IMES CAPSTONE PAPER SERIES

RELIGION & REFUSAL IN THE IDF:

PROSPECTS FOR A WEST BANK WITHDRAWAL

MARIA KORNALIAN
SARAH ZAIM

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RESEARCH QUESTION

Israeli-Palestinian negotiations for the past two decades – and explicitly since the Clinton parameters of 2000 – have been predicated on a two-state solution that would involve a withdrawal from the West Bank, and the evacuation of at least 60,000 to 94,000 settlers[1]. Given this framework, it is important to look at whether or not a wide-scale settlement evacuation is possible for today's Israel and today's IDF. If it is not, it pushes us to question whether or not the Israeli-Palestinian negotiating paradigm as it has stood for so long is relevant anymore.

We aim to gain a better understanding of the plausibility of a withdrawal by examining trends within the IDF that could have an impact on evacuation. One such trend is the growing influence of religious nationalists in the army that has caused increasing numbers of officers and soldiers to *refuse* to evacuate settlements on moral and religious grounds. As our research progressed, it became increasingly clear that this phenomenon is intrinsically linked to the Israeli state's political calculus in the West Bank and East Jerusalem.

In this paper we explore the extent of religious nationalism in the Israeli military in an effort to determine how this change affects the military's capability to withdraw from the occupied territories, and to what extent this affects Israeli policy. We begin by looking at the growing influence of religious nationalism in Israeli society, and more importantly in the Israeli army. We then look at some examples of refusal on the part of IDF soldiers to evacuate settlements in the West Bank. Next we focus on the withdrawal from Gaza in 2005, and examine both its potential as a test case for a West Bank withdrawal, as well as a possible lynchpin of a quieter religious nationalist agenda in Israeli society which has only been strengthened since disengagement. Finally, we conclude with a discussion of how the military reality in Israel – regardless of whether or not the IDF could successfully evacuate settlements from the West Bank – has produced a fear about what an evacuation order would do to the IDF, and to Israeli society. We argue that this fear of widespread refusal has had an impact on the Israeli leadership's decision-making process in the Occupied Territories. This, in turn, has significant consequences for the possibility of reaching a two state solution, and a viable peace agreement with the Palestinians.

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[1] David Makovsky, with Sheli Chabon and Jennifer Logan. "Imagining the Border: Options for Resolving the Israeli-Palestinian Territorial Issue," *Washington Institute for Near East Policy* strategic report. Jan. 21, 2011, p. 3.

A note on terminology: This paper looks at *religious nationalism*, and uses this interchangeably with *religious Zionism*. *Modern orthodoxy* is the sect of Jewish ideology attributed to religious nationalism/Zionism. The *religious right* refers to the greater religious conservative sector of society, which includes the Modern Orthodox and the Ultra Orthodox.

METHODOLOGY

Our research was based on books, academic papers, media reports, and interviews conducted in New York City, Tel Aviv, and Jerusalem. We spoke with academics, journalists, rabbis, activists, IDF solders, and other members of Israeli society – from a variety of religious and political orientations.

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1. INTRODUCTION

Religious nationalism, also known as religious Zionism, is an ideology that brings together Jewish faith and political Zionism. The tenets of this movement were crystallized in large part by Rabbi Abraham Kook, one of the chief Rabbis of the British Mandate for Palestine in the 1920s. He believed that the modern reconstitution of the biblical land of Israel was going to bring about the messianic era. His followers come from the modern orthodox tradition, and differentiate themselves from the ultra orthodox by their commitment not only to their religious tradition, but also to "the modern world."[2] Today, many of his followers believe that according to Jewish tradition, the West Bank rightfully belongs to state of Israel. This paper examines the growing influence of religious nationalism in Israel as the result of various factors from military-religious to political.

NOTE: In this paper we often refer to the growing influence of the 'religious sector' or the 'religious right.' While these terms encompass a greater segment of Israeli society than the religious nationalists alone, religious nationalists dominate the religious right both statistically, and in terms of political engagement. Therefore, for the purposes of this paper the *increasing influence of religious nationalists* and *the increasing influence of the religious right* are used interchangeably.

1.1 Religious Nationalism in the IDF

The foremost reason for the increase of religious nationalism in Israeli society is a change in the Israeli military narrative. Eyal Press, a fellow at the New America Foundation explains that in the early years of Israel's existence, there was a universal understanding that Israel was under threat and that conscription was in place to ensure Israel's survival. After the 1967 war, which was fought initially as a defensive war, Israel increased its territory significantly. It also gained control of parts of Jerusalem, Hebron, and other biblically important sites. Press explains that this is when religious Zionism gained traction because a number of important rabbis "interpreted the war as a sign from God that the biblical state of Israel was being re-constituted."[3] The 1982 Lebanon War is equally significant to the shift because large numbers of the secular Ashkenazi elite who had dominated the army decided that the war was an unjust war of aggression. After

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[2] Yehuda Gilad ,interviewed by Sarah Zaim, March 14, 2011.
[3] Eyal Press, interviewed by Sarah Zaim, March 15, 2011.

this, many liberal Israelis stopped encouraging their kids to go beyond the mandatory three years of national service. "We secular people can only blame ourselves for no longer being able to convince our kids to spend as many years in the military as in the past,"[4] says Avshalom Vilan, a former member of parliament from the left-wing Meretz Party. Yagil Levy, a professor at the Open University of Israel says that this phenomenon of a middle class retreat from the military is "a very typical process that we can see in other western countries... For the middle class, the military is not attractive anymore."[5] As the result of these two wars, we see two processes taking place in Israeli society and the IDF simultaneously: While the religious right is increasing its desire for involvement in society, the seculars are retreating from serving in civil society.

But why do we see a surge in religious nationalists serving specifically in commander and infantry positions in the IDF? The reason is quite evident, in fact. If the religious right is seeking to gain a more central position in Israeli society vis-à-vis the military, it seems natural that it would then seek the military's most prestigious positions. Today, the first of these are its commander and leadership posts, and the second in line is its infantry posts, says *Haaretz* journalist Amos Harel.

1.2 Religious Nationalism in Israeli Society

The growing influence of the religious nationalists can be seen across all sectors of society. The religious nationalist and ultra orthodox groups are sectors that "during Israel's formative years were relatively peripheral... [and] have gained substantial political power and moved into many societal centers,"[6] writes Daniel Marman. Daniel Levy, an Israeli analyst and a former special advisor for Prime Minister Ehud Barak's government agrees: "After nearly 40 years of occupation and settlements beyond the green line, settler Zionism and its sympathizers are deeply embedded across all the relevant bureaucracies of the government and security establishments."[7] Indeed, many agree that the increase in religious nationalists in the IDF is but one piece of a much larger story about the forces of change that are in play in Israeli society. Harel

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[4] Dan Ephron, "Onward, Jewish Soldiers," *Newsweek,* Nov. 20, 2010. Online:
<http://www.newsweek.com/2010/11/20/are-religious-troops-changing-israel-s-military.html>
[5] Yagil Levy, interviewed by Maria Kornalian, March 14, 2011.
[6] Daniel Maman, Eyal Ben-Ari, and Zeev Rosenhek. Military, State, and Society in Israel: Theoretical & Comparative Perspectives. New Brunswick, NJ: Transaction, 2001, p. 4.
[7] Daniel Levy, "Biden, Netanyahu, and papering over the Grand Canyon," *The Middle East Channel,* March 11, 2010. Online:
<http://mideast.foreignpolicy.com/posts/2010/03/11/biden_netanyahu_and_papering_over_the_grand_canyon>

is in agreement about the "standing of bureaucracy and its deep connection with the settler movement."[8]

This national religious movement had accepted the line of the Labor movement, but since 1967, this same movement came to the realization "that it was time to take a more leading position in Israeli society,"[9] according to Yagil Levy. And while this desire may seem quite evident to many, it remains a sensitive topic in Israeli discourse. "I think this [religious influence in secular society] is quite clear, but it is not spoken about in Israel," says Talia Sasson, author of the Sasson Report – an official Israeli government report commissioned by Ariel Sharon from 2005 about the role of the Israeli state in the funding of West Bank settlements and outposts. "People are afraid to talk about it."[10]

There are also those who see a much more calculated process underneath this change in the military – one which is borne from purpose and a clear agenda on the part of the religious right. "Their intention is to take control of the army immediately," says Sasson, one of the reasons for which is "to control the civil administration of the army," referring to the agency which controls the land in the West Bank. Sasson believes the religious right's primary purpose is to create a situation where the state cannot evacuate settlements from the West Bank, and that this is done at four levels: first, by serving in the IDF as soldiers, in order to gain the admiration of Israelis for serving to protect the state; second, is to control small parts of the army – for example, by living in the outposts and creating a situation where they couldn't possibly be ordered to evacuate their own families; third, to serve at the commander level in the IDF in order to set the military's agenda and give recommendations to the state which indicate that the military can't perform evacuations. Lastly, the fourth level of influence the religious right seeks to gain is at the higher, political level, where they can use the fear of the crisis a West Bank withdrawal would cause in order to keep politicians from implementing such a policy. Sasson stresses that this level is particularly important when one considers how much the state needs the IDF, and how this level of impact gives the IDF "influence on the political level" which would be "higher and much deeper" than simply serving as a low-ranking soldier. Yagil Levy dismisses such a calculated agenda. While he admits that there is a clear agenda to be more significant in the military, "we have no such evidence of a conspiracy."

