily life, Hazony complains, is that there has been a failure to sustain and enhance what he believes essential to the state of Israel: a "theoretical justification for the claim that a state can be 'Jewish'." Alas, laments Hazony, "Israeli culture has become a carnival of self–loathing, offering little from which one could construct the renewed Jewish civilization that was to have arisen in Israel, or the restored state of the Jewish people that was the dream of its founders."[30] The state of Israel seems well prepared for its demise precisely inasmuch as, if it is to survive it must have its defense in "the battleground of ideas," yet it is precisely here that the founding ideas of "the Jewish state" are under precarious assault, these days having become "faint and unintelligible."

B. Leibowitz's Rejection of Political Messianism

Hazony's complaints against the intellectuals include references to Yeshayahu Leibowitz in the latter's challenges to the "political Messianism" urged upon Jews by Ben–Gurion and which failed adequately to keep politics and religion separate, given in particular the cooptation of orthodox Jewry into the party apparatus.[31] But Leibowitz has been consistent also in championing Judaism's human values, this serving as the basis of his critical stance on political developments in Israel. In the immediate period after the 1967 war that recovered the Old City of Jerusalem for Israel, for example, Leibowitz–"the country's leading philosopher" at the time, says Hazony–was one among many in intellectual circles who accused "the government of colonialism and terrorism," Leibowitz going so far as to describe Israel as having fallen into "Judeo–Nazism."[32]

For those who are orthodox in their faith, Zionism has contributed a "crisis of religion" in the state of Israel. Leibowitz, an orthodox Jew (not associated with the Neturei Karta) and distinguished Israeli intellectual with competence in science, philosophy, and halachic studies, put it clearly in an essay written in 1952 that resonates even today:

> It is one of the great paradoxes of Jewish history that two antithetical events, centuries apart, should have had the same effect on Judaism. The reestablish-

30 Hazony, p. 339

31 For a short but informative account of the relation of the ultra–orthodox (Haredi) Jewry to Israeli politics, see Menachem Friedman, "The Ultra–Orthodox in Israeli Politics," *Jerusalem Letter*, Internet Edition, VP: 104, 15 July 1990 (Jerusalem: Jerusalem Center for Public Affairs), available at *http: //www.jcpa.org.*

32 Hazony, p. 327. Hazony refers to Leibowitz's remarks in "On the Territories, Peace and Security," *Ha'aretz*, November 3, 1972.

> ment of Jewish independence and the ingathering of exiles have proven catastrophic for the Jewish religion as were, in their day, the destruction of the Jewish state and the dispersion of the people... The revolutionary turn of events that has now produced the state of Israel confronts our own generation with [a]... fateful question: can a valid Judaism survive the emergence from the conditions of Diaspora and political subservience in which it has subsisted for so long?[33]

Leibowitz understands that religion is vulgarized when its value is measured "by its contribution to the welfare of the body–politic", noting in contrast that "from the truly religious viewpoint religion is the end in itself, against which all other human aspirations and goals are to be measured". Indeed, writes Leibowitz (independently affirming the claims of the Neturei Karta), "the Halakhah accepts the absence of Jewish statehood as axiomatic, or one might even say, as a prior condition for the fulfillment of its prescriptions."[34] Thus, says Leibowitz, "Only two forms of the 'state of Israel' are known to Halakhah–the prehistoric and the posthistoric. One is the Kingdom of David and Solomon, from an idealized semi–mythical past. The other is the Kingdom of the Messiah–a vision of the end of days."

Leibowitz himself conceded: "Until the messianic age, the Torah requires us to erect a superstructure of Jewish life upon an independently existing substructure. The Torah enjoins the people of Israel to carry on its existence in the interstices of Gentile society. The creation of the Jewish state is a forbidden act, a rebellion against Torah."[35] In 1952 Leibowitz recognized this to be the position of the Neturei Karta. However, he preferred a different approach for religious Jewry, believing as he did that God has seen fit to "bring about... Jewish independence and sovereignty in an unredeemed world". It is this metaphysical claim that for him sanctions the right of the Israeli state to international recognition. For him, "the achievement of national liberation and political independence for the people of Israel is a religious duty, precisely because these conditions are indispensable for the actualization of the Torah as an all–encompassing way of life." One must note here, of course, that a metaphysical claim (as Kant instructs us) can never be contradicted by experience; and, so, one cannot appeal to experience for justification of the claim. One can accept the statement on faith, but then only according to the religious consciousness that makes such an utterance meaningful. Such a statement cannot lay claim to objective validity. So it is with Leibowitz's utterance in-

33 Yeshayahu Leibowitz, *Judaism, Human Values, and the Jewish State* (Cambridge: Harvard University Press, 1992/1995), p. 158

34 Ibid., p. 161

35 Ibid., p. 168

sofar as it suggests a basis for international recognition of Israeli sovereignty. Ultimately, the ground is lacking.

It is important to note that Leibowitz does not sanction Israeli statehood merely on secular grounds, given his commitment to the spiritual vocation that he believes a Jewish state should enhance. His harsh criticism of the state, issued in 1988, is noteworthy for its consonance with the grievances expressed by the Neturei Karta International. Leibowitz wrote that the Six Day War of 1967 became a "war of conquest", such that with that decision the state of Israel changed:

> "Its significance consists... in denial of the right to independence to the Palestinian people. Israel ceased to be the state of the Jewish people and became an apparatus of coercive rule of Jews over another people. What many call 'the undivided Land of Israel' is not, and never can be, the state of the Jewish people, but only a Jewish regime of force. The state of Israel today is neither a democracy nor a state abiding by the rule of law, since it rules over a million and a half people deprived of civil and political rights... We call the acts of the Palestinians 'terrorism' and their fighters 'terrorists'. But we are able to maintain our rule over the rebellious people only by actions regarded the world–over as criminal. We refer to this as 'policy' rather than 'terror' because it is conducted by a duly constituted government and its regular army."[36]

Leibowitz's reference to state policy and conduct makes it clear that the Israeli government's actions are not free from charges of "terrorism," i. e., state terrorism. Lest any find such an idea impossibly foreign to the state of Israel itself, one need only recall the early years of the state's formation. Theodore P. Seto, for example, writes on the question of the "morality of terrorism." He takes notice of the methods of the *Irgun* under the leadership of Menachem Begin, citing "a list of Jewish terrorist actions" published by *The London Times* on July 23, 1946.[37] Seto observes that the list "describes some of the Jewish 'terrorism' (so labeled by mainstream Jews of the time) that helped drive the British from Palestine and thus paved the way for the creation of Israel." Seto recognizes that, as "commonly used in political rhetoric, [the term] terrorism involves killing, disruption, or destruction of something of value for political purposes by someone other than a government or its agents acting overtly... Commenting on the mid–1946 British arrests of Zionist leaders, Chaim Weizman, later first President of Israel, noted that '[t]he excuse for the arrests..., for the seizure of the Jewish Agency and for the countryside searches and arrests, had been the 'deplorable and tragic' acts of terrorism of recent months. Yet those acts 'have sprung from despair of ever securing, through peaceful

36 Ibid., p. 244

37 See Theodore P. Seto, "The Morality of Terrorism," *Loyola of Los Angeles Law Review*, Vol. 35, No 4, June 2002, pp. 1227–1263

means, justice for the Jewish people.' If we substitute 'Palestinian,' 'Arab,' or 'Muslim' for 'Jewish,' he might just as well have been speaking in defense of today's Al Fatah or Al Queda."[38]

Seto observed as well that Hamas ("an acronym for the 'Islamic Resistance Movement'") "describes itself as a 'popular national resistance movement which is working to create conditions conducive to emancipating the Palestinian people.'" Thus, argues Seto, "If terrorism is limited [conceptually and legally] to acts of the powerless, condemning terrorism while failing equally to condemn similar acts of the powerful violates the most fundamental premise of any moral theory–that moral principles be neutrally applied. Condemnation of terrorism becomes merely an instrument for the preservation of existing power relationships."[39]

Any state is, of course, in possession of the means of coercion of individual conduct in the interest of domestic security. In the case of Israel, those in government inevitably assert their power as legitimate authority and not as brute force. They do so believing in the right of the state of Israel to exist as a state. Writing in 1976, Leibowitz addressed this question insofar as the right of state is predicated on the right of the Jewish people to the land. For him, "'Right' is a legal category," and as such one must be careful to avoid a "category mistake," says Leibowitz.[40] The concept of right, he adds, "applies only within the context of institutions defined by law and statute." If one then speaks of the right of a "nation" one must bear in mind, he says, that "A 'nation' is not a natural entity amenable to objective definition." Thus, if one asks, "Is there a Jewish people?"–intending with that question a Jewish "nation"–Leibowitz answers: This is a question that has no objective answer; and insofar as an answer is given, "The answer is determined by the *consciousness* of those who feel that they constitute a national entity."[41] But this statement issues a further clarification: "The link between a 'nation' and a particular country is not a nexus created by law... [nor is it] a natural datum:" "A particular country is the country of a particular people insofar as it is such in the collective consciousness of that people, not because of any objective facts."[42] What is significant in Leibowitz's argument is the consequence: If neither law nor nature authorizes the link of nation to country/land, then "should this connection be contested" by others, neither law nor nature establishes the connection. Consequently, given that many such as the Arabs, Palestinians, and orthodox Jews

38 Ibid., p. 1234
39 Ibid., pp. 1235
40 Leibowitz, "Right, Law, and Reality," op. cit., p. 229
41 Ibid., p. 230
42 Ibid.

of the Neturei Karta challenge Israel's claim to the land as a matter of right, neither law nor nature establishes the right of Zionist Jews to a natural or historical link to the land that defines the "territorial integrity" of the state.

