



Building Peace Between Palestine and Israel, on the Basis of Sunni Islamic Jurisprudence for a Global Civilization (*fiqh hadarah ahl al-sunnah wa-al-jama'ah*) and Jewish Law (*halakha*)

“Many people involved in this conflict believe that the solution is to eliminate the other side. But a genuine solution requires striving to create a better future for all humanity, not simply our own religious group.”

~ KH. Yahya Cholil Staquf, addressing the Ramadan Forum at UIII

DEPOK, Indonesia — On the afternoon of 13 April 2023, Indonesia’s flagship International Islamic University (UIII) served as the venue for a wide-ranging discussion of the prospects for building peace between Palestine and Israel, through the reform of obsolete and problematic tenets of both [Islamic](#), and [Jewish](#), orthodoxy. The Nahdlatul Ulama Central Board (PBNU) initiated and co-sponsored the event — advocating a novel approach to fostering Middle East peace.

Experts on Islam, Judaism, and the Middle East addressed a live audience during a 2 ½ -hour discussion that was livestreamed by UIII and TVNU.

Shaykh Mohammed Abdalhafez Yousef Azzam, Deputy Chief Judge of the Palestinian Authority’s Islamic court system, stated his position clearly in remarks delivered before an international audience gathered at UIII in a suburb of metropolitan Jakarta: “There is no basis within Islamic law for establishing peace with Israel.”

Yet, although initially skeptical of Nahdlatul Ulama’s “Islamic Jurisprudence for a Global Civilization” (*fiqh al-hadarah*), after several days of reflection and engagement, Shaykh Azzam [told Indonesian journalists](#) gathered at Nahdlatul Ulama headquarters on Sunday, 16 April that:

I am very proud of Gus Yahya (NU Chairman KH. Yahya Cholil Staquf). We (Palestinians) feel calm knowing that Gus Yahya is on our side, in his profoundly humane and international way. The Arab world, and especially the Palestinian people, have a lot to learn from Gus Yahya. His brilliant ideas must be widely disseminated and implemented.

*It is important to renew (i.e., reform) certain religious views through a process of *tajdid al-khitab al-dini* (the renewal of religious discourse). We fully support Gus Yahya, including Islamic jurisprudence for a global civilization, which prioritizes minority rights and humanity.*

The event featured presentations by KH. Yahya Cholil Staquf; Shaykh Mohammed Abdalhafez Yousef Azzam; Abdul Kadir Jailani, Director General for Asia-Pacific and African Affairs at Indonesia’s Foreign Ministry; Imam Addaruqutni, Head of the Institute for International Relations

and Cooperation, Muhammadiyah Central Board; and Dr. James M. Dorsey, Senior Fellow, Middle East Institute, National University of Singapore.

Dr. Philip Vermonte, Dean of Faculty, School of Social Sciences, Universitas Islam Internasional Indonesia, moderated the Ramadan Forum, which was preceded by a closed discussion among participants — including Palestinian Ambassador to the Republic of Indonesia Dr. Zuhair Al-Shun — in the office of UIII Rector Dr. Komaruddin Hidayat.

Nahdlatul Ulama and UIII organized the Ramadan Forum to discuss these issues from the perspective of *fiqh hadarah ahl al-sunnah wa-al-jama'ah* (Sunni Islamic Jurisprudence for a Global Civilization), a [wide-ranging](#), long-term [initiative](#) that is being developed and [executed](#) by the Nahdlatul Ulama Central Board.

The *fiqh al-hadarah* movement also plays a key role in the [G20 Religion Forum \(R20\)](#), where it is central to the efforts of [R20 Working Group 3 on the recontextualization of obsolete and problematic tenets of religious orthodoxy](#).

PBNU invited Dr. Dorsey — who, for many years, served as foreign correspondent for *The Wall Street Journal* — to address the complex interplay between *halakha* and public policy in Israel, both historically and in light of Israel's current coalition government. Religious nationalists — including followers of Rabbi Meir Kahane — control a number of key ministries, including National Security, Finance, and the administration of occupied territories in the West Bank.