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[8] Amos Harel, interviewed by Maria Kornalian, March 13, 2011.
[9] Yagil Levy, interviewed by Maria Kornalian, March 14, 2011.
[10] Talia Sasson, interviewed by Maria Kornalian, March 17, 2011.

2. RELIGIOUS NATIONALISM & THE IDF

2.1 A Religious Educational System

One byproduct of the rise of the religious nationalist segment of Israeli society is the emergence of a state funded educational system that combines religious studies with military training. This system helps to facilitate the advancement of religious soldiers into more prestigious positions in the army. There are two tracks open to students: mechina yeshivas,[11] which are one-year, state funded pre-military religious preparatory programs, and hesder yeshivas[12] which are five year, religious academies which feature a shortened 16-month military service. The first hesder and mechina yeshivas were founded in 1965[13] and 1987[14] respectively. Today there are about 30 mechina yeshivas and 50 hesder yeshivas, says BarShalom, "with an equal number of students in both tracks, each track has 800-900 students [that] go into the army each year."[15] In addition to these options, there are also state funded religious high schools, private religious high schools, and private yeshivas, which serve the same function as the yeshivas in the Hesder program. Some such yeshivas even require a full-length military service. These institutions are located throughout Israel, 16 of which are located in the West Bank and the Golan heights.[16]

Rabbi Yehuda Gilad, founder and dean of Yeshiva Ma'ale Gilboa explains three important functions of the yeshiva. First, a yeshiva is a place for young modern orthodox to develop their spiritualism by combining "academic learning with classical learning of Torah, and Jewish studies."[17] A second function of the yeshiva is to help students keep their religious lives in the army. While the army was never formally secular, it was "secular for all practical purposes."[18] Because of this, the orthodox community feared the secularizing effects of army service,[19] creating a need for support for practicing Jews in the army. A third important function of a yeshiva is

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[11] Amos Harel, "Sharp rise in the number of religious IDF officers," *Haaretz*, Sep 15, 2010. Online:<http://www.haaretz.com/print-edition/news/sharp-rise-in-number-of-religious-idf-officers-1.313861>
[12] Eyal Press, "Israel's Holy Warriors," New York Review of Books, April 29, 2010. Online: <http://www.nybooks.com/articles/archives/2010/apr/29/israels-holy-warriors/>
[13] Press, "Israel's Holy Warriors."
[14] Press, "Israel's Holy Warriors."
[15] Menachem BarShalom, interviewed by Sarah Zaim, March 14, 2011.
[16] Gershom Gorenberg, "Settling for Radicalism," *The American Prospect,* June 15, 2009. Online: <http://prospect.org/cs/articles?article=settling_for_radicalism>. See also: Levy, "The Embedded Military: Why Did the IDF Perform Effectively in Executing the Disengagement Plan."
[17] Yehuda Gilad ,interviewed by Sarah Zaim, March 14, 2011.
[18] Eyal Press, interviewed by Sarah Zaim, March 15, 2011.
[19] Eyal Press, interviewed by Sarah Zaim, March 15, 2011.

military training. Gilad says yeshivas produce soldiers that "want to contribute to the country more than others and are very highly motivated, pioneering, idealistic." He teaches students do their job as soldiers in the best way that they can, and also in "the most moral, and humanistic way possible." He reminds them that "every human being was created in the image of God," believing that "in a way, being religious keeps you at a higher standard of morality."[20]

Yagil Levy sees a different kind motivation behind the establishment of the educational system that integrated military service. He believes part of the reason that these schools were put in place by the modern orthodox was so that their sector would become better incorporated into the state.[21] The state welcomed such institutions seeing them as an opportunity to make the religious segment of society more active in the military.[22] This sort of an accommodation is not unprecedented for the IDF who made comparable arrangements to accommodate the ultra orthodox community. "In order to incorporate [the ultra orthodox] within the nation building project, the state in Israel created special legal arrangements that postponed the military service of ultra-orthodox males and exempted religious Jewish women."[23] In the case of the military religious school system, the yeshivas that are part of the hesder and mechina programs receive state funding from the education ministry through a formal arrangement with the defense ministry.[24] This arrangement was viewed as mutually beneficial: "...the state gets a lot of the dedicated soldiers. The yeshivas get funding,"[25] says Press.

As far as producing more religious, more motivated soldiers, the arrangement between the defense ministry and the yeshivas has succeeded. Greater numbers of soldiers are taking leadership positions in combat units and as officers. Statistics show that up to half of the graduates from officer training schools are orthodox.[26]

2.2 The Numbers

Due in part to the advent of yeshivas, the rate at which religious soldiers are serving in the IDF's commander and infantry positions is remarkable for its pace. One of the reasons this rate has been on such high-notice is because of this particular demographic's over-representation in the

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[20] Yehuda Gilad ,interviewed by Sarah Zaim, March 14, 2011.
[21] Yagil Levy, interviewed by Maria Kornalian, March 14, 2011.
[22] Yagil Levy, interviewed by Maria Kornalian, March 14, 2011.
[23] Maman, Military, State, and Society in Israel: Theoretical & Comparative Perspectives, p. 302.
[24] Gorenberg, "Settling for Radicalism."
[25] Eyal Press, interviewed by Sarah Zaim, March 15, 2011.
[26] Gorenberg, "Settling for Radicalism."

IDF. Religious Israelis make up 17 percent of society as a whole,[27] while nearly a third of IDF officers are religious[28].

And yet, while this topic is becoming increasingly important in Israeli discourse, a detailed empirical data set of the ideological and religious breakdown of IDF soldiers and commanders does not exist. The IDF has never kept such records of its units, as this is formally "a touchy subject," according to Harel. "You don't ask people, 'how religious are you?'" The issue is also a politically sensitive subject, as a comprehensive statistical breakdown of the religiosity of the IDF "could exacerbate the left-right and religious-secular debates"[29] in Israeli society.

However, a study recently released in the military journal *Ma'arachot* by an IDF officer who managed to gain limited access to IDF records gives us quite a closer look at the numbers. While the study is not from an official state source, it is certainly a good starting point. "It's not scientific," admits Harel, "but it can give you for the first time actual numbers rather than people estimating."[30] The officer who conducted the study, "Commander B.," used the high schools from which officers graduated as the metric for determining who was religious, and who wasn't. An officer who had graduated from a religious high school was counted as religious, while one who graduated from a secular high school was listed as secular.

The study shows that in 2007, one-third of the IDF's infantry officers are religious – a jump from only 2.5 percent in 1990. Throughout the past decade, the percentage of religious officers graduating from infantry officer courses was between 22.5 and 31.4 percent. The numbers of religious infantry officers may not seem like an alarmingly high number, until one considers that by comparison, only 13.7 percent of all IDF soldiers graduated from religious high schools.

In addition, the study found that among *mechina* graduates, this trend becomes even more pronounced. While only 40 percent of all IDF soldiers serve as combat soldiers, 80 percent of *mechina* graduates serve in combat positions; only 7 to 9 percent of all soldiers are promoted to captain positions, but 20 to 25 percent of *mechina* graduates receive the same promotion. "Commander B." divided this overall trend into three periods: pre-1992, when the proportion of religious officers in the IDF was insignificant; 1993-2000, when the proportion reached 15.5

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[27] Motti Bassok, "Poll: Fewer than half of Israelis see themselves as secular," *Haaretz*, Sep. 13, 2010. Online: <http://www.haaretz.com/print-edition/news/poll-fewer-than-half-of-israelis-see-themselves-as-secular-1.313462>
[28] Harel, "Sharp rise in the number of religious IDF officers."
[29] Harel, "Sharp rise in the number of religious IDF officers."
[30] Amos Harel, interviewed by Maria Kornalian, March 13, 2011.

percent; and from 2001 to the present, when the proportion nearly doubled in a matter of a decade.[31]

Mikhael Manekin, co-Director of Break the Silence,[32] agrees that the military is witnessing a huge demographic change in terms of its religious breakdown, and that more of the religious right is serving in these positions. Approximately 40 percent of Manekin's cadet training program in 2002 were religious nationalists, according to an internal survey his training program did.[33] These numbers tell us an interesting story about the slow change the IDF has undergone in the past few decades. And while the implications of these numbers are less certain, one thing is quite clear, and hardly disputed: a disproportionate number of religious nationalists are serving in infantry and commander positions in the IDF.