And what of the claim of the Palestinian Arabs to the land in their opposition to Zionist Jews? Leibowitz remarks, "Even the fact that at a particular historical moment a particular territory is populated by members of a certain nation does not constitute a valid legal claim." This assertion Leibowitz grounds in Talmudic law: "In Talmudic law there is a sound maxim pertaining to the law of presumptive title: 'Without a claim, possession cannot confer presumptive life.'"[43] In this sense, though having a consciousness of right to the land consequent to a memory and fact of having lived on the land during the time of the Jewish diaspora, the Palestinians have no "right" in the legal sense. Thus, Leibowitz concludes, "In regard to this conflict claims of 'right' by both sides, or the claim of the superiority of the 'right' of one of the sides, are meaningless. Considerations of historical 'justice' are irrelevant... the legal (or moral) category of justice does not apply in this case." The only reasonable solution, then, is partition, if need be by way of "*a settlement imposed on both sides* by the superpowers."[44]

Leibowitz's proposed solution, i. e., of an imposed settlement, issues in recognition of the daily fact of terror in the state of Israel. Observing that "a colonial regime necessarily gives birth to terrorism," he by no means minces words in saying: "Israel, since 1967, is endeavoring to impose colonial rule on the territory of a foreign people," i. e., over the West Bank and Gaza, which includes about 1. 25 million Arabs. To the extent that this effort continues, warns Leibowitz, "It is unlikely that human rights and civil freedoms can exist even in the Jewish sector."[45] With the identification of Arab Israeli citizens (numbering approximately half a million) with the cause of Arabs in the occupied territories, "one must expect the constant incidence of terror and counterterror," adds Leibowitz. This is hardly in the interest of the state of Israel: "Israeli policy in the occupied territories is one of self–destruction of the Jewish state, and of relations with the Arabs based on perpetual terror." This is an observation Leibowitz made in 1976. It is apt in its foresight for the fact of perpetual terror and "counterterror" by the state of Israel under the Sharon government. Leibowitz, despite his religious Zionist stand, remained clear on the one point that is championed by Zionists, viz., the claim to *Eretz Israel*: "The monstrosity known as 'the undivided land of Israel' is ruinous from the

43 Ibid., pp. 230–231

44 Ibid., p. 232

45 Leibowitz, "Occupation and Terror," op. cit., pp. 237–240

human, Jewish, and Zionist perspectives."[46] It must therefore be abandoned if Jewish independence is to have hope for a perpetual peace.

III. The Complaint from the Neturei Karta

Throughout the period under review by Leibowitz and Hazony, there has been a group other than the Israeli Right or Israeli Left, denominated by others as "ultra–orthodox" or "torah–observant" Jews, known as the Neturei Karta (Aramaic for, "Guardians of the City"). These representatives of Hasidic Judaism have consistently sounded a concern for the spiritual dimension of Judaism. They speak out against what they perceive to be antagonism to the essential dimension of Jewish existence, this antagonism manifest in the very reality of the Jewish state. In what follows I expound upon the allegedly "radical" ethical position taken by the Neturei Karta insofar as it stands contraposed to the politico–philosophical position taken by Fackenheim, who says rather adamantly: "In the present situation only one thing is certain: wholly wrong–and this morally as well as politically–are those who, far away and safe, supply Israel with moral advice as to what she may not do if she is to save her soul, but have no advice worth taking seriously as to what she should do to assure her survival."[47] The question here, of course, is: What counts as advice worth taking seriously? While offering his fragments of wisdom, Fackenheim anticipates that what he purports to represent with an aim at objectivity may well be dismissed as "Zionist propaganda;" and, clearly, it is precisely the sort of position taken by Fackenheim that meets with the kind of ethical protest expressed by members of the Neturei Karta. Yet, given the countervailing loyalties and different bases of analysis, those who are "Zionist" will readily dismiss the advice of Neturei Karta International as the sort not to be taken seriously. Nonetheless, Hasidic Jews have something pertinent to say, adducing their recommendations according to premises that remain relevant precisely because they speak as a remnant of Jews from the Nazi genocide.

Observations such as those cited earlier from Leibowitz and Seto allow one to take the ethical position of the Neturei Karta all the more seriously precisely because they are Jews representative of the traditional Judaism that lost so many souls to Nazi genocide. In a statement dated 16 July 1947, sent to the UN Special Committee on Palestine, Chief Rabbi Yosef Zvi Dushinsky of the Jewish orthodox community of Jerusalem (*Eida Hacharedis*) remarked, "a serious blunder was committed... by recognizing first the leaders of Zionism

46 Ibid., p. 240

47 Fackenheim, op. cit., pp. 197–198

and then the Jewish Agency as official representation of the Jewish population."[48] Writing in November 1947, this time to the UN Ad Hoc Palestine Committee, Chief Rabbi Dushensky made the Jewish orthodox position unequivocally clear: "The Jewish Orthodox community (*Eida Hacharedis*) of Jerusalem comprising 60,000 souls, objects to the plead of including Jerusalem in the Jewish state and/or its residents becoming automatically citizens of the Jewish state."[49] In this way, the orthodox Jewry declined to provide both explicit and tacit consent to the creation of the state of Israel and to their community's "legal" incorporation by the state following the Balfour Declaration.

At issue for the Neturei Karta is a Torah–grounded tradition about the relation of Jewish exile from its ancient land and the biblical promise of ultimate redemption. For them, Jewish–Gentile relations can be understood properly only in this context, inasmuch as it is the basis of Jewish piety and the comportment and practice that are its corollaries.[50] Determinately contraposing itself to the concern of "politically–engaged" Jews for Jewish "defense" and "anti–defamation," the Neturei Karta champion the demand for a spirituality that is at the heart of Jewish existence. They are careful not to yield to "the enticements of assimilation" or to surrender their spiritual vocation to "the forces of persecution." Recognizing that the history of the Jews is itself represented in a history of ideas, the Neturei Karta refuse to surrender their spiritually–grounded cause to the secularism they associate with the ideas of Zionism, the latter often giving emphasis to a Judaism that is merely ethnic or cultural.

In similar vein, a religious orthodox Jew such as Leibowitz recognizes the significance of humanity's messianic redemption without merely acquiescing in the secular dictates of the Israeli government. For him, however, messianic redemption as articulated in Tossafist interpretation of biblical prophecy concerns not "what will be" but *"what ought to be."* To speak of what ought to be, in contrast to what will be, assigns to the Jew a task–a "deliberate effort" to be in the service of God. But such service cannot be diminished and distorted into an "ethical humanism" (such as happens with Reform Judaism, says Leibowitz).[51] To the extent that there can be such a thing as Jewish "ethics" at all–Leibowitz remarks that the Hebrew word commonly used for 'ethics,' viz., *Mussar*, is a neologism and means "teaching")–Leibowitz argues that insofar as "Moral judgment pertains to the intention of the actor," then "Ethics... is

48 Neturei Karta International, Historical Documents, online at http: //www.nkusa.org

49 Ibid.

50 "Exile and Redemption," op. cit.

51 Leibowitz, "The Religious and Moral Significance of the Redemption of Israel (1977)", pp. 109 & 113

not the doctrine of correct behavior, but the doctrine of man's right intention." In stating as much, however, Leibowitz clarifies that "only the ethical atheist follows his conscience, which is his inclination, whereas the believer who fears God is not guided by his heart or eyes."[52] Leibowitz also provides a caveat in according "intention" its place in moral judgment: "The intention does not guarantee the 'goodness' of the action. The person may err, and the consequence of a good intention may be very bad." Here we have a statement about moral judgment that, having its source in the teaching of the Jewish *Shema* ("And that you may not go astray after your own heart and after your own eyes"), at once negates Socrates and Kant: "The Prohibition of following 'your own heart' is a negation of Kant's great principle; the prohibition of following 'your own eyes' is the rejection of the principle of Socrates. And the reason for the two negations is: 'I am the Lord your God.' The believing man is guided by his consciousness of his standing before God, not before men. His judgment is not moral. Morality is an atheistic category."[53]

With this view of morality in mind, Leibowitz took notice of those such as Ben–Gurion in their claims concerning the state of Israel, its establishment allegedly said to "enhance the prestige of Judaism in a religious sense, both among the Jews and among the nations." Insisting on a separation of religion and state, Leibowitz writes: "The status quo, which formally interweaves elements pretending to be religious with the secular executive and administrative system of the state–an integration which the representatives of 'religious national' Judaism make every effort to perpetuate–reflects the cast of mind of a man who entertained a bitter hatred of Judaism. It was to this conversation with Ben–Gurion that I alluded when I once wrote: 'The status of Jewish religion in the state of Israel is that of a kept mistress of the secular government–therefore it is contemptible.'" Thus, rejecting "the attempts to adorn the state of Zionism with a religious aura," Leibowitz concludes, "The state of Israel does not radiate the light of Judaism to the nations, not even to the Jews."[54] This could not but be the case given its origin: "Zionism has no connection to Judaism in its essential religious sense of the obligation to observe Torah and Mitzvoth."[55] Leibowitz's criticism of the false adornment of "religious

52 Ibid., p. 114

53 Ibid., p. 115. Leibowitz takes the Socratic principle and the Kantian principle to be as follows: "The first maintains that man's moral judgment consists in the guidance of his will in accordance with apprehension of the truth about the world, not by his interests, feelings, drives, or passions." "According to the second, man's moral judgment consists in the guidance of his will, not by his inclinations or interests nor by knowledge and understanding of the world, but by recognition of his duty, a recognition which is imposed by conscience, by the self–awareness of a rational being."

54 Ibid., p. 115

55 Ibid., pp. 115–116. Leibowitz (pp. 117–118) does allow that "Zionism as an aspiration to political–national independence is a legitimate Jewish aspiration, and the state is dear to us

aura" by the state of Israel is consonant to the critique issued by the Neturei Karta.

Hasidic Jews readily appreciate the Midrashic tale in which two rabbis, Reb Ami and Reb Assi, visit a city and ask the people, "Who are the guardians of the city?" When the people point to the soldiers and the police, Reb Ami and Reb Assi reply, "These are not the guardians of the city. They are the destroyers of the city. The real guardians of the city are the sages and pious men. In their merit is the city truly."[56] Intensified hostilities in the state of Israel between Palestinian terrorists and the Israeli military under the direction of Prime Minister Ariel Sharon leave any observer of that scene of carnage and destruction with the answer given by Reb Ami and Reb Assi to their question: *The soldiers and the police are indeed the destroyers of the city.* It is with good reason, then, that Hasidic Jews united under the banner of the Neturei Karta International in the United States, in the United Kingdom, and elsewhere, take the stand of opposition not merely to the actions of the Israeli government, but also to the very existence of the state of Israel.[57] Those who have labored to build the state of Israel do so mostly on the basis of a zealous commitment to Zionism. Since its explicit beginning Zionism has been a secular ideology that refuses to tolerate the exile of the Jewish diaspora from "the promised land." Zionism is a "revolt against emancipationist German Judaism", inasmuch as (for Herzl) the social–contract state "never actually suc-

as its fulfullment. But it must not be given a religious aura... I deny that the establishment of the state of Israel and its very existence signal a beginning of the realization of the values of Judaism."