The intellectual framework for the Ramadan Forum is explained in the event's concept paper, which reads:

The Palestinian-Israeli conflict has been a subject of great concern to the world for more than a century, decades before UN recognition of the State of Israel in 1948. For generations, this conflict has produced not only wars and widespread violence between Arabs and Jews, but also emotionally charged narratives that incite enmity, extremism and the growth of terrorist groups in the Middle East and far beyond. This includes religious discourses rooted in Islamic jurisprudence (*fiqh*) and Jewish law (*halakha*), resulting in the issuance of *fatwas* and *piskei halakha* (legal rulings) that often lead to violence.

What has not yet emerged decisively among either Sunni Muslims or Jews is an authoritative religious discourse — rooted in their respective traditions of jurisprudential thought, worship, and inner spirituality — that is capable of fostering peace and harmony between Palestinians and Israelis, in conjunction with an effort to recognize and allocate to each their respective rights, as determined by the United Nations. Initial steps in this direction have, however, occurred through the 2023 [Nahdlatul Ulama Centennial Proclamation](#) and a *teshuvah* adopted in 2016 by the Committee on Law and Standards of the Masorti Movement's Rabbinical Assembly, titled "[The Status of Non-Jews in Jewish Law and Lore Today](#)."

Viewing the United Nations as a legitimate arbiter will undoubtedly be controversial among many Muslims and Jews, and especially among Islamic and ultra-Orthodox Jewish legal

authorities. For neither Islamic jurists, *Haredi* rabbis, nor religious nationalists in Israel have generally accepted the post-World War II rules-based international order associated with the 1945 United Nations Charter and the Universal Declaration of Human Rights (UDHR), which was adopted by the UN General Assembly in 1948.

As citizens of the world's largest Muslim-majority nation and democracy — whose 1945 Constitution mandates that the state of Indonesia “shall participate in the establishment of a world order based on freedom, perpetual peace, and social justice” — Indonesian Muslims have a special obligation to contribute to this effort and help develop a roadmap that can facilitate the achievement of peace between Israel and Palestine. We invite people of goodwill of every faith and nation to join in this endeavor.

Indonesia's distinctive contribution includes Nahdlatul Ulama's call for “Muslims to embrace a new vision and develop a new discourse regarding Islamic jurisprudence, which will prevent the political weaponization of identity; curtail the spread of communal hatred; promote solidarity and respect among the diverse peoples, cultures, and nations of the world; and foster the emergence of a truly just and harmonious world order, founded upon respect for the equal rights and dignity of every human being.”

As stated in the *Nahdlatul Ulama Centennial Proclamation*:

The Charter of the United Nations and the United Nations Organization are imperfect, and, indeed, remain problematic to the present day. However, the UN Charter was intended to end the destructive warfare and savagery that have characterized international relations throughout human history. Thus, the UN Charter and United Nations Organization may constitute the strongest available foundation upon which to develop a new fiqh for a peaceful and harmonious future for human civilization.

From the perspective of Nahdlatul Ulama's *fiqh hadarah ahl al-sunnah wa-al-jama'ah* (“Sunni Islamic Jurisprudence for a Global Civilization”), Palestinian Arabs, like Israeli Jews, are entitled to equal rights and protections under the law. This includes the right to self-determination.

We must acknowledge, however, the obstacles that impede the realization of this vision. Amongst these obstacles is the fact that traditional *halakha* forbids granting equal rights to non-Jews in the land of Israel, and that traditional *fiqh*, likewise, forbids the granting of equal rights to non-Muslims. Therefore, it is necessary to recontextualize certain teachings within Islam and Judaism if Muslims and Jews are ever to live peacefully and harmoniously together in Palestine, Israel, and the broader Middle East.

The Ramadan Forum was designed to:

1. Encourage the involvement of religions, and especially Islam, in an effort to foster world peace;

2. Encourage the establishment of an independent Palestinian state that is supported by the international community, within the framework of the United Nations Charter, and whose government is committed to the principles of the Universal Declaration of Human Rights;
3. Foster the emergence of a permanent state of peace between Palestine and Israel, on the basis of mutual respect as independent nations; and
4. Prevent the spread of supremacist and violent discourse targeting either Palestinians or Israeli Jews.

