

Sacred real estate: Who owns the Holy Land?

by [Shaul Magid](#) in the [July 25, 2006](#) issue

In recent years, certain religious Jewish and Christian communities have proclaimed that exclusive Jewish sovereignty over the Holy Land is a theological right and necessity, a condition for the unfolding of the messianic era. This view has been exploited by some secular Israelis, who for political reasons—linked to concerns about security or the war on terrorism—seek to maximize territorial control of the land. Although Israeli prime minister Ehud Olmert’s new convergence plan acknowledges the immorality and implausibility of the exclusivist position, in opting for unilateral action it still ignores the rights of those families whose land was expropriated for reasons having nothing to do with security.

The Israeli left has made its case for sharing the Holy Land largely by appealing to moral conscience, political liberalism, and pluralism. These claims have merit, but they are too easily drowned out by the ferocity of the theologically driven agenda of the religious right, both Jewish and Christian.

I do not propose a solution to the complex problem of how the Holy Land is to be shared, but I do want to suggest that those who are concerned with the religious nature of this conflict should explore an alternative theological model, one that played a part in an earlier chapter of Zionism.

For decades before the founding of the state of Israel in 1948 and for a few decades afterward (until the Six-Day War silenced much of the religious/spiritual left up to the late 1970s), Jewish theologians argued that dividing or sharing the Holy Land was a religious precept. The most well known of these figures was Martin Buber, who before 1948 called for a binational state of Jews and Arabs and after 1948 fought for the repatriation of Arab refugees.

In his essay “Zion and the Other National Concepts” Buber notes the significance of the choice of the term *Zionism* to define the modern movement that brought Jews to Erez Israel. *Zion* refers not to a people but rather to a unique place that is God’s

alone. (“The Lord is great and much acclaimed in the city of our God, His holy mountain, fair-crested, joy of all the earth”—Ps. 48:3.) Thus Zionism, an ostensibly secular political movement, was imbued with religious significance from the outset.

What is the nature of this religious significance? Buber suggests that the essential consequence of the term *Zionism* is that the Jews are caretakers rather than owners of the Holy Land. “This land was in no time in the history of Israel simply the property of the people; it was always at the same time a challenge to make of it what God intended to have made of it.” The idea of Israel as caretaker is made explicit in the Bible. Speaking about the sabbatical year, God warns the Israelites, “But the land must not be sold beyond reclaim, for the land is mine; you are but strangers resident with me” (Lev. 25:23). The biblical concept of the jubilee year (Lev. 25:10-18) affirms that no one can own the Holy Land in perpetuity other than God.

Buber argues that Zionism is, or can be, a unique national movement precisely because it is based not on national “rights” or a myth of origins, but on dwelling in a land that belongs to no one people precisely because it belongs to God. Israel’s mission as caretaker is to make that land a place that mirrors its owner, thereby making those who dwell on it a people who reflect the divine. In regard to the biblical phrase “for the land is mine” (Lev. 25:23), the great 13th-century biblical exegete Moses Nahmanides interprets the passage as saying: “You are but strangers resident with me. It is sufficient for a servant to be like his master. When it is [treated as] mine it will be yours.”

In short, dwelling in the land should be—must be—an act of *imitatio dei*, and, as the Hebrew prophets taught, to fail to embody that religious precept is to forfeit the right to dwell in that sacred place. This is one of the central tenets of the prophetic notion of exile.

Buber contends that the fact that the Holy Land is also inhabited by another people (as it always has been, from biblical to modern times) should not be an obstacle but instead is a challenge to embody that divine call in the modern world. However, the modern return of the Jews to Zion (“his mountain”) requires rethinking the divine mission of dwelling in God’s land. Calls to annihilate the indigenous population, as in biblical times, are hardly legitimate. (The sin of those indigenous people, by the way, was not inhabiting the land but worshiping other gods *in* that land.)

In fact, Buber goes on to say, changed conditions “sometimes allow [us] to make amends for lost opportunities in a quite different situation, in a quite different form, and it is significant that this new situation is more contradictory and the new form more difficult to realize than the old, and that each fresh attempt demands an even greater exertion to fulfill the task—for such is the hard but not ungracious way of life itself.” We should not lament the absence of a divine call to annihilate “the other” but celebrate the progress of the human spirit that enables us to “fulfill the task” with human generosity and a moral conscience.

Morality and generosity are needed on both sides, of course. But to simply forego or nullify the religious precept because the other side has not yet reciprocated is short-sighted and self-serving. It is incumbent upon us to try to cultivate the conscience of the other by example. As the ancient sages teach, “Be a man (*ish*) in a place where there are no men.”