56 See "Exile and Redemption: The Torah Approach–An Introductory Exploration of Zionism, Jewish–Gentile Relations and the Recent Dialogue With the Nation of Islam," By a Friend of Neturei Karta, February 2000. (http: //www.netureikarta.org).

57 Rabbi David Weiss of the Neturei Karta (*N. B.* the Neturei Karta have "Observer Status" in the UN) has clarified the extent of this opposition as follows: "Opposition to the establishment of the state of Israel was, from the inception of the Zionist movement until 1948, nearly universal among Torah Jewry. Those expressing themselves ranged from Rabbi Chaim Soloveichik and the Lubavitcher Rebbe in Eastern Europe (R. Sholem Dov Ber Schneerson) to Rabbi Samson Raphael Hirsch in Germany, to Rabbi Shlome Eliezer Alfondri from Morocco. After 1948 hundreds of thousands of Jews continued this tradition of total rejection by a principled refusal to participate in the state and accept its many financial benefits. Their ranks included Misnagdim such as the Brisker and yishuv ha–yashan and Chasidim including Toldos Aharon, Satmar and Breslav." See "Exile and Redemption: The Torah Approach." An Introductory Exploration of Zionism, Jewish–Gentile Relations and the Recent Dialogue With the Nation of Islam By a Friend of Neturei Karta, February 2000. (http: //www.netureikarta.org). The following rabbinical organizations are also anti–Zionist: Edah HaCharedith lekol Makhelot Ha'Ashkenazim — Rabbinical High Court for all Ashkenazic communities, Jerusalem; Edah HaCharedith HaSefaradit, Sefaradic Rabbinical High Court, Jerusalem; Hisachduth HaRabbonim DeArtzos HaBris VeKanada — Central Rabbinical Congress of the United States and Canada.

ceeded in providing the Jews with safety and well-being through their participation in the social-contract state".[58] Zionism also denies the propriety of a Jewish faith that counsels waiting on the promised redemption of the Messiah.

The contemporary generation of Americans, having learned their history of the twentieth century's world wars and "the lessons" of the Nazi genocide of the Jews, thereby cannot conceive of–much less grant any legitimacy to–opposition to the existence of the state of Israel. Who could possibly desire today not only a formal denial of recognition to this sovereign nation-state but also, worse, actively advocate for the dismantling of this state as a means to perpetual peace in the Middle East? The answer is that many Hasidic Jews can and do advocate as much. This fundamental disagreement between Zionists and Hasidic Jews was represented fictionally yet accurately by Chaim Potok in his well-known novel, *The Chosen*, in the two positions articulated by David Malter and Reb Saunders. Malter, a neo-orthodox Jew, responding to the deaths of the millions in the concentration camps and the gas chambers, is not satisfied by the answer that the Holocaust was "God's will", that "We have to accept God's will." Malter is unequivocal: "We cannot wait for God. If there is an answer", he says, "we must make it ourselves... Six million of our people have been slaughtered... It is inconceivable. It will have meaning only if we give it meaning. We cannot wait for God."[59] Adds Malter, "We must make our own Messiah... Palestine must become a Jewish homeland! We have suffered enough!"[60]

In contrast, Rebbe Saunders, a Hasidic Jew, hears such a proposal only to bristle at it and to chastise it for its sacrilege:

> "Who are these people? Who are these people?" he shouted in Yiddish, and the words went through me like knives. "Apikorsim! Goyim! Ben Gurion and his goyim will build Eretz Yisroel? They will build for us a Jewish land? They will bring Torah into this land? Goyishkeit they will bring into the land, not Torah! God will build the land, not Ben Gurion and his goyim! When the Messiah comes, we will have Eretz Yisroel, a Holy Land, not a land contaminated by Jewish goyim!
>
> ..."The land of Abraham, Isaac, and Jacob should be built by Jewish goyim, by contaminated men?" Reb Saunders shouted again. "Never! Not while I live! Who says these things? Who says *we* should now build Eretz Yisroel? And where is the Messiah? Tell me, we should forget completely about the Messiah? For this six million of our people were slaughtered? That we should forget completely about the Messiah, that we should forget completely about

58 Yoram Hazony, *The Jewish State: The Struggle for Israel's Soul* (New York: Basic Books, 2001), p. xxvii

59 Chaim Potok, *The Chosen* (New York: Fawcett Crest Books, 1967), p. 182

60 Ibid., p. 186

> the Master of the Universe?... Who says *we* should build Eretz Yisroel, ah? I'll tell you who says it! Apikorsim say it! Jewish goyim say it! True Jews do not say such a thing!"[61]

The point of this dispute is clear, even as Danny Saunders clarified the matter for his friend Reuven Malter: "A secular Jewish state in my father's eyes is a sacrilege, a violation of the Torah." And so it remains a sacrilege to this day for the many Hasidic Jews in America, Jerusalem, and throughout the world who today witness "the fatigue [that] stalks the Zionist movement" given the wanton and incessant destruction in the state of Israel. For Hasidic Jews, "from Sinai until the Enlightenment no Jews anywhere saw themselves as anything other than a community of faith," and it is this self–concept that is central to their quarrel with the Zionists: Jews are first and foremost *a community of faith*, a faith that cannot be defined or be delimited by a territorial state that promises an end to exile from the promised land.[62]

Hasidic Jews such as the Neturei Karta who protest against the state of Israel do not speak in terms of Jewish *rights* to a homeland, thereby dismissing a key presupposition of modernist justifications for a Jewish state. Rather, Hasidic Jews speak of a Jewish homeland as a *privilege*, thereby conceding a conditional grant of the land. "[The] condition of exile," say Hasidic Jews, "although clothed in the outer form of political power and powerlessness, is ultimately capable of resolution only in its essence."[63] Exile can be removed only by the Messiah in response to the *teshuvah*, the turning, of a sinful people away from the sinfulness that caused their exile. It is with this belief in mind that torah–observant Jews recite the Mussaf prayer on the holidays and say, *Umipnay chatoenu golinu mayartsaynu*, "For our sins we were exiled from our land." As Neturei Karta member G. J. Neuberger put it recently, "the present exile of the Jewish people is divinely decreed and... the Jewish people are neither commanded nor permitted to conquer or rule the Holy Land before the coming of the Messiah."[64]

It is the latter claim of lack of permission that is especially critical for the Neturei Karta. As Australian Rabbi Gedalya Liebermann informs us, citing the Talmud tractate *Ksubos*, Jews "have been forsworn by G–d 'not to enter the Holy Land as a body before the predestined time,' 'not to rebel against the nations,' to be loyal citizens, not to do anything against the will of any nation or its honour, not to seek vengeance, discord, restitution or compensation;

61 Ibid., pp. 187–188

62 "Exile and Redemption", op. cit.

63 Ibid.

64 "The Great Gulf Between Judaism and Zionism", Paper delivered by G. J. Neuberger, a member of Neturei Karta, at the Tripoli Conference on Zionism and Racism, October 2001; http://www.netureikarta.org.

'not to leave exile ahead of time.'"[65] These "three strong oaths" are those given by King Solomon in the Song of Songs (3: 5), oaths understood to be wholly compelling for any Jew who believes himself to be torah–observant until the Messiah comes. This Talmudic interpretation is supported by Maimonides in a letter to the Jewish Community of Yemen (*Iggeres Teiman*), who instructs his Jewish brethren: "accept the Oath and do not attempt to arouse the love until the proper time when the Alm–ghty shall remember us and you with his trait of mercy to gather his portion from Exile to behold his glory at his holy Temple and redeem us from the valley of the shadow of Death where he has placed us... ."[66]

Furthermore, the Maharal of Prague, Rabbi Betzalel Lowy, writing in his book *Netzach Israel*, "expanded on the description in the Midrashic text on Song of Songs 2: 18," thus: "'Even if the nations wanted to kill the Jews with terrible torture, the Jews are forbidden to change the applicability of the Oaths. This is relevant to every one of these oaths and must be understood.' Therefore, not only is it forbidden to leave the Exile even with the permission of the nations, but even if they force the Jewish People to do so under pain of death, it is forbidden to violate these Oaths in the same way it is required to give up one's life rather than accept another religion."[67] This latter situation is expressed by Rabbi Avraham Galanti in his book, *Zechus Avos* (Merit of the Patriarchs) in recounting "how some Jews in Portugal [during the 15th century] wanted to revolt against the kingdom rather than submit to forced conversion" but who desisted from doing so consequent to instruction from the Talmudic tractate *Ksubos*.[68]

In our day, Rabbi Joel Teitelbaum, a Satmar Hasidic Jew and President of the Central Rabbinical Congress of the United States and Canada, writing in May 1961, stated: "Being faithful to the Government of one's country of residence is one of the basic principles of Jewish religion." Rabbi Teitelbaum expressed his hope in the "devout piety" of Jewish communities fully to "live up to this sacred principle" rather than "yield to influence of propaganda from abroad."[69] In his last book, *Al Haguelah Yest Hatmurch*, Rabbi Teitelbaum wrote against such influence insofar as this propaganda incited Jews to violence. Thus, engaging the question, "May Jews wage war or battles in our time?" the rebbe wrote of the Zionists:

65 Rabbi Gedalya Liebermann, "The Role of Zionism in the Holocaust," Jews Against Zionism, http: //www.jewsagainstzionism.com/holocaust/gedalyaLieberman.htm

66 "Three Strong Oaths," Jews Against Zionism, http: //www.jewsagainstzionism.com

67 Ibid.

68 Ibid.

69 Grand Rebbe Joel Teitelbaum, *http: //www.jewsagainstzionism.com/articles/teitelbaumLetter 1961.htm*

> They lie when they say they were obligated to battle the Arabs and to risk the lives of klal Yisroel in war because the enemy brandished his sword and said, 'I will chase, I will smite, I will kill, I will annihilate,' and therefore, it was imperative they go to war.
> ... [We] have heard that they propagandized that, based on the Torah, this war is compulsory....
> It is clear that the blame for the loss of thousands of Jewish lives in this war lies squarely with these religious leaders and their partners, the Zionist rulers, who exposed the lives of our brethren in Israel to the danger of death without the permission of, and in opposition to the view of the Torah... Not only was this war not a 'mitzvah' according to Torah law, it was, on the contrary, a transgression and an evil act...
> First, it is manifest to all who see the truth that all the strife and the source of all the trouble and danger of war, was the result only of the establishment of a Zionist state. The Zionist government provoked the Arabs in various ways... There is no doubt that the Torah in no way permits the loss of one Jewish life for the sake of the entire Zionist state...[70]

Rabbi Teitelbaum argues furthermore that the laws concerning engagement in a holy war, *milchemes mitzvoh*, "are valid only when Jews are on their lands and settlements, and when there are a king and Sanhedrin (as explained in the Gemoro[Gemmara]."