Mr. Staquf's address to the Ramadan Forum, edited for publication, may be read below.

Assalamu 'alaikum warahmatullahi wabarakatuh. [May the peace, mercy, and blessings of God be upon you.]

I would like to begin by thanking UIII for graciously offering to host this meeting and for kindly welcoming us to this new, yet great University. I would also like to thank His Excellency Ambassador Zuhair Al-Shun and Shaykh Mohammed Abdalhafez Yousef Azzam for their graciousness in making the long journey from Palestine to Indonesia for this event.

On February 6 this year, Nahdlatul Ulama held an international conference of Islamic scholars (*ulama*) that we called the first International Convention on Islamic Jurisprudence for a Global Civilization, or *fiqh al-hadarah*. The purpose of this conference was to formulate an Islamic legal position regarding the reality of our contemporary civilizational construct, which is the result of fundamental and dramatic changes in the history of global civilization.

If we want to address the problem of Palestine, the first key exercise we must undertake is to identify where to start. Earlier today, before this Forum began, I posed some questions regarding Palestine to the other speakers, who had gathered in the rector's office. My dear friend here — Pak James Dorsey — gave a very interesting and, I believe, very sharp answer.

Pak James said that we have to begin by encouraging people to believe that a solution is possible. The repetition of the same old statements about Palestine time and again, without any serious discussion regarding solutions, is reflective of a breakdown in our collective belief that a solution is possible. Do we really believe that a solution is possible? This is a fundamental question that we need to answer.

Nahdlatul Ulama is trying to encourage the emergence of a viable solution, so that people do not lose faith. We are doing this, firstly, by seeking to understand the nature of the problem. The way we see it, Palestine is part of a much larger picture. It is part of a problem facing the whole of humanity and global civilization itself.

After a long, difficult and in many ways painful discussion, Nahdlatul Ulama has concluded that the problem we are facing is related to the emergence of a new civilizational construct that humanity is trying to forge after our long history of conflict and war. You see, our current civilizational construct — based upon the nation state and a rules-based international order — is

very new. It is less than 100 years old. Nahdlatul Ulama [est. 1926] is older than our current international order.

Indeed, Nahdlatul Ulama is older than the Republic of Indonesia, so this construct of the nation state is very new. Before Israel and Palestine came into existence, their territory was part of the Ottoman Empire. There was no Israel, no Palestine, no Kingdom of Jordan and so on. There was simply the Ottoman Empire. It was only with the collapse of this empire that people began working to develop their own nation states and Saudi Arabia, Jordan, Indonesia, and other nations were born.

This process was framed as part of a single international order regulated by the United Nations Organization. We believe that understanding the nature of this global civilizational construct is a key starting point to understanding our problem.

Nahdlatul Ulama is an Islamic organization. Islamic issues are our domain. Our organization is one of Islamic scholars (*ulama*) who are supposed to address problems from the point of view of *ulama*, that is, from the point of view of *shari'ah*. So, on 6 February 2023, we posed some *shari'ah* questions to the first International Convention on Islamic Jurisprudence for a Global Civilization, which was held in Surabaya, East Java. Our questions were, first: is the Charter of the United Nations — as the product of international consensus — legitimate and binding upon Muslims from a *shari'ah* perspective? In other words, is the Charter of the United Nations a legitimate contract?

Second: were the representatives of the nations who signed the Charter of the United Nations legitimate from a *shari'ah* point of view and capable of binding the Muslims they represented to this contract? In the case of Indonesia where the leader, Sukarno, was Muslim and the majority of the population is Muslim the question is straightforward. But there are more difficult cases. For example, when Jawaharlal Nehru, a Hindu, signed the United Nations Charter on behalf of India, was he a legitimate representative able to bind Indian Muslims?

The International Convention on Islamic Jurisprudence for a Global Civilization answered both questions. First, the Charter of the United Nations is an international consensus and a legitimate contract. Second, the heads of government were legitimate representatives capable of binding their citizens — including Muslim citizens — to this contract. So, in the eyes of *shari'ah* Jawaharlal Nehru was a legitimate representative of Indian Muslims and they were represented when the international consensus supporting the United Nations came into being.