2.3 Refusal

There are many types of "refusal" in the context of the IDF. There are 'leftie' Israelis who refuse to serve because they are opposed to state policy, as well as ultra orthodox who refuse to serve so as to devote themselves to religious studies. The type of refusal examined in this paper, however, is refusal by soldiers and officers to evacuate settlements. While this phenomenon occurs mostly among the religious nationalist demographic, it is important to note that there are some secular soldiers who would also refuse to evacuate settlements. "It is a misuse of IDF resources," says Jacob Shryb, a secular soldier, "I would rather spend the rest of my time in jail than evacuate a settlement."[34] Even still, the act of refusing to evacuate settlements is generally witnessed among religious soldiers.

To some religious nationalists evacuating a settlement is equal to breaking Jewish law. Rabbi Levanon of a Yeshiva Birkat Yosef compares evacuating a settlement to eating non-kosher food. He says that religious solders simply would not carry out such an order.[35] Rabbi Gilad believes the issue comes down to what a solder's conscience tells him. "I believe that every human being has his own conscious, moral issues," he says. "Sometimes, you have to disobey the order when you feel it is immoral."[36] BarShalom has a similar point of view; if his son were asked to

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[31] Harel, "Sharp rise in the number of religious IDF officers."
[32] Breaking the Silence is an organization of ex-IDF soldiers and commanders who raise awareness about the every-day realities of serving in the West Bank.
[33] Mikhael Manekin, interviewed by Maria Kornalian, March 16, 2011.
[34] Jacob Shryb, interviewed by Sarah Zaim, April 23, 2011.
[35] Press, "Israel's Holy Warriors."
[36] Yehuda Gilad, interviewed by Sarah Zaim, March 14, 2011.

evacuate a settlement, he says he would tell his son to simply follow his conscious. "If that means that your commanding officer is going to put you in the brink for a few weeks, if your conscious says that it is worth the price then that is what you should do"[37]

Not all religious Isralis hold such a strong view. Rabbi Ross Singer, of Yeshiva Ma'ale Gilboa explains the view of the Rabbis at Ma'ale Gilboa:

> We recognize that our dreams of having Jews settle in all of the biblical places had to be balanced with our humanistic vision…so we don't think that there is a halakic [Jewish law] problem, that in fact sometimes maybe it is the right thing to do, maybe it is halakhicly obligatory sometimes to remove the Jews from even a very historically significant place.[38]

Singer emphasizes the importance of respecting the decisions of the state, and recognizes "that there needs to be some sort of political accommodation in order to achieve peace"[39] Lior Arussy, a modern orthodox Israeli who served in the medical core of the IDF, agrees that sometimes evacuation of settlements is necessary. "We are not in a position to understand the political and military considerations [of the IDF],"[40] he says. Arussy goes on to explain the religious thinking behind his belief. Rabbi Kook, the rabbi upon whom modern orthodoxy is based, teaches about the three pillars of guidance: the torah, the people, and the land. Arussy explains that it is important to respect the three pillars equally. "Those who believe that they can refuse an order [to evacuate a settlement] are putting more emphasis on the land,"[41] he says. According to Arussy, the majority of modern orthodox feel this way.

Regardless of where people stand on the issue of refusal, most will agree that wide-scale refusal would be detrimental to the army and a serious threat to the state. Prime Minister Netanyahu – aware of just how costly refusal would be for the IDF – warned that such behavior which challenges the IDF's authority and orders could "bring about the collapse of the state."[42] Arussy agrees. "The ramification of starting to pick and choose [which orders to follow] is significantly serious," he says. "If the military makes an order, we have no right to challenge that. If

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[37] Menachem BarShalom, interviewed by Sarah Zaim, March 14, 2011.

[38] Ross Singer, interviewed by Sarah Zaim, March 14, 2011.

[39] Ross Singer, interviewed by Sarah Zaim, March 14, 2011.

[40] Lior Arussy, interviewed by Sarah Zaim, March 18, 2011.

[41] Lior Arussy, interviewed by Sarah Zaim, March 18, 2011.

[42] Haaretz Service, "IDF refusal will bring about Israel's collapse, warns Netanyahu," *Haaretz*, Nov. 17, 2009. Online: <http://www.haaretz.com/news/idf-refusal-will-bring-about-israel-s-collapse-warns-netanyahu-1.3998>

we do challenge that we will undercut the foundation of the army and the state. "[43] BarShalom agrees that if solders decide independently that they are not obeying their officers, then "that is the end of the army."[44] Yagil Levy assures, however, that refusal has not yet become widely acceptable. It is still an issue in terms of Israeli political culture, and the army makes an effort not to put solders in a position where they would feel inclined to refuse orders. Referring to the effect that greater refusal would have on the infrastructure of the IDF, Levy adds, "It is a price you would not want to pay."[45]

3. EVACUATING JUDEA & SAMARIA

3.1 Instances of Refusal

If there is consensus on any one issue, it is that an evacuation of the West Bank – particularly on a large-scale basis – would be a crisis for the military and the state. When we talk about evacuation, the parameters we are operating within are generally based on figures established in previous negotiations. During the 2000 Camp David talks, the numbers for land swaps were formally mentioned in President Clinton's bridging proposals, otherwise known as the Clinton Parameters. Here, the land swaps involved Israel annexing less than 3 percent of the Occupied Territories (which included Gaza at the time) with a near 1:1 territorial exchange.[46] During the 2008 Olmert-Abbas negotiations, the two leaders agreed on the terms of territory to be exchanged, but disagreed on the total amount of land to be exchanged. While Olmert wanted 6.3 percent of the territories, Abbas insisted on no more than 1.9 percent.[47] Generally, evacuation refers to a number somewhere between Abbas' 1.9 percent and Olmert's 6.3 percent.

And while it remains impossible to speculate if some, many or most religious nationalists in the IDF would choose to obey or refuse orders, it is clear that it would be a difficult operation for the military to execute. "It would be a direct confrontation with civilian settlers and the army and the police," says Harel. "I assume that many of them in the end would obey, but the number of objectors among soldiers…would be much bigger [than in Gaza]…it would make it probably the most difficult task the IDF has ever had."[48]

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[43] Lior Arussy, interviewed by Sarah Zaim, March 18, 2011.
[44] Menachem BarShalom, interviewed by Sarah Zaim, March 14, 2011.
[45] Yagil Levy, interviewed by Maria Kornalian, March 14, 2011.
[46] Makovsky, Chabon, Logan. "Imagining the Border: Options for Resolving the Israeli-Palestinian Territorial Issue," p. 1.
[47] "Imagining the Border: Options for Resolving the Israeli-Palestinian Territorial Issue," p. 2.
[48] Amos Harel, interviewed by Maria Kornalian, March 13, 2011.

As much as the IDF's successful disengagement from Gaza is pointed to as evidence of what some believe is an overreaction to religious soldiers' increasing numbers in the IDF – the disengagement in 2005 is not the only example we have to look at how successful the military has been in defusing these internal rifts. In fact, many other smaller-scale incidents have revealed some of the internal battles the military faces, and show clearly how drastic the consequences would be were these small incidents to be magnified in a large-scale West Bank evacuation order.

The first significant numbers of refusal were actually during the 1982 Lebanon War. It was "the first war that secular, liberal and left Israelis fought and decided in large numbers is an unjust war, a war of aggression and choice," says Press. The affect the war had on these seculars was important "because it shattered the aura of absolute trust that the army had and it made an act that before then would have been unthinkable: saying 'no' or refusing to serve became a real consideration," says Press.[49] Indeed the remnants of the 1982 War and the impact it had on Israeli secular society still resonates in Israeli pop culture today. In 2008, the award-winning Israeli film *Waltz with Bashir* documents the filmmaker's journey to discover the truth about the events of the war, where he's forced to face the horrors of the injustice he witnessed as an Israeli soldier.

