



Honoring the memory of Belda K. Lindenbaum z"l

Consequences Versus Rights: Rethinking How We Teach Israel

by Dr. Michael Koplow

The Israeli-Palestinian conflict presents a minefield for Jewish educators seeking to accomplish different goals. Instilling in students a strong connection to Israel and pride in the Zionist enterprise while laying bare the complex historical realities of Israel's past and present can be at odds from a purely educational standpoint, and that is without taking into account the mounting set of external pressures from parents, communities, Jewish institutions, and even the public in this social media age where nothing remains contained inside the walls of a school. It is essential to not only develop an educational philosophy regarding how the Israeli-Palestinian conflict should be taught, discussed, and debated, but to also create a framework for approaching various issues themselves. Any successful framework must grapple with the complexity of the issues involved – complexity that arises not only from the history or the facts on the ground, but from the mindset that largely reigns in the observant Jewish community that views our side as always in the right and the other side as always in the wrong – and do so in a way that does not sacrifice an emotional or intellectual connection to Israel. In short, allow students to see Israel as it actually is while opening up the possibility that a commitment to the Jewish state need not involve perpetuating mythology or a blanket insistence that Israel is always a perfect actor; that indeed, a stronger connection and commitment to Israel can ensue from a more holistic and balanced view of Israeli history, actions, and policies.

I suggest in this paper an approach that attempts to demonstrate how such a framework can work in practice. It explores the ways in which we generally talk about hot-button issues that involve competing Israeli and Palestinian claims, and suggests a different framework that allows for considering – although not necessarily agreeing with – different viewpoints in a less all-or-nothing way. This involves moving away from framing issues as a matter of divine or legal rights, and toward framing issues as a matter of consequences arising from actions. Doing so allows for a more thorough historical discussion that introduces students to different viewpoints and a more empathetic educational experience, while at the same time lowering the temperature on topics that can often create a cognitive dissonance when juxtaposing a set of historical claims against a set of emotional or religious beliefs. The aim is not to change anyone's worldview or political positions; this approach may not alter one's feelings about the Israeli-Palestinian conflict at all. It is rather to demonstrate that a more nuanced and complete educational approach to

the Israeli–Palestinian conflict is possible that gives students a set of facts and competing claims and asks them to evaluate what they see, and that complicating the overall picture will lead to a more complete understanding of Israel and a stronger foundation for connecting to it.

How We Discuss Territory

There is no more fraught topic in the Israeli–Palestinian conflict than territory. While the dispute between Israelis and Palestinians is about far more than a simple fight over real estate, who belongs on which part of the Land of Israel is the core of the matter. It touches past, present, and future – how Israel came into being and whether it has the right to be there, where Palestinians displaced in 1948 should go and whether they have any current claims on Israel proper or the West Bank, and whether there should be an independent Palestinian state and what happens to Jewish communities in the territory that would constitute a state of Palestine.

My own experience within the modern Orthodox community is that we tend to discuss territorial issues in a very black and white way that turns on the notion of rights. It is easy to understand why this is so; if faced with a challenge over Israel’s legitimacy or the legitimacy of Israeli policies in the West Bank over the past half century, meeting that challenge by asserting a set of rights-based claims is theoretically the best defense against delegitimization. These assertions of rights to the land generally break down into three distinct categories. The first is an appeal to the Jewish divine right to the land, arguing that God promised the land to Abraham and to the people of Israel, and that this gives the modern state of Israel – as the expression of Jewish sovereignty to whom God gave the land – rights to everything between the Jordan River and the Mediterranean Sea. The second is an appeal to international law, arguing that Israel is the next sovereign power following the British Mandate and has not been superseded by any other entity, and that there is no other entity to which the West Bank can be “given back” since Jordan relinquished its rights (which are challenged to begin with) and there has never been an independent Palestinian state in that territory. The third is a historical argument, hearkening back to the kingdoms of Israel and Judah and over one thousand years of Jewish sovereignty in the land, and that the modern state of Israel is resumption of that sovereignty following two thousand years of exile. These arguments all hinge upon this important concept of rights, and require no exploration of whether Israeli actions are proper or justified because such an inquiry has no relevance in this framework. What matters is that Israel has overlapping claims to the land, and one can choose which argument or arguments is most appealing.