We believe that the conclusions of the first International Convention on Islamic Jurisprudence for a Global Civilization are a start. What we are aiming to achieve with these answers is a transformation of the mindset of the global Muslim community. Muslims need to be able to see that we are now living in a new civilizational construct that is fundamentally different from the past, and that we must adapt accordingly.

So, when we consider the Israel-Palestine conflict we should not see it in outdated terms. We should not view it as a religious struggle between Islam and Judaism, for this is not the reality. We believe that humanity needs to come to see this problem as a humanitarian problem, that it is our collective responsibility to address.

You know, I have never struggled alongside the Palestinian people, in Palestine. I have never participated in any battle or war there. I have never fought any Israelis. I cannot pretend to understand what the Palestinians feel. I cannot pretend to truly understand the Palestinians' sorrow and their profound suffering. I cannot pretend to fully understand it. But I am a human being like others, and so I can imagine what they are experiencing. And, just imagining the pain, just imagining the bitterness they must feel, is almost unbearable.

However, we shouldn't reduce this conflict to a problem between Palestinians and Israelis — we need to see this conflict as a problem for all humanity. It hurts everybody, not just Palestinians. It also hurts us here in Indonesia. It hurts people everywhere. In many parts of the world, I can discern the traces of the Israel-Palestine problem.

Muslims — and especially Nahdlatul Ulama as an Islamic organization — need to think about how Islam can contribute to solving this problem. If Islam doesn't have anything to contribute in terms of solving humanity's problems, then what is Islam for? What good does it do? We claim that Islam is the religion of peace for all creation, and so we should have an answer to this problem.

Solving this problem is a journey. We know that this is a long and very difficult path that we must walk. But we intend to start, and we have already held the first International Convention on Islamic Jurisprudence for a Global Civilization. We invite the academic community, in Indonesia and around the world, to join us in this discourse, because this conversation matters to us all.

If we can begin, then we might regain the belief that somewhere out there a solution may be found, that solutions are possible for the problems of humanity, God willing.

[In Arabic] May Almighty God always be with us, for there is no might and no power except through God. May He guide us to the most straight path. May the peace, blessings, and mercy of God be upon you.

During his presentation, Shaykh Mohammed Abdalhafez Yousef Azzam stated that both the title and content of the Ramadan Forum were misleading, for they falsely equated Palestinian victims with their Israeli oppressors.

The subject of this conference, and its title, are weak and deceptive. They contain a type of misdirection, for they are neither clear nor adequate. To say that this conference is about building peace between Israelis and Palestinians from the point of view of fiqh (Islamic jurisprudence), it is a flawed premise, and I will explain why. Firstly, this title equates the victim and his persecutor — the occupier and the thousands of families forced to flee Palestine. The refugee camps in Lebanon, Jordan, Syria and other nations bear witness to this truth. The title of this program erroneously equates the inhabitants of Palestine with those described by God, in Surat Isra, as corrupters of the earth. For the Almighty said: "And we made [this] known to the children of Israel through revelation: 'Twice, indeed, will

you spread corruption on earth and will indeed become grossly overbearing!’’ [Quran 17:4].

Mr. Staquf responded to this criticism as follows:

Thank you, honorable Shaykh. The goal of this conference is not to issue a *shari‘ah* judgement about either Israel or Palestine. Our goal is to understand the framework of the contemporary international order, which may be applied in pursuit of a solution to the Israel-Palestine problem. We are not saying that it is acceptable for Israel to oppress the Palestinians, not at all.

We believe that it is necessary to review and define what we are fighting for, because currently there are groups within the Muslim community who continually claim that Muslims should fight for Islam and destroy others, and that this is the only possible solution. This position is based on an old civilizational construct that predates our current international order and is unlikely to succeed.