In August, 2007, the IDF was ordered to evacuate two settler families in Hebron after they refused to obey a court order evicting them from an illegally seized apartment. Initially, 38 soldiers refused to obey – eventually, all but 12 did; the 12 soldiers served sentences between 14 and 28 days and were removed from combat duty for refusing to evacuate the families.[50] In the end, the eviction of these two families required more than 3,000 troops and policemen.

In late October of 2009, at an official swearing-in ceremony at the Western Wall for an infantry unit stationed in the West Bank, the Shimshon Battalion, a few soldiers displayed signs that pledged they would disobey orders to evacuate settlers from the West Bank.[51] "Shimshon Does Not Evacuate Homesh," read the sign, referring to a Jewish settlement near Nablus that was evacuated in 2005 as part of Sharon's Gaza disengagement plan – though Jewish settlers still return and attempt to rebuild the vacated village.[52] The military called their gesture a "disgraceful disciplinary aberration,"[53] court-martialed them, sentenced them to 20 days in jail, and expelled them from their unit. A month later, four soldiers from the Nahshon Battalion displayed banners

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[49] Eyal Press, interviewed by Sarah Zaim, March 15, 2011.
[50] Tim McGirk, "An Army Mutiny in Israeli Settlements?" Time Magazine, Aug. 7, 2007. Online: <http://www.time.com/time/world/article/0,8599,1650560,00.html>
[51] Josh Smilovitz, "Following Orders, But From Who?" *Israel Policy Forum,* Dec. 17, 2009. Online: <http://www.israelpolicyforum.org/analysis/following-orders-who-0>
[52] Press. "Israel's Holy Warriors."
[53] Press. "Israel's Holy Warriors."

in solidarity with their Shimshon counterparts, which read: "Nashon also does not expel." Soon after, a banner displayed from the Kfir Brigade read: "Kfir does not expel Jews."

In late 2009, the drama continued when Rabbi Eliezer Melamed, the head of Yeshiva Har Bracha – at the time, a member of the Hesder program – openly and publicly encouraged soldiers to disobey orders to evacuate Jewish settlements. A public battle commenced between Rabbi Melamed and Defense Minister Ehud Barak, who in December 2009 expelled Har Bracha from the Hesder program – and thus, cut its funding from the Ministries of Defense and Education – the first time such an action had ever been taken. Those soldiers who had been studying at Har Bracha were given a year to either join another Hesder yeshiva, or immediately report for army service. All but about eight or nine obeyed the order; two of those who refused, Natanel Lisha and Avido Kaminer, were imprisoned in Atlit for 18 days.

A statement by the Defense Ministry said:

> The actions and statements of Rabbi Melamed undermine the foundations of Israeli democracy,
> actions which incited some of his students to refuse orders, take part in demonstrations, and harm
> the spirit of the IDF, [actions] which have no place in a properly functioning country…One must make
> an effort to keep the IDF out of a political dispute.[54]

In an article on the *Arutz Sheva* web site, Melamed wrote that "a soldier must disobey orders only when he is ordered to assist in expulsion."[55] In retrospect, many believe the incident was largely a political battle used for political gain. "Barak was having a hard time politically," says Harel. "He was trying to pull some stunts and get some appreciation from the left…both sides were using it politically to get support from their camps. There [were] no long-term implications." Even still, after Melamed's public comments, a poll conducted at Tel Aviv University showed that 29 percent of Israeli Jews, from a range of demographics, agreed that religious soldiers had a "right" to refuse evacuation orders.

And yet, the state has oftentimes been an active party when it comes to the military's failure to evacuate illegal outposts as ordered to by the Israeli High Court. In 2009, the court demanded that the state explain why it had failed to order the military to evacuate six illegal West Bank outposts that were ordered to be evacuated in 2004 by then Defense Minister Shaul Mofaz. Since then, Mofaz's successors have "extended the validity" of the orders which have effectively

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[54] Anshel Pfeffer, Chaim Levinson, "Barak orders IDF to cut ties with far-right yeshiva," *Haaretz,* Dec. 13, 2009. Online: <http://www.haaretz.com/news/barak-orders-idf-to-cut-ties-with-far-right-yeshiva-1.2252>
[55] Smilovitz, "Following Orders, But From Who?"

postponed the evacuation year after year.[56] Sasson's famous report in 2005 revealed that in fact a variety of state ministries had been supporting the outposts in one way or another by supplying mobile homes, trailers, nurseries, teachers, electricity and roads all paid for with taxpayers' money.[57] Despite having court orders to dismantle and evacuate many of these outposts, both the state and the IDF have refused to do so.

While the question of whether or not religious soldiers would refuse to evacuate settlements from the West Bank and East Jerusalem in a large enough number to paralyze the military solicits a range of opinions, one thing does not: the difficulty of the operation. "I would agree that it would be a very heart wrenching, heart breaking situation, I don't deny that whatsoever," says Stuart Cohen, an expert on the IDF and Israeli society at Bar Ilan University. "I just think that…at the end of the day, they would still do it," admitting, however, that "there are bound to be exceptions" among soldiers. Yet Cohen is clear that he believes there is no evidence to support a claim that religious nationalists in the IDF would refuse evacuation orders on a large enough basis to prevent such an evacuation. "I can see no evidence that that might be the case," he says. "It would be very difficult to isolate that particular constraint as opposed to a whole series of other constraints," such as the Jewish lobbies abroad and settler resistance -- violent and otherwise. Though these constraints are more limitations to the likelihood that a deal that would order an evacuation would be reached, and not necessarily limitations on whether soldiers would decide to refuse or obey such orders.

Others disagree. "It's not only a matter of some pessimistic people that say it wont work," says Sasson.[58] Indeed it is not. The fear of possible wide-scale refusal on the part of the military is of genuine concern to many inside Israel – from analysts, to the IDF, to policy makers and down to the soldier. "It would be very, very difficult," says Rabbi Gilad. "There would be very significant resistance."[59] Others are very clear that while the outcome is still impossible to forecast, the difficulty in implementing the order is accepted as a real fear, regardless of how much reality is predicated in that fear. "I don't know that we can know," admits Press. "What we can know is that there will be massive resistance from settlers and that many soldiers will feel deep sympathy for those settlers. And that many rabbis will believe that what is being done is unconscionable. And

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[56] Tomer Zarchin, "Court to State: Explain Failure to Evacuate 6 West Bank Outposts," *Haaretz,* May 13, 2009. Online: <http://www.haaretz.com/news/court-to-state-explain-failure-to-evacuate-6-west-bank-outposts-1.275970>
[57] Talia Sasson, "Sasson Report," March 10, 2005. Online: <http://www.mfa.gov.il/NR/rdonlyres/5AD2CBB2-851D-4917-89B2-CFF60C83C16C/0/SummaryoftheOpinionConcerningUnauthorizedOutposts.doc>
[58] Talia Sasson, interviewed by Maria Kornalian, March 17, 2011.
[59] Yehuda Gilad, interviewed by Sarah Zaim, March 14, 2011.

we can know that because they have said it many, many times."[60] It has become clear that the main point of contention is not whether or not refusals will occur, or if the evacuation "would be hell"[61] as Harel says.

These struggles in mind, the more important question seems to be whether or not the military would ever make such a recommendation, and if the state would ever order such a policy. "It's not going to make it impossible [to evacuate]," says Harel. "It's going to make it very, very hard to give orders to military units to evacuate."[62] Whether religious nationalists in the IDF pose a threat in reality or in fear, many question if that fear will in fact ever be tested. "We have to look at some stages earlier," says Yagil Levy. "…If such a command is really possible."[63] This pushes us to consider whether or not the difficulty of evacuation is a key variable in Israeli decision-making when the state deals with the peace process and negotiations with the Palestinians. Is the mere fear of refusal among soldiers and commanders in the IDF great enough to impact the decisions the state makes about what options it pursues in a peace agreement?

3.2 Circumstances of Withdrawal

Looking more closely at the possibility of West Bank evacuation, we must consider the circumstances under which such an order might be carried out, as well as some of the proposed solutions to increase the possibility of a successful withdrawal. These are scenarios which surfaced in the research, and which have likely crossed the minds of Israeli leadership.