Thus Hasidic Jews argue, "by positing that a solution to the 'problem' of exile is available on the temporal plane, the spirit of aggression has denied the spiritual core of Judaism and the Divine destiny of the Jewish people."[71] Accordingly, Rabbi Samson Raphael Hirsch articulates the requisite comportment that is clearly non–Zionist: "Not in order to shine as a nation among nations do we raise our prayers and hopes for a reunion in our land, but in order to find a soil for the better fulfillment of our spiritual vocation in that reunion and in that land which was promised, and given, and again promised for our observance of the Torah."[72]

Some Jews believe that they cannot but support the state of Israel in declaration of "Never again!" to Nazi genocide. For orthodox Jewry, Zionism has become, in short, "a tragic substitute" for "an ancestral faith." Indeed, orthodox Jews associated with the Neturei Karta, mindful of the fact of Nazi genocide, hold the Zionists culpable in part for the Holocaust. As Rabbi Lieberman remarks with reference to the criticism of Zionism issued by Rabbi Teitelbaum,

70 Satmerer Rebbe, Rabbi Yoel Teitelbaum, "May Jews Wage War or Battle in Our Time?" excerpted from his last book, *Al Haguelah Yest Hatmurch*, available at http: //jewsagainstzionism. com

71 "Exile and Redemption," ibid.

72 Ibid.

The Holocaust, he wept, was a direct result of Zionism, a punishment from G–d.

It is common knowledge that all the sages and saints in europe at the time of Hitler's rise declared that he was a messenger of divine wrath, sent to chasten the jews because of the bitter apostasy of zionism against the belief in the eventual messianic redemption.[73]

Thus, to this metaphysical claim Rabbi Liebermann adds several empirical observations that speak to Zionist culpability in the Nazi genocide:

> These are the 'statesmen' who organized the irresponsible boycott against Germany in 1933. This boycott... brought calamity upon the Jews of Europe... [The] Zionist 'statesmen'... with their boycott incensed the leader of Germany to a frenzy. Genocide began....
> Golda Meir (Meirson) ignored a German offer to allow Jews to emigrate to other countries for $250 a head, and the Zionists made no effort to influence... countries... to allow immigration of German and Austrian Jews....
> It is an historical fact that in 1941 and again in 1942, the German Gestapo offered all European Jews transit to Spain, if they would relinquish all their property in Germany and Occupied France; on condition that: a) none of the deportees travel from Spain to Palestine; and b) all the deportees be transported from Spain to the USA or British colonies, and there to remain; with entry visas to be arranged by the Jews living there; and c) $1000.00 ransom for each family to be furnished by the [Jewish] Agency, payable upon the arrival of the family at the Spanish border at the rate of 1000 families daily. The Zionist leaders in Switzerland and Turkey received this offer with the clear understanding that the exclusion of Palestine as a destination for the deportees was based on an agreement between the Gestapo and the Mufti. The answer of the Zionist leaders was negative, with the following comments: a) ONLY Palestine would be considered as a destination for the deportees. b) The European Jews must accede to suffering and death greater in measure than the other nations, in order that the victorious allies agree to a 'Jewish State' at the end of the war. c) No ransom will be paid. This response to the Gestapo's offer was made with the full knowledge that the alternative to this offer was the gas chamber.[74]

Rabbi Liebermann goes on to enumerate a number of additional Zionist offenses against the European Jews, summarizing his indictment thus:

Zionist responsibility for the Holocaust is threefold:

1. The Holocaust was a punishment for disrespecting *The Three Oaths* (see Talmud, Tractate Kesubos, p. 111a).

2. Zionist leaders openly withheld support, both financially and otherwise, to save their fellow brothers and sisters from a cruel death.

73 Rabbi Gedalya Liebermann, op. cit.

74 Ibid.

3. The leaders of the Zionist movement cooperated with Hitler and his cohorts on many occasions and in many ways.[75]

Given such indictments, it is understandable why Hasidic Jews speak of their commitment to the spiritual core of Judaism rather than to Zionism's political vision. Zionism proves itself to be "a movement knee–deep in the blood of innocents, Jewish and Gentile." For those who do not know the deception for what it is, say the Neturei Karta, though the voice is Jacob's yet the hands are those of Esau, hence the violence of Zionism.[76] Thus do Hasidic Jews explicitly challenge the leadership of the state of Israel who manifest a spirit of aggression that in its consequences denies any reasonable fulfillment of spiritual vocation, though it is this spiritual vocation that above all distinguishes the Jew as Jew. This stand taken by the Neturei Karta is hardly "oddly sectarian" and "beyond the pale." As Hazony himself observes,

> Few today remember that when the idea of establishing a sovereign state for the Jewish people was made the goal of the Zionist Organization, it was greeted by many leading Jewish intellectuals as an abomination. Thinkers such as Hermann Cohen and Franz Rosenzweig–and later on Martin Buber, Gershom Scholem, Hannah Arendt, Albert Einstein, and Hans Kohn–all opposed the idea of a Jewish state. And for much the same reason. All of them argued that the Jewish people was in its essence an achievement of the 'spirit', which would be degraded and corrupted ("like all other nations") the moment it was harnessed to tanks and explosives, politics and intrigue, bureaucracy and capital–in short, to the massive worldly power of the state.[77]

The protracted and intensified internecine civil warfare in the state of Israel today calls upon us to consider ever more seriously the counsel of the Neturei Karta. In a letter to President George Bush dated 06 November 2001, Neturei Karta International challenged Agudat Israel of America's claim to represent Orthodox Jews in the United States, thus to construe this "constituency" as supporting the U. S. foreign policy of "standing with" and "protecting" the state of Israel. "First, there is far from unanimity in Orthodox Jewish ranks in America on many of the matters touched on in the Agudat Israel letter. Many Orthodox Jews... believe that the state is fundamentally illegitimate on both religious and moral grounds. We are further convinced that its continued presence in the Middle East is a sure source of endless political and military agony for the Jews and Gentiles of the region and, indeed, around the world."[78]

75 Ibid.

76 Neuberger, op. cit.

77 Hazony, op. cit., p. xxiv

78 "Neturei Karta, "An Open Letter to President George Bush," November 6, 2001; at http://www.netureikarta.org

Thus, with similar assertion of an Orthodox Jewish position contrary to that taken by Agudat Israel, the Rabbinical Court of the Ultra–Orthodox Community of Jerusalem issued a statement of warning, declaring "We hereby state that the Ultra–Orthodox Jews have no connection or link to the provocations against the Arabs."[79] Consistent with this declaration, "Neturei Karta of the Orthodox Jewry, Jerusalem Palestine" in August 2002 wrote to Javier Solana, Secretary–General of the Council of the European Union. In their letter these Orthodox Jews who are in the midst of the Israeli–Palestinian conflict represented themselves as a "voice of traditional Judaism," in this case representing "those Orthodox Jews who settled in Jerusalem and in other communities in the Holy Land long before the mass immigrations of the twentieth century," the former group not having ever had and now not desiring "to establish Jewish political sovereignty over the land." This is in contrast to the latter group who pursued "conquest by immigration," thereby guilty of "immoral dispossession" of "the native Palestinian population." The Neturei Karta in Jerusalem add: "Truth and morality are not to be weighed on the scale of misplaced tribal loyalty... [It] is in the name of the Torah that we seek justice and mercy for Palestinian people."[80] Appealing to the principles of the Torah, these Orthodox Jews argue:

> We believe that the demands of elementary justice cannot be met until the colonization of the 1890 to 1948 period and the further military conquest of 1967 be reversed. This would entail complete right of return and compensation for Palestinian refugees, return of all stolen properties and re–examination of the immigration policies that have transformed the area from Arabic to Jewish.
>
> We have little doubt that an ethical rethinking of the Palestinian question will place the future of the area firmly in Palestinian hands. We trust that they, in conjunction with the international community, will provide for a peaceful transition of power with some Jews staying and others who came to the land during the "conquest by immigration" period perhaps having to emigrate, after being justly compensated.
>
> ...
>
> In the interim, until true justice be achieved, we do support all attempts by the European Union to give the Palestinian people their just due, whether by granting them partial sovereignty over their ancestral lands or by allowing for the "right of return."[81]

Speaking in December 2001 before the National Press Club in Washington D. C., Rabbi Yisroel D. Weiss offered the same counsel even though it goes against the grain of those in the United States whose politics is that of *Re-*

79 "A Serious Warning," Historical Documents section, http: //www.netureikarta.org

80 "Neturei Karta of The Orthodox Jewry, Jerusalem Palestine", at http: //www.netureikarta.org

81 Ibid., p. 2

alpolitik and who, therefore, refuse to surrender the ideological appeal of Zionism: "We of Neturei Karta International find the toll of dead and wounded on both sides to be intolerable. We feel that it is high time for a radical departure from the assumptions that have governed and, effectively stifled free debate on the subject."[82] Speaking from the tradition of his faith and thus from the dictates of Torah and Talmud, Rabbi Weiss continued:

> People of the Press, I have come before you today to offer a new perspective on the Middle East, a new explanation as to why all previous attempts at peace making have failed. It is our belief that they are inherently doomed to fail. All of them share one fatal assumption. They find it axiomatic that the state of Israel should exist. And, in contrast to the plain evidence of the past half–century of Jewish history they see its existence as a positive development for the Jewish people....
>
> We will demand and with G–d's help live to see the peaceful dismantling of the state. We will return the land to those who dwelt upon it for centuries, the Palestinian people. Under their sovereignty, we will work towards a just solution to any Jewish–Palestinian problems created by the brief period of Zionist ascendancy.[83]

This "urgent agenda" Rabbi Weiss repeated on 07 February 2002 at a rally in Washington D. C., hosted by The Coalition of Arab–American, Muslim Organizations. Speaking in Manhattan New York on 12 April 2002 at a rally of the Metropolitan Muslim Coalition, Rabbi Yisroel P. Feldman reminded those demonstrating in support of the Palestinian cause, "Tragically, some people in the Holy Land and elsewhere, as part of a mistaken reaction to the Holocaust, have seen the Zionist entity as their savior and somehow representative of world Jewry. Nothing can be further from the truth."[84]

More recently, at a talk given at Birmingham University, England, on 26 February 2003, Rabbi Aharon Cohen spoke to the issue of contradictions in Zionism relative to the demands of Torah.[85] The demands of the Torah, observed Rabbi Cohen, are both religious and humanitarian, the latter being a part of the former. For Cohen it is objectionable on both religious and humanitarian grounds for Zionist Jews "to impose a 'sectarian' State over the heads of an indigenous population, the Palestinians." The Neturei Karta, says Rabbi Cohen, "are not a separate party or organization but a philosophy representative of a large section of orthodox Jewry." Elaborating, Rabbi Cohen states,

82 Rabbi Yisroel D. Weiss, "Towards a Lasting Middle East Peace", presentation at the National Press Club, Washington DC, 11 December 2001.