Before independence, Indonesia was occupied by the Dutch, and we resisted this occupation. What made it possible for Indonesia to stand tall as an independent nation and maintain its independence, however, was the post-WWII rules-based international order. If the international community had allowed the Dutch to continue to fight against Indonesia with its full military and economic power, it is likely that Indonesia would have lost that fight. The reason the Dutch could not continue their occupation of Indonesia is that they were not allowed to do so under the post-WWII international order.

If the international community applied the same principle to the problem of Palestine as they did to the Dutch occupation of Indonesia, then hopefully the outcome would be the same: independence for each nation. Independent nation states are the fundamental construct of our current global civilization, without which there would be chaos. Allowing the Israel-Palestine problem to continue risks undermining this fundamental principle of international order. If the integrity of independent nation states is no longer respected, then global security will disintegrate, and humanity will revert to fighting “others” and destroying them at all costs. The only way to survive would be by destroying others. This is the outcome we want to avoid.

Nahdlatul Ulama is framing international order in terms of *shari‘ah* because we believe Muslims need to embrace a new mindset that will enable us to clearly see the reality of our current global civilization. We believe it is important for Muslims to understand that the future of civilization is not one where we must destroy others and survive, alone, as Muslims. Rather, the future of civilization is about sharing a truly just and harmonious international order that protects all human beings.

The Charter of the United Nations is important in this regard because it contains two fundamental ideas. Firstly, that international borders are inviolable. We should have a clear delineation of the borders of each nation. Indonesia, for example, already has clearly defined territorial borders, and

the international community should respect this. Palestine, too, should have clearly defined borders.

Secondly, in the United Nations Charter we have the principle of the equal rights and dignity of every human being and equality among nations. It is not permissible for one identity group or nation to subjugate another, as we are all equal in dignity and rights. I think this is the principle that we should continue fighting for. Once we convince people of the importance of this principle, then hopefully they will realize that this constitutes a path towards a solution.

In his remarks to the forum, Imam Addaruqutni spoke about similarities between Islam and Judaism, and suggested that a spiritual understanding of religion may be key to resolving the conflict between Israel and Palestine. He specifically referenced the Islamic concept of [*wahdat al-wujud*](#) (“the Unicity of Being”) as relevant in this regard.

Abdul Kadir Jailani, Director General for Asia Pacific and African Affairs at Indonesia’s Foreign Ministry, emphasized that the Government of Indonesia supports the Palestinian people’s aspiration for self-determination, and will not extend diplomatic recognition to Israel without satisfactory resolution of the Israeli-Palestinian conflict, through the establishment of a Palestinian state.

The remarks of both gentlemen may be viewed, in full, by clicking on the video that appears immediately below Mr. Staquf’s closing statement.

A syndicated column by Dr. James M. Dorsey, based on remarks he delivered at the Ramadan Forum, appears below the video. This article was published on *The Times of Israel* website on 17 April 2023.

In his closing remarks, Mr. Staquf said:

People live their beliefs, and work towards the goals in which they believe. The way I see it, humanity is stuck with a mindset and beliefs that we have inherited from a previous civilizational construct. This construct existed before the advent of our current rules-based international order. I am a Muslim, and I know for certain that many within our community continue to see the Israeli-Palestinian conflict as a zero-sum, existential struggle between Judaism and Islam, where the ultimate goal is for one side to eliminate the other.

I know this outdated belief is prevalent among Muslims and, the more I learn about Judaism, the more I am coming to realize that a similar mindset exists among many Orthodox Jewish people. The February 2023 attack by Israeli settlers on Huwara, a Palestinian village in the West Bank, was very illuminating. At the funeral of two Jewish settlers killed in violence that preceded this

attack, their Rabbi [delivered a eulogy](#) in which he declared them to be *shaheed*, or martyrs, killed in a Jewish form of *jihad* !

Many people involved in the Israeli-Palestinian conflict believe that the solution is to eliminate the other side. This has already become part of an established religious mindset and has even been institutionalized in religious doctrines. Among the many things we need to do to solve this problem is to raise awareness about the new reality of our global civilization. This reality requires us to embrace a new way of thinking about, and understanding, our own religious beliefs. A genuine solution requires striving to create a better future for all humanity, not simply our own religious group. Thank you.