Violence Erupts

One scenario is the possibility that any attempt to remove settlements would digress Israel into violence, even civil war. Settlers might go to great lengths to try to protect their homes; Eyal Press suggests the possibility that a settler turns against a soldier and wounds or even kills him. In this case he says, "the state will turn against the settlers with ferocity."[64] Another possibility he discusses is a settler chaining himself to his home, school or car forcing the IDF to violently remove him. Again, the state would not be pleased.[65] The threat of this sort of violent

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[60] Eyal Press, interviewed by Sarah Zaim, March 15, 2011.
[61] Amos Harel, interviewed by Maria Kornalian, March 13, 2011.
[62] Amos Harel, interviewed by Maria Kornalian, March 13, 2011.
[63] Yagil Levy, interviewed by Maria Kornalian, March 14, 2011.
[64] Eyal Press, interviewed by Sarah Zaim, March 15, 2011.
[65] Eyal Press, interviewed by Sarah Zaim, March 15, 2011.

confrontation, whether small or large, certainly plays a role in calculus of the state when it considers its policy options in the territories.

Another possibility suggested by Harel would be Israel's simultaneous involvement in a war. In this case, the IDF might be able to carry out an evacuation more easily while the majority of Israelis are distracted with what would be a much larger threat. "The resistance would be less because the Israeli public would have other things going on in their mind,"[66] he says.

Police Option

> "My personal opinion is that number one, the army should never be used as a tool by the government, by removing people from their homes who are living there legally….The army should never be used as a tool. If anything it should be the police's job."[67]

The idea that the police force could be responsible for carrying out a West Bank evacuation is usually offered by those opposed to an evacuation as a way to transfer the responsibility to another, less capable entity. In winter of 2009, the military Chief of Staff Gabi Ashkenazi told the state that "the police, not the army, should handle any confrontations with settlers."[68] While initially this may seem like an attractive option, considering the police force does not have the religious demographic breakdown that the military does,[69] it quickly becomes apparent that a police force of only 25,000[70] would be incapable of performing such a grave task. "They don't have the manpower, logistics, or planning,"[71] says Harel. Cohen also points out that in the settlements, the police force doesn't have the level of respect that the IDF does; as such, he expects that more settlers would resist if the police were put in charge of an evacuation.[72] Press imagines that "in an ideal world, maybe it would be good, because having an army in a country with universal conscription to perform an extremely divisive task is hard, but the reality is that there is no other institution that can do it."[73]

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[66] Amos Harel, interviewed by Maria Kornalian, March 13, 2011.
[67] Menachem BarShalom, interviewed by Sarah Zaim, March 14, 2011.
[68] Gershom Gorenberg, "The Occupation Comes Home," *The American Prospect,* Sept. 17, 2010. Online: <http://prospect.org/cs/articles?article=the_occupation_comes_home>
[69] Amos Harel, interviewed by Maria Kornalian, March 13, 2011.
[70] Meirav Arlosoroff, "World-class think tank hired for study of Israel police," *Haaretz,* Oct. 3, 2010. Online: < http://www.haaretz.com/print-edition/business/world-class-think-tank-hired-for-study-of-israel-police-1.316802>
[71] Amos Harel, interviewed by Maria Kornalian, March 13, 2011.
[72] Stuart Cohen, interviewed by Maria Kornalian, March 15, 2011.
[73] Eyal Press, interviewed by Sarah Zaim, March 15, 2011.

The best solution is to make sure the military is front and center in removing settlements, says Cohen, as "the military is far more intimately connected with the Israeli society."[74] He believes this would be the crucial advantage the IDF would have over the police. Press also argues the military must be the one to carry out an evacuation, and in response to the sentiment that the army should not be used as a divisive tool, he argues that the IDF is in fact the ultimate source of authority in the West Bank. "The army creates the political reality in the West Bank and [has] done so for 44 years," he says. "If you don't want the army to intervene in the West Bank, how exactly were the settlements created? Who protects them?"[75]

Small scale, Swift, Surprise Evacuations

An interesting suggestion which was proposed several times during the research for this project was the possibility of small scale, swift, surprise evacuations. "This would be the most successful way of evacuating settlements in the West Bank," says Harel.[76] Yagil Levy also believes this strategy would give the military a higher chance of success then a single, large-scale evacuation. Two such examples of these types of surprise evacuations were the 2006 evacuation of the Amona outpost in the West Bank,[77] and the 2008 evacuation of the "House of Contention" in Hebron.[78] The 2006 evacuation indeed ended in violence, while the 2008 evacuation went much more smoothly – yet both evacuations were successful.

3.3 The Settlers

When looking at the plausibility of an Israeli withdrawal from the West Bank, the army is only part of the picture; the settlers who are living in the West Bank are another factor in the complex situation. Yagil Levy explains that there are three layers of settlers. The majority core of modern orthodox religious settlers, who live in the West Bank because of their religious and Zionist convictions; the part-secular Israelis, who moved from Israel to improve their standard of living; and the Ultra Orthodox, who want to live in religious communities but can not afford to live in the religious communities in Israel proper, particularly those closest to Jerusalem. Ultra-

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[74] Stuart Cohen, interviewed by Maria Kornalian, March 15, 2011.

[75] Eyal Press, interviewed by Sarah Zaim, March 15, 2011.

[76] Amos Harel, interviewed by Maria Kornalian, March 13, 2011.

[77] Alexander Yakobson, "The horror of Amona," *Haaretz,* Jan. 16, 2008. Online: <http://www.haaretz.com/print-edition/opinion/the-horror-of-amona-1.237310>.

[78] Chaim Levinson, "Controversial settler leader charged over Hebron house evacuation," *Haaretz,* Aug. 16, 2009. Online: <http://www.haaretz.com/news/controversial-settler-leader-charged-over-hebron-house-evacuation-1.282092>.

orthodox settlements such as Modiin Ilit and Beitar Illit essentially spill over into Jerusalem suburbs are indeed the fastest growing settlement towns.[79] Each of these groups, Levy explains, would have a different reaction to evacuation. The Modern Orthodox would not respond well, holding onto their homes aggressively; the part-secular would likely evacuate if given fair compensation; and the Ultra Orthodox would likely be open to negotiation, especially if they could relocate to another religious community within Israel, particularly in Jerusalem.[80]

4. GAZA'S DISENGAGEMENT AS A TEST CASE

4.1 The Gaza Withdrawal

While arguments about how capable the IDF would be in evacuating West Bank settlements are largely speculative, we do have a test case for such an evacuation with Israel's disengagement from the Gaza Strip in 2005 – which removed all settlements in Gaza and four in the northern West Bank. Many use the example of disengagement to make a point about the IDF's capabilities, and to show that at the end of the day, were the orders to be given, the IDF could would succeed in evacuations just as it did in Gaza. More importantly, these same people argue that in the end, refusal within the IDF would be manageable for the military and the state.

How useful of a comparison this is rests on the consideration of a number of factors. To start with, disengagement *was* largely the success that the proponents of this claim say it was. In the end, only some 60 soldiers ultimately refused to carry out the evacuations,[81] resistance on the part of the settlers was limited, and the operation on the whole was a success. "Confrontation were really kept to a minimum,"[82] says Cohen. What's more, prior to disengagement, there was a great deal of questions being raised about this very issue: would religious soldiers refuse to obey the orders of their commanders, instead heeding the commands of their rabbis? These debates in the run-up to disengagement were largely similar to those that exist today about the West Bank – including those examined in this very paper.

However, most people will agree that the 2005 disengagement and any serious level of settlement evacuation from the West Bank and East Jerusalem bear crucial differences –

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[79] Joshua Brilliant, "Israel Continues Settlement Expansion," *Terra Daily,* Oct. 20, 2005. Online: <http://www.terradaily.com/news/israel-05h.html>.
[80] Yagil Levy, interviewed by Maria Kornalian, March 14, 2011.
[81] Yagil Levy, "The Embedded Military: Why Did the IDF Perform Effectively in Executing the Disengagement Plan," *Security Studies*, Vol. 16, No. 3 (2007), pp. 382–408.
[82] Stuart Cohen, interviewed by Maria Kornalian, March 15, 2011.

differences great enough to potentially render the example insufficient for bold claims about the IDF's capabilities to withdraw from the West Bank.

The IDF was tasked with removing anywhere between 8-10,000 settlers, only part of which were very religious, in an area not considered as holy as "Judea and Samaria" – whereas the West Bank and East Jerusalem house nearly half a million settlers containing areas considered extremely holy. Further, Yagil Levy also argues that the "relationships with the military was more loose," than those in the West Bank. "It's not the same picture,"[83] says Levy. In addition, most Israelis were against the settlements in Gaza, whereas this is not necessarily the case in the West Bank and East Jerusalem. Levy also stresses that as the military has been undergoing such dramatic changes since the 1980s, even today's military is not the same as it was in 2005. Aside from these on-the-ground and political realities, there are also a number of issues which need to be put into context before an accurate comparison is made – issues which need to be considered if one wants a story which more accurately describes the tools used in disengagement and the resulting consequences.