Centering the discussion on rights has the overwhelming advantage of being relatively straightforward and uncomplicated. From the perspective of day school education, it allows the merging of general studies and Jewish studies, since it roots discussions of modern Israel in biblical themes, whether theological or historical. It also instills a strong sense of connection to Israel, since Israel is presented as a birthright for Jews the world

over, either as a result of God's decree or the beneficence of the United Nations, which cannot be negated. It also sidesteps a far more complicated conversation about historiography and Israel's actions over the past seven decades, which may not only bog down lesson plans and class discussions but meet with resistance from parents and even teachers.

But this approach is not without some significant pitfalls. The issue of rights is a fundamentally unprovable one when it comes to adjudicating claims based on divine law or pronouncements, since we may believe a version of truth that will be wholly unconvincing to anyone in a different religious or ideological camp. If the ambition is to create a protective cocoon, the benefits to that will only last until the cocoon is breached, and it may – and often does – backfire when students first encounter views that do not line up with their own ideological or religious commitments.

There are also competing international law arguments about whether or not Israel has a clear right to the land, and particularly with regard to the West Bank, and schooling students in the finer points of international law is beyond the scope of many teachers' expertise and students' ability to absorb. The argument about historical rights can also be a tricky one, since it raises questions surrounding the rights of peoples that were in the land of Israel before – what rights, for instance, do descendants of Canaanites or Jebusites have to the land – and how long the statute of limitations must run before historical rights run out or become superseded.

Furthermore, the focus on rights creates a damaging zero-sum dynamic, where if we have rights in the land then Palestinians don't, and if somehow it could be definitively adjudicated that the Palestinians have rights there, then we don't. Not only does this lead to an antagonistic worldview of "us vs. them" until the end of time, it leaves students blind to the set of arguments and debates about the Israeli-Palestinian conflict that predominate outside the modern Orthodox community. It instills a framework in students that Israel is a figurative battlefield, contributing to a community-wide sense of besiegement and inevitable rancor surrounding the Israel issue.

I will argue that a more productive approach in terms of educating kids and discussing these issues within the community would be to focus on consequences. What are the consequences of Jews living in the West Bank? What are the consequences of the locations of some settlements versus others? What are the security implications of the settlement project? What does it mean to have an undivided Jerusalem? This would create a far more nuanced discussion about why Israel is in the West Bank and how it got there, but more importantly it would establish an environment in which every Israeli action does not have to be seen as wholly right or wholly wrong, but can be evaluated in a more holistic manner that examines its effects – both positive and negative – rather than it becoming an exercise in litigating truth or morality. We accept that much of the world cannot be accurately viewed in stark shades of black and white and that it does not damage the fundamental

legitimacy of actors or institutions to account for complexity, but when it comes to teaching or discussing Israel, there is a stubborn persistence to allow no quarter. Shifting the conversation to what is rather than what we think should be is a way of introducing new elements without sacrificing anyone's individual beliefs or asking them to check their political opinions at the door.

I will examine two issues in particular: West Bank settlements, and the concept of an undivided Jerusalem. More than any others, these topics tend to be discussed in starkly black and white terms that hinge on rights, and each can be subjected to a more holistic framework that looks at consequences of actions. I will note that this is not a backdoor argument for imposing pragmatic solutions (despite my own favoring of those types of arrangements), as one can easily discuss the policy and human consequences of either of these issues and still embrace a maximalist position. It will, however, introduce an awareness of multiple sides of an issue that will at a minimum provide students and families with a more complete understanding of how others frame Israel's actions and a view that not everything must be posited as an absolute.