[View a video of the complete Ramadan Forum.](#)

Dr. James Dorsey, an award-winning journalist, geopolitical analyst, and senior fellow at Bar Ilan University in Tel Aviv, Israel, delivered the final presentation to the Ramadan Forum. His remarks, edited for publication, may be read in full below.

As a journalist and geopolitical analyst, I have observed and covered the Israeli-Palestinian conflict for the better part of half a century. In the following remarks, I will describe the problem as I see it, and suggest that there is much to be learned from the experience of others, particularly Nahdlatul Ulama.

Christianity, Judaism, Hinduism and other religions have been comfortable for more than two decades. Post-9/11, international scrutiny has been focused primarily upon Islam.

What turned young Muslims into suicide bombers? What drives militancy and the willingness to sacrifice one's own life and those of innocents? And what was it in Islam that produced supremacy, intolerance, and the rejection of pluralism?

Desperation, disenfranchisement, marginalisation, frustration, and anger are only partial explanations.

To be sure, these factors played a role. But so did the ability to find justification for supremacism and violence in religious texts.

Even so, Muslim political and religious leaders and world leaders joined a chorus of voices insisting Islam was not part of the problem.

However, Indonesia's Nahdlatul Ulama, the world's largest and most moderate Muslim civil society movement, has bucked the trend, [insisting that Islam is part of the problem.](#)

Equally important is Nahdlatul Ulama's assertion that it is not just Islam that embraces legal concepts that are outdated, obsolete, and/or problematic today. The movement argues that this is equally true for most, if not all, religions.

In the case of Judaism, that has become more evident. This is not just with the rise of the most far-right, ultra-nationalist, and religiously ultra-conservative government in Israel's history.

It has also become more evident in how Israel confronts the reality that a two-state solution to the Israeli-Palestinian conflict has no shelf life and that a one-state solution is all that remains on the table and is already a reality.

That reality is unlikely to change. It is not temporary; it is permanent. So what needs to be decided and what lies at the heart of today's struggle is the question: what should and will be the nature of that state?

Scholars Michael Barnett, Nathan Brown, Marc Lynch, and Shibley Telhami argued in a recent *Foreign Affairs* article entitled '[Israel's One-State Reality: It's Time to Give Up on the Two-State Solution](#)' that "a one-state arrangement is not a future possibility; it already exists, no matter what anyone thinks. Between the Mediterranean Sea and the Jordan River, one state controls the entry and exit of people and goods, oversees security, and has the capacity to impose its decisions, laws, and policies on millions of people without their consent."

Israeli Prime Minister Binyamin Netanyahu's vision of Israel may be grounded in militant nationalism rather than militant religion. This is despite paying lip service to a two-state solution and trying to project himself as the moderate voice in the extremist government he heads.

Even so, Mr. Netanyahu's vision, at the very least, does not challenge militant religious Jewish claims to Palestinian lands. "[Israel is not a state of all its citizens](#)" but rather "of the Jewish people—and only it," Mr. Netanyahu asserted in 2019, a year after the Knesset, the Israeli parliament, passed a law to that effect.

Moreover, the likelihood of the one state's permanence has been decided by Israel's self-defeating creation of facts on the ground. Foremost among these facts are Israeli Jewish settlements, which have made sustainable and legitimate Palestinian carve-outs impossible, and laid the ground work for the exercise of Israeli sovereignty justified by an ultra-religious nationalist and supremacist interpretation of religious law.

It is an interpretation that resembles precepts of a militant Islamic state and is diametrically opposed to traditional notions of either a bi-national state in which communities enjoy cultural autonomy or a civic state in which all have equal rights irrespective of ethnicity, race or religion. This third religious Zionist approach to a one-state solutions brings into sharp relief problematic tenets of Jewish religious law, the *Halakha*.

In effect, the emergence of a *halakhic* approach reinforced by the rise of the current Israeli government is also a reflection of the failure of Zionism to create a state that caters to all Jews irrespective of their religiosity or social, political and religious views, rather than a state populated

by a Jewish tribe that perhaps necessarily charts a course different from that of the majority of Jews who are not part of the state. A focus on Jewish religious law further offers explanations for the seemingly arbitrary, humiliating, and unnecessary brutality and harshness of the Israeli occupation of Palestinian lands that can only be explained by tracing its roots to religious Jewish legal concepts.

