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Written by Bruce Ledewitz

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<https://www.e-ir.info/2011/03/29/islam-judaism-and-the-murders-at-itamar/>

BRUCE LEDEWITZ, MAR 29 2011

The Jewish Chronicle, a local weekly for the Jewish community in Pittsburgh, carried a gruesome picture last week of the murder scene at Itamar, a settlement on the West Bank. On the night of March 4, five members of the Fogel family were stabbed to death: the parents and three children, ages 11, 4 and a baby of 3 months. According to the story, responsibility for the killings was claimed by the Al-Aksa Martyrs Brigades of Imad Mughniyeh.

The official response of the Israeli government to the crimes was to approve the construction of 500 new housing units on the West Bank. Prime Minister Benjamin Netanyahu also called on Palestinian officials to cease anti-Jewish incitement in Palestinian media and education. In Israel, the sheer brutality of the attack undermined public support for the peace process and strengthened the hand of the settler movement. "There is no partner for peace" was a common refrain.

Mercifully, there were few responses anywhere in the world attempting to link the murders to Islam itself. Undoubtedly the reason for this was the cowardly nature of the brutal crime. Suicide bombers who kill civilians have been treated as martyrs to the Palestinian cause both by Hamas and the Palestinian Authority. But the murders at Itamar, specifically the cold-blooded killing of young children, shocked most Palestinians. In fact, many Palestinians refused to believe that a Palestinian could have committed such an act. (The identity of the killer has still not been established). According to a MEMRI report, Mufaq Matar, columnist for *Al-Hayat Al-Jadida*, wrote:

"There is no room for argument. Stabbing an infant to death is a crime against humanity. Whoever did this was insane, or charged with racist assumptions. This is not nationalist; there is no connection between the murder of the infant in the settlement of Itamar and the values of our people's struggle. ...The murderer of the infant is not one of us and never will be..."

Even critics of Islam apparently are aware that it would not countenance an action such as this.

The brutality of the killings is thus a reminder that the conflict on the West Bank, indeed the struggle between Israel and the Palestinians in all of its aspects, should be understood as a secular, rather than a religious, event. History has placed two peoples, both with legitimate claims, in competition for the same land. If one wants to look for analogies, the proper one is not the religious wars of Europe, but the extended and bloody fight in North America between European settlers and native peoples that characterized the founding and expansion of the United States.

But what about the conflicting religious rhetoric that is constantly heard around the Israeli-Palestinian struggle? On one side, the claim is repeatedly made that all of the West Bank was promised by God to the Jewish people and that it is a religious obligation to settle it and a sin to give any of it up to non-Jewish control. The West Bank is referred to in Biblical parlance as Judea and Samaria to reinforce this religious claim.

On the other side, Israel is accused of seeking to destroy the Dome of the Rock, Islam's third holiest shrine, which had been built in 691 CE on the spot from which the prophet Muhammad ascended to heaven accompanied by the angel Gabriel. Many Muslims believe that Islamic lands can only be governed by Muslim authorities and condemn the Jewish immigration into Israel after World War II as an extension of the mindset of the Crusades. Resistance to Zionism is thus argued to be a religious obligation.

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These religious claims bring to mind the observation by the controversial political theorist and Nazi anti-Semite Carl Schmitt that in political disputes, the friend-enemy distinction brings all other oppositions with it, including religious opposition. Thus, it was inevitable that once fundamental conflict existed between Jews and Muslims, religious justifications to support each side would be forthcoming.

Schmitt's analysis explains how the current conflict in the Middle East obscures the generally peaceful, even friendly, history of the relationship between Islam and Judaism. While the Qur'an is not entirely consistent on this point, Jews and Christians are regarded as "People of the Book" who are to be granted autonomy in societies governed by Shari'ah and are to be treated with tolerance. With exceptions, this is how Jews were treated in Muslim lands until the modern struggle over Israel began in the Twentieth century. For example, the "Golden Age of Spain" is how Jews refer to Muslim rule in Spain, during which time Jews were accepted in cultural and economic life. Many of the classic works of Judaism were written in Arabic, including the works of Maimonides, perhaps the greatest scholar in Jewish history, who was greatly impressed with Islamic culture.

Can the insight that the Israeli-Palestinian conflict is not religious in its foundations help resolve the dispute? In the short-run, the answer is no. Secular conflict can, and has, yielded some of the greatest violence in human history. America did not drop two atomic bombs on Japan because of any Christian/Shinto tension. Indeed, the mild postwar occupation of Japan suggests that even the racial animosity that was fanned during the War did not run very deep. Yet, the bombs were dropped.

On the other hand, perhaps there is some hope after all in seeing the struggle in secular terms. There is a tendency to regard long-term conflict as ineradicable. And religious disagreements have exemplified some of the worst examples of ongoing disputes and tensions in the world.

So, if we believe that the conflict in the Middle East is religious at its heart, we might despair of ever resolving it. But if we come to view the conflict as a rather ordinary, albeit tragic and deadly, dispute over land, then the chances for compromise may be seen as much greater.

It is therefore important to acknowledge that Jews and Muslims have no important long-term and inherent theological disagreements. They never have. They have been neighbors and friends in the past and with luck and perseverance, they can be so again in the future.

It would be ironic if the horrifying and senseless murders of a young family on the West Bank ultimately led to a rededication to peace. Yet that can happen, especially if the very nature of the crime reminds the warring parties of their underlying shared religious values.

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Bruce Ledewitz is Professor of Law at Duquesne Law School. He has written in both legal journals and national media such as the *New York Times*, *Baltimore Sun*, *Wall Street Journal* and the *Chicago Tribune*. His latest book, *Church, State, and the Crisis in American Secularism*, will be published in May 2011 by Indiana University Press. His earlier books, *Hallowed Secularism: Theory, Belief, and Practice* (Palgrave Macmillan 2009) and *American Religious Democracy: Coming to Terms with the End of Secular Politics* (Praeger 2007), have been widely discussed and reviewed.