First, while the IDF officially reported that only about 60 soldiers refused, this doesn't capture what Yagil Levy calls the "gray refusal" – those who informally avoided evacuation duty. Moreover, Levy also maintains that "the army avoided assigning units with a high percentage of religious soldiers to removing settlements."[84] Indeed, the national police were a large part of the force that evacuated settlers from Gaza[85]; one could make the claim that the mere fear of a widespread refusal among the ranks of the IDF, unfounded or not, was enough to avoid using units with a large proportion of religious soldiers. In fact, units where there was a fear of refusal were given orders that limited their duties to simply blocking people from entering the area, not with removing settlers, which was largely done by the police, said Harel. "Gaza was one of a kind," he continued. "I don't think it would be repeated so easily."[86] In fact, the police were such a large part of disengagement that ever since, a debate has ensued about whether any future evacuations should be carried out by either the regular police or border police, rather than the IDF.

So just what was the reason for the great success of the Gaza disengagement? Using the police for the actual evacuation operations was not the sole reason for the military's success. In

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[83] Yagil Levy, interviewed by Maria Kornalian, March 14, 2011.
[84] Gorenberg, "Settling for Radicalism." See also: Levy, "The Embedded Military: Why Did the IDF Perform Effectively in Executing the Disengagement Plan."
[85] Gorenberg, "The Occupation Comes Home."
[86] Amos Harel, interviewed by Maria Kornalian, March 13, 2011.

fact, Levy points to a much deeper process which accounts for the IDF's relatively painless operation in Gaza.

> The army implemented the Disengagement Plan by leveraging the interest of those groups to reinforce the IDF's status as an apolitical and universal "people's army" by which the groups could preserve their mobility within its ranks. Thus, what prevented national religious groups from initiating massive clashes with the troops involved in disengagement was their assessment that a confrontation of that nature could have undermined the army's status and, by extension, that of the resisting groups—both within the IDF and in civilian society too.[87]

The reason that the religious right wanted – indeed, *needed* – to avoid clashes with the IDF during disengagement was in order to protect not only the legitimacy of the IDF as a crucial state institution, but the legitimacy of their position and mobility in the IDF as well. The need to prevent the undermining of the army's status, as well as their own within the IDF and greater Israeli society, outweighed the value of maintaining settlements in Gaza. Would it then be natural to assume the same calculation would be made in the West Bank? No, says Levy. In fact, the strategic stronghold that they weren't wiling to lose from the Gaza pullout would be quite disposable if it was at stake for the West Bank. In Gaza, "the strategic price they would have to pay would be minor," says Levy. But if faced with a situation where settlements in Judea and Samaria were on the line, "they would be willing to pay this strategic price in the West Bank," says Levy. "Because then, this is not their military anymore."[88]

The long-term effects of the 2005 disengagement are still in dispute, but it's important to keep these long-term consequences in mind when comparing the possibilities of a West Bank evacuation based on simple descriptions of the Gazan disengagement. Following the evacuation from Gaza, Ariel Sharon -- then-Prime Minister -- likely imagined that while he had conceded (less-desired) territory, he was able to prevent Israel from being pressured to give up any more territory -- such as those much more valuable in the West Bank -- any time soon, thereby ensuring a few more years of settlement construction in the West Bank. In essence, "disengagement in Gaza secured settlements in the West Bank," says Sasson. "[The state] continued to build there illegally."[89]

At the very minimum, even if disengagement in Gaza was not done as part of a conscious

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[87] Levy, "The Embedded Military: Why Did the IDF Perform Effectively in Executing the Disengagement Plan."
[88] Yagil Levy, interviewed by Maria Kornalian, March 14, 2011.
[89] Talia Sasson, interviewed by Maria Kornalian, March 17, 2011.

and concerted effort to allow for the continuity of West Bank settlements, it certainly was – direct or indirectly – one of the political outcomes of disengagement. In fact, we know that at least publically, Ariel Sharon had no intention of extending similar concessions to the West Bank after removing settlements from Gaza. "There will be only one disengagement, despite rumors of more to follow,"[90] he said to Israeli police chiefs in 2005, a month before disengagement. And after all, who could force the hand of the Israeli state to deal with its West Bank settlements when it had just made a historic concession in Gaza? During the same speech, Sharon made very clear that after withdrawing from Gaza and the four northern West Bank settlements, his government intended "to place social issues, such as the violence in society and reforms in education, at the top of the government's priorities."[91]

While disengagement removed somewhere between 8-10,000 settlers from Gaza, between 2005 and 2006, settlers in the West Bank and East Jerusalem grew by 12,212; between 2006 and 2007, they grew by 10,913; and between 2007 and 2008, they grew by an astonishing 22,301 settlers. We see how the very success of Gaza's disengagement -- the success which some argue is proof of a similar likelihood in the West Bank -- seemed to on some level predicated on guaranteeing the continuity of the West Bank settlements, both in the calculus of the Prime Minister at the state level, as well as the strategic calculus of the religious right in their acceptance – even cooperation – of Gaza's disengagement. If nothing else, it relieved pressure from the state to remove outposts and settlements from those territories, and we know that because Sharon makes very clear in his public statements that post-disengagement, the state would be able to focus on Israel's social issues, not settlement growth.

4.2 The Response to Gaza

The religious right understood that the lesson to be learned from disengagement was that it must not allow what happened in Gaza to be repeated in the West Bank and East Jerusalem. The reactions from religious nationalists in Israel varied from the more strategic and calculated response via the Yesha Council – to the more extreme responses from anti-statist religious nationalists in Israel.

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[90] Yuval Azoulay, "Sharon: There Will Be Only One Disengagement; After That, the Roadmap," *Haaretz,* July 14, 2005. Online: <http://www.haaretz.com/news/sharon-there-will-be-only-one-disengagement-after-that-the-roadmap-1.163835>
[91] Azoulay, "Sharon: There Will Be Only One Disengagement; After That, the Roadmap."

The Yesha Council is an organization of municipal councils that support Jewish settlements in the West Bank and East Jerusalem. After disengagement, the council – an overwhelmingly religious-nationalist body – took unprecedented steps to narrow the gap between settlers and the average Israeli. It elected a secular Chairman, Danny Dayan, for the first time – and launched a nationwide billboard campaign that depicted the situation in the West Bank as that of a Biblical, ancestral tie that the Jewish people had with the land, as opposed to an occupation. It even began distributing maps that didn't display the 1967 border.[92] Yet, at the same time, the council made sure to take a politically tougher line after the state had pulled settlements out of Gaza, releasing a statement saying: "The settler population won't accept government demolition of outposts. If the government moves, the reaction will be closer to Amona than Gaza, and the government will fail," referring to the violent attempts at settlement destruction in Amona.[93]

Others took a much more extreme approach following disengagement. Anti-statists, while a minority, decided they couldn't trust the state anymore after it had abandoned them by removing settlements in Gaza. They refused to wave Israeli flags or celebrate the Israeli Independence Day – and almost began acting in ways which more closely resembled the ultra-orthodox communities in Israel. In addition, their rabbis began expanding their West Bank religious colleges given the increase in their numbers after Gaza.[94]

Most importantly, the religious youth in Israel felt extremely isolated after disengagement. This youth's reaction to disengagement is particularly crucial to note, considering that despite this feeling of isolation and anger about what the state had done in Gaza, and despite the army's role in this process, the national-religious youth's enlistment in the military continued. Even more interesting is that following the evacuation, the number of religious youth who went on to serve as captains in the IDF did not drop, according to the study published in *Ma'arachot* by Commander B: it *increased*, and "draft-dodging" among their community is comparatively limited.[95] It is in this context that makes the state of the religious youth post-disengagement event more critical to consider.

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[92] "Israel's Religious Right and the Question of Settlements," *International Crisis Group,* July 20, 2009. Online: <http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Israel%20Palestine/89_israels_religious_right_and_the_question_of_settlements.ashx>, p. 11.
[93] "Israel's Religious Right and the Question of Settlements," p. 11.
[94] "Israel's Religious Right and the Question of Settlements," p. 10.
[95] "Israel's Religious Right and the Question of Settlements," p. 21.