West Bank Settlements

Discussion of settlements is often subsumed to the larger first order question of whether Israel has any right to the West Bank. It involves things such as United Nations Resolution 242 and debate over commas and usage of the word "the," Abraham's purchase of the Cave of Machpela, questions of whether land can be returned to a party that never possessed it in the first place, and if any Israeli leader has the authority to give away part of the Land of Israel. This often plays out in shorthand with the use or rejection of the word "occupation" and whether the State of Israel is metaphysically able to occupy territory that is part of the Land of Israel. Once the issue of Israel's sovereignty over the West Bank has been dealt with, there is then the second level question of whether Israel has a right to build settlements on the land that it controls, and what it means in terms of international law or as a matter of reciprocity given Israel's Arab citizenry and population. But irrespective of which level one is operating on, the conversation hinges on rights.

The functional impact of this is that it avoids questions of recent history or current actions in favor of other considerations. It elides any of the difficult or uncomfortable topics surrounding the practical consequences of Israel's presence in the West Bank in favor of fostering an uncomplicated emotional connection to Israel for American Jewish students. In Israel itself, whether measured by policy debates in the corridors of government, arguments in the media, or conversation among ordinary Israelis, Israeli settlements are far from being an easy, open-and-shut issue. This is partially because Israelis do not view settlements as an abstract concept; even within the framework of whether Israel has a right to the land or whether Palestinians have a right to the land, the practical consequences – both good and bad – of Israel's settlements are close at hand.

Settlements are a complex issue for a host of reasons, and papering over that fact does a disservice to students. When some assert that settlements represent the core issue of the Israeli-Palestinian conflict, it is critical for students to understand what lies behind that sentiment. The zero-sum focus on rights is letting students down academically by not providing a fuller picture of precisely why Israeli settlements are so controversial in so many circles, and also not preparing students emotionally for when they inevitably encounter different sources of information about the situation in the West Bank.

A better pedagogical approach is to focus on the consequences of Israeli settlements. It need not and should not be an exercise in portraying settlements as good or portraying settlements as bad. One of the shortfalls of the rights-based approach is that tautology is baked into the cake; if Israel has a right to the West Bank, then there is no objection to settlements, and if Israel does not have a right to the West Bank, then there is no justification for settlements. Examining the consequences of settlements for Israelis and Palestinians may still lead to strong views on either side, but it opens up the possibility of a more nuanced view that accounts for the complex situation that prevails on the ground. More saliently, it allows the settlement project to be evaluated based on discernible facts and inquiry rather than on philosophical or theological terms.

What would this look like in practice?

First, ask students to think about the benefits of Israeli settlements. A non-exhaustive list might include:

- **Redemption of the land.** An irony of modern Israel is that the pre-1967 borders do not include the biblical heartland and the key sites of ancient Israel. So many places central to the biblical covenant between God and the Jewish people are located in the West Bank, and Israel's presence there represents a complete reclamation of the land in a way that the establishment of Tel Aviv does not. The confluence between religious Zionism and the settlement movement is not merely a matter of convenience, and for Israelis who feel a deep continuity between the modern state and the ancient one, settling the entirety of the land is a key feature.
- **Strategic depth.** Much of the initial debate in the Israeli cabinet in the aftermath of the Six Day War on what to do with the newly conquered territory centered on the need to establish more defensible borders.¹ Israel is famously only nine miles wide at its narrowest point between the Mediterranean Sea and the Green Line demarcating the West Bank, and holding on to the West Bank provides Israel with breathing space from the threat of Arab armies cutting the country in two. The first settlements were established in the Jordan Valley precisely to serve as a first line of defense, and many Israelis describe the need for settlements in defense-oriented language.