To be sure, elements of the influence of problematic Jewish legal concepts were embedded in Zionist and Israeli attitudes towards Palestinians from day one.

Israeli-born scholar Gideon Shafir has charted what he describes as an evolution from a perceived secular Jewish privilege that justified a claim to Palestine based on religion, ethnicity, and/or race to [notions of Jewish supremacy](#) rooted in Jewish religious law as articulated by members of Israel's current government and proponents of religious Zionism.

In doing so, Shafir acknowledges that religion and religious law have taken centre stage in Israeli claims to all of Palestine which, much as 9/11 did for Islam, puts Jewish religious legal precepts in the spotlight.

For now, religious Zionism informs Israel's militant nationalist, ultra-religious, and settler communities. The degree to which that reflects sentiments among a majority of the Israeli public remains unclear, even if recent [mass protests](#) against Prime Minister Binyamin Netanyahu's judicial overhaul failed to take account of Israeli Palestinian concerns.

A recent Israeli television [Channel 13 opinion poll](#) suggested that if elections were held today, Netanyahu's Likud party would lose 12 of its 32 seats in parliament. Seventy-one percent of those polled said they believed that Netanyahu had performed poorly as prime minister.

To be fair, ultra-nationalist and ultra-religious parties would fare somewhat better, losing only five of their 25 seats in parliament. In other words, they represent a committed minority of nearly 20 per cent of the Israeli public, a substantial minority but nevertheless a minority.

Even so, Netanyahu's current coalition, the most far-right, ultra-religious government in Israeli history, according to the polls, would not emerge from new elections with a parliamentary majority.

The numbers are significant beyond the perspective they cast on the trajectory of the hardening of Israeli policies on the occupied West Bank and Israel's borders with Gaza, Lebanon and Syria. For now, the numbers suggest, religious ultra-conservatism has made significant inroads in reshaping religious Zionism but has yet to secure buy-in from Israel's majority secular and traditional electorate.

Moreover, the emergence of religiously anchored concepts of Jewish supremacy has potentially far-reaching consequences for resolution of the Israeli-Palestinian conflict, particularly as the fiction of a possible two-state solution disappears and Israelis and Palestinians accept that they are condemned to live in one state.

The question is what impact that realization will have on Israeli public opinion, and more importantly, what kind of state it will imagine.

Clearly, men like Israeli national security minister Itamar Ben-Gvir and finance minister Bezalel Smotrich envision a religious Jewish state grounded in Jewish religious law in which ideally Palestinians would disappear but more realistically would be second-class citizens, both politically repressed and discriminated against.

In hindsight, the evolution from secular towards religiously justified Jewish supremacy may have been inevitable. This development has been characterized by an evolving emphasis on different religious texts. The secular Labour movement and political left that dominated Israel for its first two to three decades, sought religious grounding in the Talmud, the primary rabbinical source of religious law and theology.

In contrast to the *Tanakh* or Hebrew Bible, which is a primary text for religious Zionists, the Talmud focuses less on the history of Jewish life in the Land of Israel during antiquity, which is what makes the *Tanakh* more of a guiding text for religious Zionists and ultra-nationalists like Ben-Gvir and Smotrich.

The transition from privilege to supremacy was fuelled by Israel's 1967 conquest of Arab lands and the rise a decade later of right-wing leader Menahem Begin, who envisioned the occupied West Bank as the biblical lands of Judea and Samaria rather than the building blocks of a future Palestinian state.

This transition raised [tricky legal questions for religious Zionist rabbis and scholars](#). While the harsh commandments of conquest codified in Maimonides' 12th century *Mishneh Torah* barred a return to Arab sovereignty of occupied land, the status of the territories' inhabitants needed to be defined. Did they qualify as *ger toshav*, resident aliens, and if so on what conditions?