83 Ibid.

84 Rabbi Yisroel P. Feldman, "Torah Jews Denounce Israeli State," April 12, 2002; at http: //www.netureikarta.org

85 "Israel, Judaism, and Zionism," Speeches section, http: //www.netureikarta.org

"All of our religious requirements, practical and philosophical, are set out in the Torah which comprises the Bible (the old testament) and a vast code of Oral Teaching handed down to us through the generations." With this set of documents as source, Rabbi Cohen comments on the concept of nationhood:

> [The] orthodox Jewish concept of nationhood is very different to [sic] the concept of nationhood held by most peoples. Most peoples understand a nation to be a specific people living in a specific land. The land is essential for the identity of the nation. They may or may not have a religion, but the religion is immaterial to the national identity. The orthodox Jewish concept of nationhood however, is a specific people with a specific religion. It is the religion that establishes the national identity. They may or may not have a land, the land is immaterial to the Jewish identity.[86]

Rabbi Cohen adduces two practical implications of the orthodox Jewish concept:

> In practical terms, although we have maintained our Jewish identity by virtue of our attachment to our religion, never the less exile for us means firstly that Jews must be loyal subjects of the countries in which they live and not attempt to rule over the established indigenous populations of those countries. Secondly, that we may not attempt to set up a State of our own in Palestine. This would apply even if the land would be unoccupied and it certainly applies when, as is the case, there is an existing indigenous population. This prohibition is a basic part of our teaching and we are forsworn [sic] not to contravene it....
>
> It follows, therefore, that Jews have no right to rule today in Palestine.[87]

Stating the obvious contradiction, then, Rabbi Cohen asserts: "The practical outcome of Zionism in the form of the State known as 'Israel' is completely alien to Judaism and the Jewish Faith."

Turning to the humanitarian aspect of the Neturei Karta's objection to the state of Israel, Rabbi Cohen remarks:

> The Zionist ideology was and is to force the aim of a State irrespective of the cost in life and property to anyone who stands in the way. The Palestinians stood in the way. We have a fact that in order to achieve an ill conceived nationalistic ambition, a shocking contravention of natural justice was committed by the Zionists in setting up an illegitimate regime in Palestine completely against the wishes of the established population, the Palestinians, which inevitably had to be based on loss of life, killing and stealing.

For the Neturei Karta, the combination of religious and humanitarian objection to the state of Israel should be compelling reason for a legitimate Jew

86 Ibid.

87 Ibid.

not to be a "religious Zionist," the very construction being an oxymoron in light of the teaching tradition given in Torah and Talmud. Speaking of these Jews in the state of Israel, Rabbi Cohen notes:

> [From] a humanitarian point of view, their ideology too was and is to force their aim irrespective of the cost of life and property to anyone who stands in the way. The Palestinians are standing in the way. This is all the more shocking as it is done in the name of religion. Whereas in reality there is a totally contrary requirement of our religion and that is to treat all peoples with compassion.

Rabbi Cohen and others of the Neturei Karta International are clearly taking on a much more publicly visible role in challenging the state of Israel as a legitimate representative of all Jews, including orthodox Jewry. Given the religious and humanitarian objections, "Zionists cannot speak in the name of Jews," even allowing for the fact that a Zionist is Jewish by blood: "Zionists may have been born as Jews, but to be a Jew also requires adherence to the Jewish belief and religion... Zionism itself and its deeds are the biggest threat to Jews and Judaism." Thus speaking to the Arab and Muslim world grappling with the illicit deeds of the Zionists, Rabbi Cohen urges upon them this notice: "We want to tell the world, especially our Muslim neighbors, that there is no hatred or animosity between Jew and Muslim. We wish to live together as friends and neighbors as we have done mostly over hundreds even thousands of years in all the Arab countries... We consider the Palestinians as the people with the right to govern in Palestine."

Zionism's secular nationalism of both the Israeli Right and the Israeli Left gives ample evidence of its failure both to secure a homeland for the Jews and to assure justice to the Palestinian people, contrary to the teachings of Judaism's forefathers. State suppression of the full civil capacity of Palestinians in the state of Israel follows from the Zionist agenda, an agenda found normatively indefensible both in principle and in consequence by those who are centrally representative of traditional Judaism. Whether we be hawks or doves, Jews or Gentiles, the counsel coming from the Hasidic Jews who form the solidarity of Neturei Karta International has its rational ethical appeal, though a ranking Jewish philosopher such as Fackenheim reject their recommendations.

Accordingly, to the degree that Jews are to be defined in terms of their commitment to the Torah and its teachings, then to that degree must the present exile of Jews be acknowledged as linked to the promise of redemption given by that tradition. Aware of the historical conditions of Jewish exile, the Neturei Karta assert that "Military might and political pressure will not and cannot end Jewish exile." Correlative to this claim, the Neturei Karta insist that "Aggression against other peoples of the world will not and cannot hasten

redemption."[88] What does this imply for participation of Orthodox Jews in Israeli politics today? Clearly, there are some associated with a "fundamentalist" Judaism in Israel, e. g, all associated with the international organization of *Agudat Israel* (Union of Israel), who believe that "participation in Israeli politics is a necessary evil in order to protect the interests of Judaism," the latter understood in terms of its spiritual requirements. However, even as there is internal opposition among the Israeli Right and Israeli Left, so is there confusion among the "religious Zionists" as they try to balance their concern to preserve the sacred with the demands of compromise and accommodation in Israeli party politics. In consequence, say the Neturei Karta, both secular and religious Zionists deviate from Torah–grounded obligations of conduct concerning Jewish–Gentile relations. It is in the context of this division among religious Jews that many abandoned *Agudat Israel* and constituted themselves as Neturei Karta to continue the fight against Zionism even in Israel as the true "Guardians of the City." Even Leibowitz was prepared to go so far as to assert: "The state fulfills an essential need of the individual and the national community, but it does not thereby acquire intrinsic value–except for a fascist who regards sovereignty, governmental authority, and power as the supreme values."[89] Consequently, neither does the state of Israel have "intrinsic value" such that Zionist commitment to the state entails permanent sovereignty of the territories now in dispute among Israelis and Palestinians.

Jewish–Gentile relations are unavoidably consequent to Jewish self–identity. Understanding this, the Neturei Karta complain (even as they warn) that "By replacing the Jewish faith with a secular nationalism, Zionism has completely changed the self–understanding of far too many Jews." This is an important indictment that is salient for any contemporary "Jewish philosophy" that, as in the case of Fackenheim, seeks to offer even fragments of a politico–philosophical wisdom. The indictment leveled by the Neturei Karta leads unavoidably to an interrogation of the presuppositions of such philosophical fragments, not the least of which are those concerning the "self–understanding" or concept of "Jewish identity" that is at play. Clearly, the concept of Jewish identity will influence the manner in which the conduct of Gentiles is interpreted, thus presumably "hostile" conduct to be engaged consequent to a right to self–defense or a right to preemption. The Israeli government under Ariel Sharon has asserted the legitimacy of its military actions vis–à–vis the Palestinians with appeal to both rights. However, for the Neturei Karta, in the absence of a spiritually–grounded determination of Jewish identity, both the claim of a right to self–defense and the claim to a right to preemption

88 Ibid.

89 Leibowitz, op. cit., p. 118

entail immoral conduct, the latter in particular insofar as it is, in fact, stark aggression.

The Neturei Karta recognize the reality of Nazi genocide and the Zionist insistence of "Never again!" that has contributed to the demands for a Jewish state; but they nevertheless refuse the deformation of Judaism into a "secular triumphalism" that denies the very core of Jewish existence. Secular Jews who cry "Never again!" after Nazi genocide are no longer accepting of what members of the Neturei Karta find essential–"the old agenda of prayer, study, and good deeds, which sustained and protected the Torah nation during two thousand years of exile" (*galut*) that was ever an expression of *Kiddush Hashem*, sanctification of God's name. To eschew the latter in favor of secular triumphalism is to contribute to an image of the Jew in the minds of Gentiles that itself fuels the fire of anti–Semitism, for the dominant preoccupation with secular concerns of the state of Israel and associated claims asserted internationally for reparations are such as to manifest an "insensitivity" to the legitimate humanitarian and communal needs of Gentiles themselves. In its radical complaint and indictment of those who advance the cause of the state of Israel, then, the Neturei Karta assert: "having long since jettisoned Judaism, [Zionism] needs anti–Semitism to justify its own existence. And, where anti–Semitism doesn't exist, it will agitate until it has created it."

Secular Zionism's agitation against anti–Semitism has not produced a promised land but only a "garrison state"–a country "covered with an endless array of security and checkpoints" seeking to counter daily bomb threats and "endless terrorism" such that the Israeli Jew is first and foremost engaged with the material conditions of survival rather than with responses to a divine mandate and "the holy tasks" of Jewish faith, viz., "[Torah] study, prayer, and acts of kindness." Leibowitz's claim is being demonstrated true by the experiences of life in Israel: "Justice, equity, morality, or education, not to mention the religious values of fear of God, love of God, and service of God, could never materialize with the mere attainment of sovereignty."[90] In short, for the Neturei Karta and Hasidic Jews who counter Zionism, the means and ends of Jewish existence are inextricably linked such that a violation of the means sanctioned by the Torah has the consequence of assuring the absence of justice. The Lubavicher Rebbe Shalom Dov Ber Schneerson, for example, is quoted to say, "Behold, even if these men (the Zionists) were to be perfect with G–d and His Torah and even would it be possible to conceive of them achieving their goal, we must not listen to them in this area to redeem ourselves with our own strength. Are we not forbidden to 'force the end' (even) by excessive prayer? And certainly by force and physical means? In other words we are

90 Ibid.

forbidden to leave exile by force. And this means (force) will not result in our redemption and the salvation of our souls."[91] In other words, that which Zionists take to be a good deed, Hasidic Jews such as the Lubavicher Rebbe are quick to call an *aveivah* (sin).