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<https://www.tabletmag.com/jewish-news-and-politics/236531/israeli-security-cabinet-secret-transcripts-part-2>

- **Higher quality of living.** Many, if not most, Israelis living in West Bank settlements do so for quality of life reasons. The cost of housing is cheaper in settlements than in Israeli cities and immediate suburbs, and settlements provide a way for Israelis to live in bedroom communities that provide easy commutes to Israel's financial and commercial centers. Israelis are also able to buy larger houses in settlements than they would in towns that are inside the Green Line, and living in settlements can also foster a close-knit sense of community that does not exist outside of kibbutzim and moshavim.

Next, ask students to think about the costs of Israeli settlements. A non-exhaustive list might include:

- **Higher security costs.** Settlements may incentivize terrorism by sending a message to Palestinians that Israel has no intention of allowing a Palestinian state in the West Bank. Much larger defense budgets are also required to protect and patrol settlements in hostile territory, and to secure the access roads in the West Bank that link settlements to one another and to Israel proper. Settlements also impede a resolution to the Israeli-Palestinian conflict, which is an ongoing security problem for Israel.
- **Ethics of treating different populations differently.** Israelis living in West Bank settlements operate under a different political and administrative system than Palestinians living in the West Bank. There is enormous disparity in access to services, allocation of resources, granting of building permits, issuing and carrying out of demolition orders, and a host of other things that raise difficult questions of ethics and morality in how the Israeli government treats Jewish populations versus Palestinian populations in the West Bank.
- **Complicated relationships with other countries.** While much of the international community understands Israel's security concerns with regard to the West Bank, virtually nobody accepts Israel's project to establish civilian population centers in the West Bank. Whether or not the settlement project is legally justified, there is no question that it has created enormous friction and tension between Israel and most countries in the world, including its friends such as the United States and much of the European Union.

On top of the costs and benefits of settlements writ large, there can also be a discussion of the consequences of different types of settlements and how they impact a resolution to the Israeli-Palestinian conflict. This will introduce even further nuance into the topic, and demonstrate that a general position on settlements can be broken down even further when looking at how they can have different impacts. For instance, settlements that will have to be evacuated in the event of a permanent status agreement between Israel and the Palestinians have a different impact than settlements that will be annexed to Israel. Some settlements have resulted in confiscation of Palestinian agricultural land, while others are nowhere near any Palestinian towns, villages, or farms. Nearly anything that Israel does in

the West Bank with regard to settlement policy will have a distinctive consequence, and in teaching about the issue, it is helpful to illustrate that point.

Focusing the topic around what settlements do rather than on whether they have a right to exist turns down the temperature on a highly controversial topic. It does not avoid healthy debates or seek to gloss over important issues, but it removes the existential angle of Jewish legitimacy in the land, and therefore avoids turning the settlement issue into a much larger conflation of Israel's right to exist with Israel's presence in the West Bank, or a zero-sum struggle in which Israeli and Palestinian rights must necessarily cancel each other out. It introduces the complexity that many educators aim for without doing so in a way that necessarily results in destroying students' connection to Israel.

Aside from a higher degree of granularity that leads to a fuller picture and more comprehensive understanding of the settlement issue, this approach has another clear educational benefit. In avoiding absolutist language or claims, it does not engineer any particular end result. Students can be presented with the benefits of Israel's presence in the West Bank and also the effect it has on the Palestinians living there, and quite conceivably decide that the settlement project makes sense to them on balance or that it doesn't. A cost-benefit analysis can point to Israeli settlements remaining in the West Bank forever on the merits, or it can point to Israel ceasing settlement construction and withdrawing from the territory. What makes the consequences approach a useful one is that it gives students a better grounding in what it means to support or oppose settlements, irrespective of where they come down on the issue. It creates a better informed and historically literate student population, comprised of teens who are also more properly equipped to confront the harsher and more intense political climate they are likely to experience once they leave the day school bubble.

United Jerusalem

Even more so than settlements, the question of Jerusalem arouses passions to a greater extent than any other issue in the Israeli-Palestinian conflict. This is inevitable due to Jerusalem's importance to Jewish religious practice and liturgy, and also as a result of the modern history surrounding Jerusalem and its importance to the state of Israel. Returning to Jerusalem drove centuries of Jewish longing, and its centrality is reflected in important parts of the liturgy of arguably the two most practiced and best-known Jewish religious ceremonies, the Pesach seder and the wedding.