Were the residents idolaters, or did they observe the seven commandments of the Sons of Noah that constitute principles imposed upon non-Jews? Did residents need to recognise Jewish supremacy? If so, was it still necessary to make them "wretched and humiliated," in accordance with Maimonides' commandments, and how does one do that? What is the fate of the residents if they did not qualify as *ger toshav* and therefore have no right to remain on the territory?

Israelis evaded answering these questions prior to the capture of the West Bank, Gaza and Jerusalem in 1967. They were effectively fudged, as Israel tried to figure out how to deal with a non-Jewish minority. The willingness and ability to continue to do so post-1967 was fundamentally altered by the demographics of the conquest of land that held great significance for religious nationalists.

Fudging issues was no longer an option. Instead, the conquest set off a process in Judaism not unlike the attempt by Muslim religious forces to search for a social and political order in Muslim-majority lands that accommodated both Islam and modernity, both yielding similar outcomes.

Religious Zionism's *halakhic* state is not that different from concepts of an Islamic state in political Islamic and jihadist thinking, both regarding what it means for the majority of the population as well as minorities. The process of building support for notions of a Jewish or an Islamic theocracy involved ensuring that a politicized religion played an ever more important role in identity.

Much like in the case of the Islamic state, politicization involved territorial ambition. Religious Zionist views of a Jewish state, grounded in *halakha*, entailed an Israeli state controlling the land of ancient Israel in which there would be no place — and certainly no equitable place — for non-Jews.

Opportunity and necessity beckoned religious Zionism with the conquests of the 1967 war because control was no longer a theoretical issue. The commandment to inherit and settle the land of Israel could no longer be shoved to the sidelines. As a result, it became the battering ram in a struggle between religious Zionism's *halakhic* notions of the Land of Israel versus secular Zionist concepts of a State of Israel.

Unlike discussions within Islam about the nature of an Islamic state, legal debate in Judaism regarding the rules that govern statecraft, warfare and policies towards minorities had stagnated for over a millennium. This is because such issues were of little relevance to a community that did not control a state and land of its own, and was itself a minority.

There was little, if anything, that religious Zionist rabbis could reference that charted the immense changes in the structure and legitimacy of the state since the codification of Jewish law by Maimonides in the 12th century. This codification embodied a worldview that did not bode well for either Jews or non-Jews — certainly not in a 21st century world. Yet Maimonides' 14-volume magnum opus constituted, for them, an indisputable legal framework to be applied to Jewish life in the modern world.

Maimonides codified Jewish concepts that had influenced Muslim legal thinking and were retained in Judaism and Islam even though they were no longer appropriate or fit for purpose. The *halakhic* notion of the *ger toshav* (resident foreigner) was not all that different from the Islamic legal category of *dhimmi*, but suddenly had taken on a relevance it had not possessed for more than a thousand years.

Like the *dhimmi*, the *ger toshav* was expected to pay tribute. Also, like the *dhimmi*, the *ger toshav* did not enjoy equal rights.

Maimonides argued in favor of forms of subjugation of the *ger toshav* that were intentionally “demeaning and humiliating.” Foreign residents were not allowed to lift their heads against Israel or receive preferential treatment, yet their well-being — for example, through provision of health care — needed to be assured to preserve social peace.

The modern-day religious Zionist interpretation of these principles meant that no Israeli government had a right to return any conquered part of the Land of Israel. *Ger toshav*, or residents of such territories, would have to recognise Jewish sovereignty and Israel as a Jewish state. Refusal

to do so would deprive them of the right to reside on the land, a principle that has been creeping its way into Israeli policies.

All of this means that the Israeli-Palestinian conflict has turned into a zero-sum game. It's "us against them." A one state solution with equal treatment and protections for all is no longer feasible if religious Zionism gets its way.

Common wisdom has it that what is needed is pressure on Israel, particularly by the United States and Europe. No doubt, pressure helps. Yet ultimately — much like Nahdlatul Ulama has taken a lead in tackling head on legal, ideological and religious issues that make Islam part of the problem rather than the solution — Jews will have to do the same for Judaism. The attacks of 9/11 put Islam's problems on the frontburner. Conflict spinning out of control in the occupied territories, and particularly in Jerusalem, could have a similar effect upon Judaism.