While these groups and their ideas about the state and the role of the military certainly existed before withdrawing from Gaza, disengagement increased their numbers.[96] We see how the lesson the religious right learned from Gaza was clear, and while different groups chose different ways to act on this lesson, their purpose was the same: making sure settlements in the West Bank and East Jerusalem remained, and that the state would know just how costly it would be if it tried to remove them.

After disengagement from Gaza, the land in the West Bank became easier to build on due to a decrease in outside political pressure and more critical to protect from the prospective of the religious right; the result of these two political outcomes was that the territory becomes much harder to withdraw from. It is perhaps for this reason above all others why simply explaining what the IDF accomplished in Gaza is insufficient for truly understanding what is possible for them to achieve in the West Bank. The political outcomes of Gaza's disengagement contributed to the political environment which now exists in the West Bank; indeed, the consequences of disengaging – while executed successfully – have in fact made it more difficult for a similar success in the West Bank and East Jerusalem.

5. CONCLUSION: ANALYSIS & IMPLICATIONS

5.1 Analysis

The implications for the changing dynamics of the IDF are wide-reaching and significant. Not least of these implications is the affect the change has had on the autonomy of the IDF. Yagil Levy points to an example from September 2004, when the defense establishment made a decision to outsource the service of a satellite which would photograph the West Bank in order to keep track of settlements. The reason for the change was the "difficulty in obtaining full and reliable information about the settlements, in part because the person in the Civil Administration responsible for gathering the information had for years been an officer who is himself a settler."[97] According to Yagil Levy, the story illuminated the more problematic process underway between the military and the settlers: a relationship which was increasingly becoming too close for comfort.

The fear that soldiers serving in the West Bank were establishing relationships which were

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[96] "Israel's Religious Right and the Question of Settlements," p. 10.
[97] Yagil Levy, "The IDF is disintegrating," *Haaretz,* Nov. 11, 2008. Online: <http://www.haaretz.com/print-edition/opinion/the-idf-is-disintegrating-1.256641>.

too close with settlers that they may one day need to evacuate prompted a commander to forbid his soldiers from accepting offers of hospitality at the homes of settlers.[98] From a soldier's prospective, one who spends long hours in the West Bank, months at a time, far from home – a few hours spent inside the settlements could provide a nice break. "A home cooked meal?" asks former IDF soldier Zack Katowitz. "I wouldn't turn that down if I had been offered that."

Some say the fear that soldiers serving in the West Bank are in danger of blurring the lines with settlers is over-hyped. "The soldiers who are in this relationship with the settlers are not there for so long of a period that they identify with the settlers," says Cohen. He argues that IDF soldiers operate on rotations which prevent such problematic relationships from being established.

> We're talking about conscripts who are going to serve for a maximum a-year-and-a-half, they're not cut off from home environments, they come back again, and they're not homogenous. The same is true of their commanders…the rate of transfer from one post to another is rather high – almost too high.[99]

Yet, Yagil Levy insists that relationships established between settlers and the military in the West Bank is "very indicative of how the autonomy of the military is very limited."

Though beyond these issues, when specific questions are raised about the IDF's capability to withdraw settlements from the West Bank, given the change in its religious demographic, proponents will usually begin by pointing to the shining example of the Gaza disengagement as an example of the military's cohesiveness, effectiveness and overall ability to do what it is asked of. We know that the two cases involve drastically different circumstances, and why the success of Gaza's disengagement doesn't tell us much about what a West Bank evacuation might look like. In fact, we argue that at some level, whether by design or not, one of the most important consequences of the Gaza disengagement was that it removed the political pressure from the state to deal with its settlements in the West Bank, and at the same time, it increased the numbers of a religious right that learned one very important lesson: it must not allow Gaza's fate to be repeated in the West Bank.

Interestingly enough, talking to analysts, journalists, soldiers and rabbis inside and outside of Israel reveals two things which all seem to agree on: first, that religious nationalists are

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[98] Maayana Miskin, "Shades of Disengagement? Soldiers Won't Eat with Judea Jews," *Arutz Sheva,* Oct. 2, 2009. Online: <http://www.israelnationalnews.com/News/News.aspx/133676>.
[99] Stuart Cohen, interviewed by Maria Kornalian, March 15, 2011.

increasingly serving in commander and infantry posts in the IDF; and second, that removing settlements from the West Bank would be extremely difficult for the military. The point of contention is what the implications of these two statements are. Further, there is obviously a clear debate about whether or not religious nationalists would disobey in such large numbers that an evacuation would be impossible for the military. Though even those who insist that refusal would be limited and manageable admit that that the order to evacuate would be a "heart wrenching, heart breaking situation," as Cohen said.

It is this heart breaking, heart wrenching fear which seems to ultimately matter most. In the end, whether or not the IDF would be able to successfully withdraw settlements from the West Bank and East Jerusalem, with whatever amount of difficulty, is still a matter of speculation. While none can prove with any certainty what the IDF is and is not capable of doing in a unique scenario under unique circumstances, it seems this exercise is ultimately fruitless. The real issue seems to be this fear, which has more of an affect on Israeli policy than any real or imagined doubt of the IDF's capability. If this fear is engrained into the calculus of the Israeli state and its policy, it most certainly translates into more important implications for the peace process than anything else. At the end of the day, it doesn't seem to be so important how well one can predict how successful the military would be in evacuating settlements, if the fear of what would happen if ordered to do so is so great that such an order is never given.

"It is engrained in the mind of the decision makers that this is a problem," says Yagil Levy, who believes that the state understands what the risks of such an order would be, and that evacuation "may have a very negative impact on the IDF." At this point, it becomes irrelevant whether or not this fear is well-founded or if it is baseless. Indeed the mere threat of mass-refusal "changed the rules guiding the pursuit of a final solution."

> Whether the army and the politicians responsible for it admit it or not, a central consideration in refraining from evacuating illegal settlements is the simple understanding that the army lacks any real ability to carry out the evacuation without encountering massive refusal on the part of recruits, on whom, according to the army, it is dependent for manning its high-quality manpower reserves in a future war.[100]

If this fear did not lay deep in the mind of the Israeli government, as well as the IDF, why else would the military refrain from using its religious troops to remove settlements from Gaza? Why

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[100] Yagil Levy, "The IDF is disintegrating."

else would the state use the police for the actual removal assignments? Why else would Defense Minister Barak take the unprecedented (and politically unpopular) step of dismissing a yeshiva from the hesder program because its head rabbi publically called upon soldiers to refuse evacuation orders? The fear of a fractured military is well-engrained into the calculus of the Israeli state, and certainly plays a role in the way it views its policy options in the territories. It is for this reason why we argue that these considerations have more of an affect on the peace process and Israel's West Bank policy than any speculation one can attempt to reach about how likely the IDF will be in evacuating settlements. Some take this one step further and argue that this fear is actually used by the religious right as a political weapon and channeled in order to prevent any order from being given. "Some of the fears are on purpose to put into the heads of the politicians [the idea] that you're risking the IDF itself [by ordering evacuation]," says Sasson. "So therefore, you should hesitate – it's a tool used to threaten."[101] How true this is may not matter, if the political outcome is the same whether it is a fear crafted by the religious right or not.

This fear is one of the most important reasons why comparing the Gaza disengagement with a West Bank evacuation is problematic. Whether by design or otherwise, Gaza's disengagement created a situation where the mere idea of removing settlements from the West Bank would invite such fear, that politicians would be too scared to implement such a policy; along with facts on the ground and the increasing presence of settlements, such a policy has become more and more threatening.

Part of the fear of what a West Bank evacuation order would do to the military and Israeli society indeed acts as a tool, a mechanism by which the state is kept from ever adopting such a policy; in fact, part of this fear was a byproduct of Gaza's disengagement. Israel made an historic concession while serving as a party in an unspoken agreement that disengagement would be the cost of continuing settlements in the West Bank. This made protecting the West Bank even more of an ideological imperative, and the stakes for withdrawal (and refusal) that much higher. Worst of all, the state – whether intentionally, or not – has been the very arbiter of this exchange.

Whatever the long-term consequences of the increase of religious-nationalists in the IDF are, what is at stake remains clear: "...the autonomous capacity of the State of Israel to implement disengagement in defiance of the wishes of segments within Israeli society that wielded significant

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[101] Talia Sasson, interviewed by Maria Kornalian, March 17, 2011.

clout."[102] Indeed many difficulties lie ahead for the state of Israel, and as it struggles with these political realities, the question of refusal in the military is still an important one – even if it will remain impossible to predict how religious soldiers would behave during a West Bank evacuation, and under what circumstances such an order would be given. The consequences of a military which is comprised of soldiers who will pick and choose which orders they will obey, and which ones they will refuse, are serious.