The circumstances of Jerusalem's Old City being in Jordanian hands and all Jewish presence there eradicated between 1948 and 1967, and the euphoria at the Old City's capture by Israeli forces during the Six Day War, also contributes to an unusually strong emotional connection to Jerusalem. While West Jerusalem has been Israel's capital since the state's establishment, capturing historic Jerusalem and establishing Israeli sovereignty over the Temple Mount and Western Wall represented for many an unprecedented Zionist accomplishment. It is one of the reasons that control of Jerusalem and the Temple Mount

command a larger degree of support among Israelis than control of the West Bank, as Jerusalem is seen not only as a religious symbol but as a political symbol. This combination of emotional, religious, and political attachment makes Jerusalem a highly charged issue that is even more susceptible to being framed as one of rights.

The recent public conversation over moving the American embassy from Tel Aviv to Jerusalem reflected the manner in which the issue of rights dominates the discourse within the Jewish community. Advocates of moving the embassy focused on its relocation to Jerusalem as supporting Jewish claims to the city and acknowledging the historical Jewish connection to Jerusalem, as opposed to focusing on what moving the embassy would functionally accomplish. The language that the Israeli government and many American Jews adopt when speaking of the city as Israel's "eternal and undivided capital" is one of rights; it is Israel's eternal capital irrespective of its actual political status throughout history because Jewish sovereignty over the city cannot be negated by any human action, and dividing it would be contrary to these eternal rights.

Much as the conversation about settlements that focuses on rights misses large aspects of what actually takes place on the ground, thereby contributing to an incomplete picture and set of facts that do not allow students to take the full measure of the issue, the focus on rights with regard to Jerusalem does no service to students seeking to understand how the city is spoken about outside of the modern Orthodox milieu. Worse, it feeds into perceptions that many modern Orthodox students have acquired for themselves firsthand in visits to Jerusalem, where they invariably do not stray outside the confines of West Jerusalem and the Jewish Quarter. Firsthand experiences combined with the discourse that predominates back home leave an impression that Jerusalem is, indeed, undivided, and that this poses no complications to either the people living there or to the Israeli-Palestinian conflict writ large.

The reality is that Jerusalem is far more complicated than it seems. When people speak of Jewish sovereignty in Jerusalem and its status as the eternal and undivided capital of Israel, it often comes without a historical grounding or understanding of the city's current dynamics. It also comes with a degree of imprecision: Does an undivided city mean keeping the Old City intact? Does it mean not dividing the Old City from the modern neighborhoods of West Jerusalem? Is Jerusalem defined as the historical city, or the current municipal lines that incorporate Arab neighborhoods that were not considered to be part of Jerusalem until thirty five years ago?

Furthermore, the focus on Jewish rights to Jerusalem does little to examine the impact that Jewish sovereignty over the entire municipality has on factors such as Jerusalem's security, demography, and resources. In talking about Jerusalem as Israel's undivided capital, it is critical for students to understand what that actually means, and whether it is being asserted as a statement of fact or as an ideological position. The domination of the rights discourse also leaves students ill-equipped to understand how others perceive Jerusalem –

both historically and in the present day – and to handle encounters with those who view Jerusalem in a radically different way. The all-or-nothing nature of declaring Jerusalem to be eternally undivided as a value statement makes for an extremely polarizing environment anytime the issue of the city's status is raised.