More needs to be said of this “divine nature” we are commanded to emulate. Relevant here is a comment by Hasidic master Rabbi Jacob Leiner of Izbica in his gloss to the Passover Haggadah. The Haggadah contains numerous rabbinical liturgical inventions coupled with literary (midrashic) renderings of biblical verses, all focused on the story of the Israelite exodus from Egypt. One of the early liturgical flourishes in the Haggadah says: “Blessed be the place (*makom*), Blessed is He. Blessed be the one who gave Torah to Israel His people.”

The use of the term *place* to describe God is based on a rabbinic midrash from the third century (Genesis Raba, chapter 61). It reads, “Why is it that we use place as a name of God? It is because God is the place of the world but the world is not His place.” Rabbi Jacob comments:

This means that God gave a place to all of his creations, even the most lowly, and their existence remains His concern as the Talmud teaches “in the very same place that you find God’s greatness you find His humility” (Babylonian Talmud Megillah 31b). No good act or thought by a human being is lost on God—God has a place for all of them. . . . Yet God first had to create [the idea of] “place” (*makom*), for if there was no place where would they exist? . . . This is why God is called “place” because He gives a place for all His creatures.

This concept of place is one that suggests a seeming infinitude of space. As there is never any space void of God, there is never a place that excludes God's creatures. The God who gives the Torah to Israel is the God who creates infinite space for all of creation. The Torah takes up some of that space, but, as it is traditionally viewed as the word of God, the Torah must also have the potential to create space. The creation of space, for oneself and for the stranger in one's midst, is an act of *imitatio dei*.

One could argue that those who resist sharing the Holy Land are not denying the Palestinians a place, only denying them *this* place. But who determines whose place is whose in a land where, in the biblical worldview, the sole owner is God? Who determines that this place is *my* place and, by definition, not *your* place, even though your people may have lived here for centuries?

In March 1953 the Israeli Knesset passed the Land Acquisition Act, which made it legal for Israel to acquire "absentee properties" (land abandoned by Arabs during the 1948 war, some of whom did not leave voluntarily but were expelled by Israeli forces) and properties belonging to "nonabsentee Arabs" if those properties were needed for security or other "developmental projects." In short, the state took upon itself the right to determine "place" in instances that were not solely related to the security of its citizens.

Buber pressed hard against this move. He pleaded with the government to allow Arabs to return to their lands in the absence of a real security threat, but his plea went unheeded. Buber's argument was based on the promptings of moral conscience, but he was adamant that there is no real distinction between morality and true religiosity in his understanding of Judaism. This is especially true, I would add, when dealing with the fragile and volatile phenomenon of taking care of divine real estate.

This argument presents a challenge to the theological claim by both the settler movement and Christian Zionists that God gave this land to the Jews and thus the Jews have the sole right and authority to determine its status. In fact, that kind of Zionist argument is not a theological one but a secular argument couched in theological language. Its essential claim is that nation-states own their land and thus are its sole proprietors.

The question of whether Israel should be simply a nation-state among others—as was largely the position of Zionism’s founder, Theodore Herzl—or something different weaves through the entire history of Zionism. In comments made in 1949 to Israel’s first prime minister, David ben-Gurion, Buber said, “I heard one more important thing from the prime minister this evening. He said, ‘Not a *nation* like all the others.’ Might not one add, ‘Not a state like the rest either?’” States act according to the *raison d’état*; “they chose the path in which the good of the state seems to lie at that moment, no less and no more.” Buber had a different vision (see his “On the Moral Character of Israel”).

It may be true that (as the Golda Meier character says in the film *Munich*) “every civilization finds it necessary to negotiate compromises with its own values,” but each civilization must constantly reassess those values, weigh the price of that compromise and consider whether in the long term the compromise undermines the very mission the civilization wishes to achieve.

When the theological realm collapses into the political—as it has in the settler ideology of Rabbi Zvi Yehuda Kook and his disciples—the *raison d’état* is treated as a divine command. When the holiness of the land (a divine proclamation) becomes the holiness of the state (a human creation) we all too easily move in the direction of theocracy veiled as statism (in which the state is the embodiment of divine will). Such a move undermines the very notion of the land as the embodiment of God as “place.”

A theological alternative begins with the notion that no people, including the Jewish and Palestinian peoples, has ever owned or can ever own the Holy Land—the land of the One who provides infinite space for his creation. If Israel views itself as caretaker of the land—its divine mission, in Buber’s view—whose owner always makes space for those who need it (for those who choose to live with the same inclusive spirit), the religious precept of *imitatio dei* would require us as Jews to share that space, even the holy city of Jerusalem, to make it a “divine place”—the place “God intended to have made of it.”