> Dividing the army into those who obey right-wing orders and those who obey left-wing orders is a sure recipe for disaster for both the army and Israeli society. In terms of Jewish law, preventing such a situation could be defined as saving the life of the nation, and we all know that saving even an individual life permits one to disobey almost all of the Torah's prohibitions.[103]

And yet, the implications of refusal on the part of the IDF's religious nationalists may not be fully realized quite yet. Some view this issue as a demographic change that will not really affect on-the-ground realities until these soldiers and junior-level commanders have been promoted enough within the military. Considering the trend was one which began in the 1980s, and the rate at which religious nationalists are serving in the military, they currently only reach junior-level positions in the military. "When you actually talk with the senior officers, they're mostly moderate by Israeli standards," says Harel, indicating that they usually identify themselves somewhere between Kadima and Labor. The effect of the religious-nationalist surge in the IDF is mostly found in the lower, junior company commanders and brigade commanders. Not surprisingly, for example, in the Golani Brigades, approximately seven out of eight senior commanders, and in the Givati brigade half of the senior officers are religious, says Harel.

Manekin believes that it is in these senior-level positions where one could potentially see a problem in the IDF one day. "I don't even think the issue is refusing," he says. "The issue is past the brigade level – past the mid-level who are coming from the religious right." Specifically, it is what happens to these junior-level religious-nationalist officers when they reach senior positions which matters most. "The problem is when these commanders have an agenda and present certain options to the General Staff," says Mankein. What may be more important than low-level commanders and isolated soldiers refusing orders to evacuate is when these same individuals

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[102] Yagil Levy, "The Embedded Military: Why Did the IDF Perform Effectively in Executing the Disengagement Plan," p. 383.
[103] Yair Sheleg, "More Extreme, More Silent," *Haaretz,* Dec. 15, 2009. Online: <http://www.haaretz.com/print-edition/opinion/more-extreme-more-silent-1.2125>.

eventually become senior commanders who will be in a position to set the agenda of the IDF, and make recommendations on behalf of the IDF, according to Mankein.

In short, he believes the problem is not so much whether there will be a mass problem of refusal, but that the orders to evacuate will simply never be made when these mid-level troops reach senior posts – a problem which looms ahead for the IDF in the next five – 10 years. "The question is what happens to him when's post-brigade level," says Mankein. "This is all about five to 10 years away anyway…up until the brigade level, I don't think it's that important." Considering that pre-military academies in Israel first opened their doors to young Israelis in the 1980s, one could expect that the first generation of senior commanders would be approaching in about that time frame.

Yoram Peri has described in great detail a change in the Israeli military that's been underway over the last few decades. Generals in the military which were once the servant of civilian politicians now have influence "over the design of national policy" which has become "more intrusive than previously believed, and the potential for military influence on foreign policy and international relations has been greater than had been thought."[104] During Peri's research, he discovered that "a picture emerged of an IDF with its own clear vision for the Middle East, a view that the IDF encouraged successive Israeli governments to adopt." With the increase of the role and potential influence that the IDF has from its senior commanders on Israeli policy, the issue of junior-level religious nationalists soon turning into senior commanders becomes a serious one.[105]

5.2 Policy Implications

When political decisions, whether in part or in whole, are made based on fear – the policy implications are great and significant. It should be clear that this paper does not make normative judgments about what policy the Israeli state should adopt with regards to West Bank and East Jerusalem settlements. What this paper does seek to do, however, is to provide a useful discussion of the consequences and implications for the state given these changes in Israeli society and the IDF, if the state does indeed wish to move forward with two-state solution. These consequences are important to consider if the state is still operating under the two-state solution framework. Within this framework, we ask whether or not the state and the military as they stand today can make the necessary decisions in order to move forward; if not, it pushes us to consider the

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[104] Yoram Peri. <u>Generals in the Cabinet Room: How the Military Shapes Israeli Policy</u>. Washington D.C: United States Institute of Peace Press, 2006, p. 7.
[105] Peri. <u>Generals in the Cabinet Room: How the Military Shapes Israeli Policy</u>, p. 9.

possibility that the entire Israeli-Palestinian negotiating paradigm as it has stood in the last few decades may in fact be an out-dated solution for today's Israel, and today's IDF.

The state should recognize this change in Israeli society and the changing dynamic of the military, and it should view the fear of refusal among its soldiers and commanders as a threat to the state's sovereignty and autonomy. A state must first and foremost be able to rely on its military for absolute obedience and cohesion. Anything less than this puts the institutions under which the state is built upon into question. The fear of fragmentation of the military is a serious one, which is most immediately a threat to the state, and second to a two-state solution.

The state needs to push for two independent processes at once: First, it should recognize the desire on the part of the religious right to increase its stature and positioning in Israeli society, and take this need seriously, working hard to reassure community insecurities. It should work to engage with the community very openly and reaffirm their legitimacy in Israeli society, respecting the tenets of democracy and representation for all. It should work to integrate them into civil institutions rather than shun them away in isolation. Yet at the same time, the state must also underscore that the very principles of democracy which seek to include all societal communities also call for safeguards against disproportionate representation. The state should use these principles to make clear the duties of Israeli citizens to remain loyal to their elected government. It should leave no room for dispute that there will be no policy reward to any particular community for serving in the military, or in other civil institutions. It should underscore to all its citizens – secular and religious - that disobedience in the military is a threat to the state, to all of society, and will be treated as acts of treason.

By framing the discourse as one which integrates all communities, yet also highlights that refusal is ultimately a threat to the survival of the state, government leaders may be able to express a sense of tough love which seeks only to protect its citizens. It should not engage with these issues on political grounds, but instead a framework which places the survival of the state and the protection of all its citizens above all other priorities and political imperatives.

The state needs to adequately convey these messages, and set a clear standard for all – making sure not to isolate any community, whether religious nationalist or otherwise. One way to ensure that no one community is disproportionately affecting policy is for the state to cease its funding for illegal settlement and outpost building, and cut off yeshiva's from the hesder programs if there is any question about the instruction given to students regarding refusal in the military, as Defense Minister Barak did in 2009. In addition, state salaries for those rabbis who are

particularly known for their calls of refusal should be terminated, in order to send a message about state policy regarding disobedience. Oversight must also be increased on those leaders who distribute inflammatory and militant material in the military, as well as to those leaders and yeshiva students who are known to be preaching 'militant' behavior with regards to the conflict.

On a strategic level, if the state decides it is ready for any level of settlement withdrawal from the territories, it must act early and plan ahead. Early negotiations with the settlers is a crucial step, considering many of them may be open to leaving quietly if adequately compensated and relocated. It should not assume that all evacuations need to end violently and with bloodshed. Some evacuations can be done early on and with greater ease if done with adequate planning and skilled leaders.

As Nadav Shelef, a professor of political science at the University of Wisconsin, Madison reminds us, the political ideologies and platforms of religious groups in Israel have changed drastically over the course of the last 80 years. The way groups have answered the questions about what lands ought to be part of the Israeli state, and how to define the state's borders have very much evolved; religious nationalists are no exception.[106] The state must understand that it cannot simply allow the direction of the military to be guided by what are ultimately changing political and nationalistic ideas about what area the state of Israel ought to encompass. The military should instead be a timeless and cohesive state institution which knows no such political evolutions, but supports and implements state policies whatever they may be.

To be sure, whatever policies the state adopts in the West Bank, the point of this research and this paper is to suggest that these policies be crafted and implemented based on the political realities of the conflict, and the best interest of the parties involved. At the very least, they should not be based –even in part – by communities that have overrepresented themselves in state institutions, and cornered the state into making decisions based on fear. These communities should not be politically or socially isolated, but they should also not be overly represented in Israeli policy and decision-making. Most importantly, the state should make clear that its military is an extension of the state, and must never be allowed to chose internally which orders it will obey, and which orders it will refuse. Such a reality presents a serious threat to the very survival of the state.

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[106] Nadav Shelef. Evolving Nationalism: Homeland, Identity, and Religion in Israel, 1925-2005. Ithaca: Cornell University Press, 2010.

Within the framework of the two-state solution, any agreement will involve settlement evacuations whether they be small-scale or large-scale. If the state believes it wishes to continue on with this endeavor, something must be done to adequately address the change in the military dynamic. If not, it should seriously consider whether this framework is relevant, or even possible anymore.

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