This adherence to a legitimate means, a matter of obligation to "first principles" in light of the divine commandments concerning exile and redemption, Hasidic Jews such as the Neturei Karta do not find undermined by the Jewish experience of Nazi genocide. They, therefore, cannot accept as legitimate the claims of Zionists to safeguard against such evil by the creation of a modern state of Israel wherein divine law is made "subject to party or parliamentary votes." Say the Neturei Karta:

> We have already pointed out that after 1948 there were those who felt that the evil of the state was best combated from within. This is a perspective which we do not share. Yet, we hasten to add that it too was originally rooted in a principled opposition to Zionism and part company from us only over the questions of recognition implicit in participation and whether participating in the state helps it to survive, thus perpetuating all the evil foretold in the past into the indefinite future....

We are not happy over this slow erosion of Torah axioms.[92]

Surely, argue the Neturei Karta, a faithful commitment to the principles of the Torah concerning exile and redemption does not permit Zionism's "all too frequent willingness to sacrifice European Jewry, especially the elderly, during the Second World War," to accept "the ruthless terror conducted against British soldiers and their families," to justify "the barbaric dispossession of the Palestinians" that sustains no right of return of Palestinian refugees outside the Israeli state, to acquiesce in "the brutal internal war between the Haganah and the Lechi and Etzel terror organizations." On the contrary, these are precisely the historically obtained examples of failure on means that indict the Zionist commitment to the state of Israel as a movement "knee–deep in the blood of innocents, Jewish and Gentile." So strong is the objection of the Neturei Karta to this transgression of Torah axioms that they have "Observer Status" at the United Nations as a means of countering the claims by the state of Israel that it is the sole legitimate representative of Jewish interests, Rabbi Chaim Tzvi Freimann serving as chief delegate. They believe and act consistent with a divine mandate to seek reconciliation with "enemies" despite their hostility, and thus they reject the position of the Israeli government that refuses dialogue and negotiation with Palestinians and Arabs amidst the evi-

91 Ibid., p. 10
92 Ibid., p. 17

dence of ongoing terrorism. This "mindset" cannot but refuse reconciliation given its psychological determinants:

> Zionism, aside from the aforementioned reasons of heresy in G–d's constant providence over us, is very much akin to a posturing bully, always intent on proving his machismo. This stance is at root also predicated upon a deep sense of embarrassment, bordering on revulsion, at the so–called "ghetto Jew." This Jew, who humbly and piously went about his business, whether in Vilna or Jerusalem or Frankfort or London, was intent solely on serving G–d and living in peace with his neighbors. His example was a shining testimony to the glory man can reach when immersed in G–d's service. To the Zionist mentality he was shameful. Where was his gun, fist and boot?
> This is not a mindset capable of reaching out to and understanding the other.[93]

The hope that the Neturei Karta have in the mandate to reconciliation has support even in the teaching of Rashi, "the most prominent Jewish commentator." As G. J. Neuberger (a member of the Neturei Karta) put it in his opening remarks at the Tripoli Conference on Zionism and Racism, "Where the Torah tells about the creation of the first human being... Rashi explains that the earth from which Adam was formed was not taken from one spot but from various parts of the globe." Pointing out the implication of this rabbinic symbolism, Neuberger states:

> Thus human dignity does not depend on the place of one's birth nor is it limited to one region. The greatness or worth of a person is not measured by his or her outward appearance... At this stage in human history, there is no room for privileged people who can do with others as they please. Human life is sacred and human rights are not to be denied by those who would subvert them for 'national security' or for any other reason. No one knows this better than the Jews, who have been second–class citizens so often and for so long. Zionists, however, may differ. This is understandable because Judaism and Zionism are by no means the same. Indeed they are incompatible and irreconcilable. If one is a good Jew, one cannot be a Zionist; if one is a Zionist, one cannot be a good Jew.[94]

IV. Between Tradition and Redemption

By now it is abundantly clear that there are many internationally among orthodox Jewry who consider themselves guardians of Judaism while being anti–Zionist. Their religious consciousness is such as to proscribe political sup-

93 Ibid., p. 26

94 G. J. Neuberger, "The Great Gulf Between Judaism and Zionism," A Paper delivered by G. J. Neuberger, a member of Neturei Karta, at the Tripoli Conference on Zionism and Racism," available at http: //www.netureikarta.org

port for Jewish sovereignty over the land of Israel, i. e., *Eretz Yisrael*. In contrast, some religious Zionists observing the history of the state of Israel since its formation in 1948 assert their claim to *Eretz Yisrael* sometimes with reference to alleged prophetic fulfillment. Thus, with reference to a prophecy of Amos (9: 14–15), for example, it is argued: "If God has brought the Jewish people back to the Jewish homeland, then God's words that we should never again be uprooted from our Land should be most seriously considered. Politically dividing up Israel and our capital city, would be to do what God says should never happen."

The religious Zionist argument, as distinct from the secular Zionist argument, gives us a main premise in the form of a hypothetical proposition. This proposition is metaphysical in its mode. The antecedent of the premise is assumed to be both empirically demonstrable and demonstrated. Yet, if the history of the state of Israel is the evidence of prophetic fulfillment, the question yet goes begging: *How* is it *demonstrable*, much less *demonstrated* in fact, that *God* (*Elohim, Adonai, El Shaddai, YHWH*) has brought the Jewish people back to the Jewish homeland? The position taken by the Neturei Karta International, orthodox Jews with a steadfast commitment to the teachings of the Torah and Talmud, clearly opposes not only the alleged veracity of the hypothetical proposition. They clearly also oppose the religious Zionist premise that God (*Elohim, Adonai, El Shaddai, YHWH*) has performed this deed. That is precisely why Potok could characterize the indignant utterances of Rebbe Saunders (cited above) as he chastises the actions of Ben–Gurion who acts without the Messiah and promises to take to the land not an authentic Judaism but *goyishkeit* instead. It is, in short, one thing to be committed to the religious consciousness that enables *belief* in prophetic fulfillment, and quite another to be committed to empirical *knowledge* that God has performed a wondrous deed. The Neturei Karta International, orthodox Jewry in the full sense of the idea, find no religious or empirical ground for the claim. That is a position hardly to be dismissed trivially by anyone outside the tradition of Judaism who would otherwise support the existence of the state of Israel by appeal to either Torah or Talmud.

Clearly, so much of the insistence on the existence of the state of Israel rests on claims of the inadequacy of the modern social–contract state to protect Jews against all that is represented by the Nazi genocide. Fackenheim himself grounds his insistence on a political philosophy for the state of Israel on a need to prevent a repeat of this event that is no longer merely possible but repeatable as a matter of fact in our own day. It is precisely the fact of the Holocaust as an historical event that moves Fackenheim to insist, contrary to orthodox Jewry, on a re–reading of the sacred texts of Judaism. For him, we stand in need of "a post–Holocaust Biblical hermeneutic," and it is this hermeneutic stance that, for him, unavoidably grounds his politico–philosophi-

cal recommendations. Thus, he writes, "after the Holocaust, Jews cannot read, as once they did, of a God who sleeps not and slumbers not; and after the resurrection of a Jewish state that includes Jerusalem, they cannot pray for the city as though, if not there, they could not get there by an easy El Al flight."[95]

Aware of developments in modern hermeneutics (Heidegger, Gadamer, Ricouer), Fackenheim recognizes the authority of tradition such as is represented by generations of Talmudic commentary upon the sacred texts of the *Tanakh*. But he believes the Holocaust to be a fact of *rupture* to precisely the sort of "historical continuity" that modern hermeneutics recognizes as part of that authority. Both text and Jew are "naked" in the post–Holocaust historical setting. Fackenheim admits that prior to the 1960s he had concurred with Jewish philosophers such as Rosenzweig that "nothing essential happens or can happen between Sinai and the Messianic days."[96] Writing in his book, *God's Presence in History*, published in 1972, Fackenheim "could say it no more." For him "root–experiences" in dialectic with "epoch–making events" such as the Holocaust change the hermeneutic situation of the Jew as individual and as nation.

It is in the context of his philosophical hermeneutics that Fackenheim can take the position advanced in his political philosophy. As he himself admits, however, he speaks on the question of the adequacy of the biblical texts from the perspective of "an educated Jewish layman." He recognizes this to be what an orthodox Jew would call *chutzpah*, i. e., "impertinence" (though Fackenheim rejects this as an inadequate translation). It is, in any case, "a philosopher's chutzpah" that moves him, his method admittedly Hegelian. Therein is his defense. He aims to follow Hegel's interrogative stance: "He inquired into what his Bible had said, then and there, only in conjunction with considering whether (and if so how) it continued to be a repository of truth, here and now."[97] Thus, Fackenheim remarks, "My own present inquiry into my own Bible, like Hegel's into his, is a philosophical one. And my chutzpah in engaging it will have to be justified by the fact that I, no more than Hegel, attempt to compete with the work of Biblical scholars or theologians... ." Like Hegel, Fackenheim recognizes that "we are in any case divorced from that 'then and there' by a history of millennia." But, also like Hegel, he recognizes that history and "Truth" are inseparably real.