As with the settlements issue, focusing on consequences rather than rights brings the advantages of a more factually grounded discussion that hinges less on emotions, a less heated learning space, and a framework of looking at important historical and political topics surrounding Israel in a more nuanced way that brings complexity into the picture. In thinking through the consequences of what it means to have an eternally undivided Jerusalem, some suggestions for topics to explore are as follows:

- How is Jerusalem defined? When we talk about an undivided city, what are the geographic boundaries to which we are referring?
- What are the consequences of expanding Jerusalem's boundaries? How does the city look different today from 1967, and how might it look in the future, and what have those changes done to how we conceive of Jerusalem?
- What does the demographic breakdown of Jerusalem neighborhoods look like? If Israel has sovereignty over the western and eastern parts of the city but these two parts are effectively segregated between Jews and Arabs, what are the implications for determining whether the city is united or divided?
- What do infrastructure and municipal services look like throughout the city? Is the city functionally united or divided based on how funding is allocated and how police, fire, and emergency services operate?
- How were religious rights respected or not when the city was divided between Israel and Jordan, and how are religious rights respected or not now that Israel controls the entire city?
- How do Palestinians talk about Jerusalem, both in a religious sense and in a political sense, and how does maintaining an eternally undivided capital impact any future peace agreement between the two sides?

As previously seen with focusing on the consequences of settling the West Bank, focusing on the ramifications of an undivided Jerusalem does not prejudice students from holding whatever opinions they choose regarding the wisdom of such a policy. The point is not to enforce a rigid orthodoxy or to posit a right side versus a wrong side, but to give students the tools to think through the issue by considering facts both convenient and inconvenient. There is a reason that Jerusalem is considered the most difficult and sensitive of the final status issues in the Israeli-Palestinian conflict, and the framework that takes Jews' claims to Jerusalem as the starting and ending point of the discussion misses precisely how and why Jerusalem is such a sensitive topic.

Rather than posit that Jerusalem *must* remain eternally undivided, students should be encouraged to ask whether Jerusalem actually is undivided, and whether it *should* be undivided. Opinions may range across the spectrum, but it takes the discussion out of the

overly heated realm of absolute right versus absolute wrong, and brings in other historical perspectives and practical considerations. It also encourages students to see that even actions that may have nothing but the best intentions can have unintended consequences, and think about how those consequences can then be handled and their effects mitigated.

Concluding Thoughts

Israel is a topic that is fraught with controversy out in the world beyond the confines of the modern Orthodox community, and it is one that educators tip toe around for fear of alienating parents and supporters or saying the wrong thing. There is an irony in the fact that the easiest way not to fall into the many traps and pitfalls that surround teaching Israel is to pretend that the controversy surrounding Israel does not exist by downplaying any complexity inherent in the subject. Doing so only ensures that Israel will remain maximally controversial as a subject by perpetuating the rigid orthodoxies that so many have come to expect in a day school education. Rather than give students a sense of what lies beyond their current horizon, we as a community hope that their encounter with a new Israel conversation will not be too damaging when they are forced to engage with it. Not only do too many students have an incomplete picture of Israel itself, they have an incomplete picture of how Israel is perceived and why it is perceived the way it is.

Opening up education on Israel to allow for a more holistic view of the situation is a risky endeavor, but a worthwhile one nonetheless. The goal should be to give students a thorough grounding in facts and ask them to think through issues in a more critical manner, since to do otherwise is to throw them into a maelstrom unprepared; this is even more important when it comes to the most controversial Israel topics. Arming them with arguments about Israel's rights is neither grounding them in a complete set of facts or having them think through issues critically, and it only fosters a combative and zero-sum attitude when that is not always necessary. It sets students up for a potentially unpleasant shock to their systems when they are asked to reconcile ideological claims against facts or scenarios with which they are wholly unfamiliar.

A focus on consequences arising from a set of actions does not ask students to alter their worldview or give up a strongly held set of beliefs. It asks them to consider what they believe against a set of data points that may support their beliefs and may contradict them, and allows them to grapple with the reconciliation process between belief and fact that might emerge. It prepares them to discuss, debate, and even advocate for Israel going forward in a way that goes beyond black and white assertions. The aim of giving students a more complete and at times challenging view of Israel is not to drive them away from Israel, but to build a foundation for a healthier and longer lasting relationship with Israel.