Defending his philosophical chutzpah further, Fackenheim appeals also to the example of Rosenzweig, whom he honors as "the greatest modern Jew-

95 Emil Fackenheim, *The Jewish Bible after the Holocaust* (Bloomington: Indiana University Press, 1990), pp. vii–viii

96 Ibid., p. xi

97 Ibid., p. 2

ish philosopher." Rosenzweig, says Fackenheim, had the philosophical chutzpah to claim that experts in the fields of biblical scholarship and rabbinic studies "had something to learn from him." Rosenzweig's hermeneutical task, expressed in his *The Star of Redemption*, engaged "two basic questions" that Fackenheim represents thus: "is it possible for modern man–in–general (who *qua* modern has lapsed into paganism), as well as for the modern Jew–in–particular (who *qua* modern has done likewise), to recover access to the Book of 'then and there', understood as repository of Revelation? If so, what can be done to make the possible access actual?"[98]

Fackenheim *qua* philosopher is well aware of modern historical criticism and the inadequacy of the methods of the orthodox biblical scholars to defend their beliefs associated with alleged "root–experiences" that are at the base of the doctrine of Revelation. "The modern–critical historian... rejects all past authorities and *reconstructs* the past, and this on the basis of *present* evidence. However, neither his evidence nor his reconstructions can ever be final."[99] Thus, citing G. E. Lessing's instruction for example, Fackenheim remarks: "'truths of history', the part of it that is sacred included, can be no more than probable." With this result of critical history, then, claims about a Jewish sacred history such as is represented by orthodox Jewry, including here the Neturei Karta International, may well succeed in making their Judaism to "stand today only, unable to prevent it from falling tomorrow." Yet, Fackenheim is prepared to hear the counsel of one of the ancient rabbis who sees the Torah given not merely at Sinai but "whenever a Jew receives it." "Perhaps it is," he admits.[100] But, of course, the 'perhaps' here leaves open the question as to the "historical facticity" that is at issue.

We have earlier observed the role of Martin Buber on the question of the existence of the state of Israel and of how intellectuals at Hebrew University, according to Hazony, continue to champion his vision of Judaism. Buber, aware of and responding to Rosenzweig's concern for the relevance of Revelation to our day, took a position that countered that of the modern critical historian. Fackenheim cites the relevant passage, thus:

> [The record of the Sinaitic event] could be the verbal trace of a natural event, that is, of an event that took place in the world of the sense common to all men, and fitted into connections which the senses can perceive. But the assemblage that experienced this event experienced it as Revelation vouchsafed to them by God, and preserved it as such in the memory of generations, an enthusiastic, spontaneously formative memory. Experience undergone in this way is not self–delusion on the part of the assemblage; it is what they see,

98 Ibid., p. 7

99 Ibid., p. 11

100 Ibid., p. 12

> what they recognize and perceive with their reason, for natural events are the carriers of Revelation, and Revelation occurs when he who witnesses the event and sustains it experiences the Revelation it contains.[101]

Fackenheim, influenced by the method and results of modern historical criticism, cannot accept–on the terms of that method–the claim Buber puts forward here in answer to Rosenzweig's questions. Thus, he cites Buber only to contrapose "the testimony of a recent scholar:"

> Whatever the experience of the people Israel on Mount Sinai was, it was so overwhelming that the texts about it seem to be groping for an adequate metaphor through which to convey the awesomeness of the event... What really happened on Mount Sinai? The honest historian must answer that we can say almost nothing in answer to this question... We know nothing about Sinai, but an immense amount about the traditions concerning Sinai.[102]

But, recognizing that the contrary of any matter of fact is still possible (to use Hume's words here), Fackenheim states what is left unsaid: "Not a word in this up–to–date scholarly work (or others that could be cited) calls into question what Strauss called 'the substance of the Jewish faith,' i. e., what Rosenzweig called the 'bursting' of a 'higher [i. e., divine] content' into a human 'vessel' 'unworthy' of it."

Even so, Fackenheim cannot accept the testimony of the "root experiences" in light of an "epoch–making event" such as the Holocaust. While Rosenzweig and Buber could hold on to a continuity of tradition, even encounter the sacred texts with "vexation" and "defiance" as well as with "listening" and "obedience," Fackenheim is faced with the epoch–making event of the Holocaust such that "the Book" fills him "with outrage," despite a desire to remain open to faith: "An abyss has been opened up between the Book, then and there, and this 'generation' here and now."[103] Jews (as well as Christians) are faced with a "caesura" in the history of Judaism that seemingly carried a message of revelation and redemption. Faith in the enduring mercy of God (Psalm 118: 1, 29) seems no longer meaningful.

The Neturei Karta, we have seen, believe in the coming of the Messiah–"until the Messianic rebuilding of the Temple, divine salvation will always come in time; no matter how often it may seem otherwise, 'He that keepeth Israel sleepeth not and slumbers not'." (Psalm 121: 4) Fackenheim, however, indicts such belief. Referring to the diarist of the Warsaw Ghetto, Chaim Kaplan, Fackenheim cannot see any reason for Hasidic Jews to rejoice in the Torah

101 Ibid., p. 13. Fackenheim is citing Martin Buber's essay, "The Man of Today and the Jewish Bible," *Israel and the World* (New York: Schocken, 1963), pp. 89, 94, 96 ff.

102 Ibid., p. 13. Fackenheim is citing J. D. Levenson, *Sinai and Zion* (Minneapolis: Winston, 1985), p. 15.

103 Ibid., p. 17

as they do on the holiday of Simhat Torah: "Thus writes Kaplan as early as 24 October 1940, a man, unlike others, naïve no more. He is careful to add that it is the night of Simhat Torah, the day of rejoicing of the Torah, 'the same Torah... for which we are murdered all day, for which we have become like lambs to be slaughtered. '... 'A large number of zealous Hasidim on Mila Street... sang holiday songs in chorus out in public... Joy and revelry in poverty–stricken Mila Street!'"[104] Obvious to any orthodox Jew, Hasidic piety in the ghetto and in the face of the gas chambers *could not have been* otherwise.[105] Obvious to any post–Holocaust modern Jew such as Fackenheim, the Hasidic Jew *ought to have done* otherwise. Thus, in contrast to the post–Holocaust orthodox Jews who form the Neturei Karta International, Fackenheim says of the present generation of Jews: "they can no longer read the Ta'nach–read their whole history–in the age–old, time–honoured, venerable, pious retrospect."[106] Seeing in Zionism a "noble expression" of modern secularism, Fackenheim acknowledges that as a movement it is "revolutionary within Judaism" all the more because it entails emancipation from "the God of Israel." Yet, Fackenheim admits, "without an ancient religious impulse–dormant and obscure for centuries but now come powerfully alive–there would be neither Zionism nor a Jewish state rebuilt in the old–new Land."[107] Thus, turning to the book of Esther and the role of Mordecai in saving the Jews from the hand of Haman, Fackenheim writes:

> Even so I make bold to assert that a Jewish 'life with God' is still possible, for it is real. Where? In Israel, a new Mordecai for a new age in the history of Judaism, guarding the Jewish remnant and obligated to guard it–but strong enough for the task only through hope for help from 'another place'. (Esther 4: 4)[108]

For Fackenheim, there would be no Jewish remnant were it not for the new Mordecai represented by the Zionists who made the state of Israel a reality in 1948 as a response to "Never again!". Instead, he remarks, there would

104 Ibid., p. 45

105 As I have written elsewhere, every Hasidic Jew is taught to internalize the spiritual teachings of the Baal Shem Tov (the Besht) and Rabbi Elimelekh: "Sadness and self–pity," taught the Besht, "distance us from the Holy Source." "... [You] ought to *intend*," taught Rabbi Elimelekh, "that if all the nations of the world would inflict the greatest pains on you and skin you alive in order to bring about your denial of His Blessed Unity, you would much rather suffer all these pains than, God forbid, acceed to them." See my "Waiting for God: A Hasidic View," *Comparative Civilizations Review*, No. 38, Spring 1998, pp. 12–37. See also Zalman Schachter and Edward Hoffman, *Sparks of Light* (Boulder: Shambala Publications, 1983), pp. 70–71.

106 Fackenheim, p. 47

107 Ibid., p. 53

108 Ibid., p. 95

be only "an accidental remnant", and a Jewish "life with God" would survive "only in those circles, orthodox in the extreme, for which, so long as ten male adults survive to recite the daily prayers, nothing ever happens until the Messiah comes."

Fackenheim's foregoing assertion flies in the face of the position taken by the Neturei Karta. In remarks delivered in 1988, Fackenheim claimed: "Through the centuries the Jewish people never forgot Jerusalem. After the Holocaust this people would have fallen prey to despair, had they not returned to Jerusalem."[109] The testimony of the Neturei Karta and Hasidic Judaism in general provide evidence to the contrary. In fact, given that all too many of those Jews who suffered the Nazi genocide were from the Hasidic tradition of Judaism, Hasidic Jews have a more credibly legitimate authority to speak to the question of the state of Israel. Thus, the dispute between a post–Holocaust Zionist such as Fackenheim and a post–Holocaust Jew such as is represented by the members of Neturei Karta International, remains a dispute about the authority of tradition in the face of historical events and faith in redemption. Whereas the Zionist Jew inspired by the example of Mordecai will act in history for the sake of the Jewish remnant with the *hope* of help from "another place," the orthodox Jew acts in history not merely with hope but with fervent *belief* in help from "another place," a belief not diminished by the Nazi genocide of their Jewish brethren.

One recalls here the words of Rebbe Saunders, cited earlier from Potok's novel *The Chosen*. To deny the reality of the Messiah after the murder of six million Jews is to deny God himself. Such denial cannot be emancipation, especially if construed in the sense advanced by the modern secular Zionist. There is nothing "noble" in the abandonment of what is essential to Judaism. On the contrary, there is ample reason to hold that the faith of the Neturei Karta International is, perhaps, *the essential faith of the Jewish remnant after the Holocaust*, for each of them, severally and jointly, yet utters the Jewish prayer: *Ani ma'amin beviat ha mashiach*–I believe in the coming of the Messiah–*even if no Jewish state exists*. Surely that is a necessary, if not sufficient, criterion that must be satisfied in any authentic representation of the essence of Judaism. Which is more true to the essence of Judaism–the Zionist who dispenses with the authority of tradition for the most part if not altogether, or the Neturei Karta who stand their ground in defense of tradition despite the assaults of history? Only God knows for certain.

But, for those of us who are part of the Jewish remnant, we can only appropriate or reject a religious consciousness and take action–even political action–accordingly. This act of appropriation or rejection is unavoidably a

109 Ibid., p. 103

"metaphysical" act even in the moment in which it accounts for the evidence of history. Even that evidence–including here the Holocaust that for Zionists such as Fackenheim counts as a caesura in Jewish history–cannot count against the steadfast faith that is held by the orthodox Jews of the Neturei Karta.

V. Concluding Reflections

Those who argue for the existence of the state of Israel focus on the abnormal situation of terror that Israeli Jews face daily and which terror gives it just cause to assure its survival. According to the standard definitions of terrorism, the actions of the Palestinian groups cannot by any means be justified.[110] The cause of the state of Israel is, accordingly, not suspect as it acts in self–defense to secure its territorial integrity and the welfare of Israeli Jews. Yet, as Andrew Valls has argued, if war prosecuted by state actors can be justified by the criteria of the just war tradition–as is so often claimed even in the absence of formal declarations of war–then terrorism by non–state actors can be justified by the same criteria.[111] The argument is telling in light of the position taken by the Neturei Karta, who hold Zionists responsible for provoking the terrorist actions of the Palestinians.

Since the establishment of the state of Israel in 1948, the Palestinian people have endured stateless refugee status, expulsion from Jordan in 1970, refugee status in Syria, and then movement from Syria for refugee status in Lebanon, with clearly diminished civil capacity in the state of Israel for those Palestinians who remain. Throughout this period, Palestinians have presented their grievances not only of dispossession but also of a right of self–determination. Valls has argued, correctly I believe, that if some form of self–determination cannot be realized within an existing state, then under these circumstances the right to self–determination can ground a right to political independence.[112] For the Neturei Karta, the circumstances in Israel are such that there is now sufficient reason to justify not only a Palestinian right to self–determination but also a Palestinian right to political independence–even if this means transferring sovereignty over the territory entirely to a Palestinian state.

110 The U. S. Department of State definition of terrorism stipulates: "The term 'terrorism' means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience."

111 Andrew Valls, "Can Terrorism be Justified?" in Valls, op. cit., pp. 65–79

112 Ibid., p. 70

The Neturei Karta are prepared to make this claim insofar as the state of Israel is established contrary to the teaching of the Torah and Talmud, as we have seen argued earlier. But they also make the claim insofar as the state is itself engaged in state terror. This is not the view merely of an extreme group of orthodox Jewry, as Fackenheim might allege in rebuttal. Consider the argument presented by Gordon and Lopez. Given a revised definition of terrorism, Gordon and Lopez consider the question whether Israel, as a state, employs terrorism.[113] Their answer is affirmative in the case of Israeli Defense Force action in southern Lebanon: "Examining Israel's actions in Lebanon, one notices that it has often used methods of terror... In [Operation] Accountability (July 1993) and [Operation] Grapes of Wrath (April 1996)... Israel's stated political objective in these operations was to foment a refugee flow from southern Lebanon to the north in order to put pressure on the Lebanese government so that it, in turn, would curb guerilla actions perpetrated by the Hezbollah."[114] Gordon and Lopez cite Human Rights Watch reports claiming that the Israeli "intention was in fact to sow terror among the civilian population;" other IDF operations have contributed to further displacement of the civilian population, adding further pressure to the refugee situation. These operations, Gordon and Lopez argue, "violate some of society's accepted moral and legal codes, are ruthlessly destructive, and unpredictable in who will be targeted... [The] Israeli generals who planned the action... contrived a detailed strategy that used horrific violence in order to make people feel weak and vulnerable." The same goes for Israeli military action in the West Bank and Gaza, Human Rights Watch claiming violations of international law given summary executions carried out there.

Thus, the Neturei Karta have just cause to indict the state of Israel with transgression of religious and humanitarian requirements in Jewish–Gentile relations expected of Jews given the Torah and Talmud, not to mention humanitarian international law and the international covenants protecting civil and political rights of the Palestinians. Precisely because they are orthodox Jews devout in their commitment to Judaism, it cannot with prevailing reason be said that they or anyone who adopts their position are "anti–Semitic". On the contrary, their orthodoxy makes it clear that to be anti–Zionist is not to

113 Gordon and Lopez, in Valls, op. cit., pp. 107–108. Their definition of terrorism is as follows: "Terrorism is a form of political violence that by design violates some of the society's accepted moral and legal codes, is often ruthlessly destructive, and is somewhat unpredictable in who will be its instrumental targets. Terrorism hardly constitutes mindless violence. Instead, it reflects a detailed strategy that uses horrific violence to make people feel weak and vulnerable, often disproportionate to either the terrorist acts or to the terrorists' long–term power. This fear seeks to promote concrete political objectives."

114 Ibid., p. 108

be anti–Semitic, but that to be Zionist in the present situation of the Arab–Israeli conflict is to be anti–Semitic given the various peoples who qualify as Semitic by way of their culture, language, and religious traditions. Instead it should be said that orthodox Jews who are united as Neturei Karta International are committed to the 613 commandments of the Torah; and that, precisely in view of this commitment, they understand the "purpose" of justice on this earth, thus the demands of *tikkun* or "mending the world" in anticipation of the Messiah's advent. In speaking of 'justice' here I refer to the concerns expressed consonantly by Buber and the Neturei Karta, even as I am aware that Fackenheim has engaged the question of *tikkun* with considerable detail.[115] Notwithstanding his critical engagement of orthodox Judaism, Buber knew the danger to which Jews would be exposed once a "state" of Jews became a reality–at risk was nothing less than "the spirit of Israel":

> We talk of the spirit of Israel and assume that we are not like unto all the nations because there is a spirit of Israel. But if the spirit of Israel is no more to us than the synthetic personality of our nation, no more than a fine justification for our collective egotism, no more than our prince transformed into an idol–after we had refused to accept any prince other than the Lord of the universe–then we are indeed like unto all the nations; and we are drinking together with them from the cup that inebriates.[116]

Buber complained that though the people of Israel for "untold generations... observed the 613 commandments of the Torah," they failed the test insofar as "The life of the nation as such never became one of justice." Yet, this is precisely the focus of the Neturei Karta. In their religiosity and in their concern for performance of their humanitarian duty, the Neturei Karta show that "the purpose of creation... is not an everlasting struggle to the death between sects or classes or nations;" but, rather, "the great upbuilding of peace" even as Buber asserted.[117] Secular Zionism such as we see expressed in the policies of the Sharon government does not appropriate this purpose even in intent. As Shmuel Bergmann (philosopher at Hebrew University and winner of the Israel Prize in 1954 and 1974) put it in a letter to Ben Gurion dated 14 December 1958, "the State of Israel is founded on principles that can not be accepted by halakha;" accordingly, we "must await the decision of history that will demonstrate whether the Jewish nation wishes to remain faithful to its religious foundations or to be a nation like any other."[118] Giving voice to the

115 See Fackenheim, *To Mend the World: Foundations of Post–Holocaust Jewish Thought* (Bloomington: Indiana University Press, 1994)

116 Martin Buber, "The Spirit of Israel and the World of Today," *On Judaism* ((New York: Schocken Books, 1995), p. 181

117 Ibid., p 182 & p. 183

118 Shmuel H. Bergmann, Letter dated 14 December 1958, in Eliezer Ben Rafael, op. cit., pp. 166–167

prophetic spirit of traditional Judaism, the Neturei Karta see this course of history for what it is and call to account the present "prince" who champions the state of Israel. If the *state* of Israel will not uphold justice–distinguished as it qua *Jewish* state is supposed to be from all other nations in virtue of the spirit of its people–then the faith of the Neturei Karta is hardly misplaced. Theirs is that "realistic faith in the future of the divine image" that Buber understood to be essential to Judaism. As Buber himself declared, it is the Messiah who "will at last carry out the mandate that the kings received upon their anointment."[119] Faithful to this divine image, the Neturei Karta give every testimony in word and deed that they are the guardians of the faith, "the keepers of the roots" (to use Buber's formulation), in a time that the nation of Israel is drunk with the politics of power.

To renounce Jewish sovereignty over the land Zionists denominate *Eretz Yisrael* is to display the practical wisdom of the woman who, disputing with another woman over custody of a child and faced with the judgment of Solomon to "Divide the living child in two, and give half to the one, and half to the other," surrendered the child rather than see the child be split in half (1 Kings 3: 16–28). The Neturei Karta have declared that not one Jewish life is worth the entirety of the land claimed by the state of Israel; and so, rather than see a single Jewish life lost, they freely surrender the land for the sake of that single life. In this moral comportment there is manifest both courage and justice. Thus, in this respect, the Neturei Karta confront both the modernity of the Enlightenment and the post–modernity of our day, speak to the present as contemporary "sages of Israel," and stand guard over the spirit of Israel in defense of the "deep structures" of Jewish collective identity.[120]

Indeed, one can reasonably assert a further claim. Insofar as the Neturei Karta are prepared to surrender the whole of the land of *Eretz Yisrael* rather than lose a single Jewish life, they perform thereby their duty assigned them in the Talmudic tractate *Sanhedrin*: "Any man who has caused a single Jewish soul to perish, the Torah considers it as if he had caused a whole world to perish; and any man who has saved a Jewish soul, it is as if he had saved a whole world." In giving performance to this duty, the Neturei Karta instruct their fellow Jew by example, asserting with a deep–rooted conviction that "the more a Jew strives to understand his Torah and God, the more he understands his nationality;" and that to understand Torah and God is to understand a nationality that is prepared always to surrender both the modernist principle

119 Buber, p. 197

120 The concept of "deep structures," introduced by Claude Levi–Strauss in *Race et Histoire* (1961), is in contrast to "surface structures." For further elaboration in relation to the problem of Jewish identity, see Eliezer Ben Rafael's exposition in "Part One" of *Jewish Identities*, op. cit.

and practice of sovereignty in deference to the sovereignty of *ha mashiach*. One must say this, however, with the qualification that one ought not to act otherwise than the Master of the Universe would act. That is to say, as the Jewish philosopher Abraham J. Heschel exhorted, one must be careful of seeing "all of Judaism through the mirror of the finest point of religious law and disregard the Jewish spark," for to see Judaism thus is to "make the fence more important than what it contains."[121] Heschel said this reminding us of the well–known teaching that the Master of the Universe is both *hasid* and *tzaddik*, combining justice with mercy: "... said the Holy One, blessed be He, 'If I create the world only with the attribute of mercy, sins will multiply beyond all bounds; if I create it only with the attribute of justice, how can the world last? Behold, I will create it with both attributes; would that it might endure!'" (Gen. R. XII, 15)

121 Abraham Joshua Heschel, Letter dated 18 December 1958, in Part Two of Eliezer Ben Rafael's *Jewish Identities*, op. cit., pp. 240–242