

Dr. Berkowitz teaches World Jewish History at the Rabbi Joseph H. Lookstein Upper School of Yeshivat Ramaz in New York City.

## THE LAW AND THE LAND: Why Biblical Israel has Artificial Territorial Boundaries

### I. ISRAEL'S TERRITORIAL BOUNDARIES

Anyone acquainted with the first *mishna* in the Talmudic tractate of *Gittin*<sup>1</sup> is aware of the importance which halakha attaches to the exact location of Israel's territorial boundaries. According to the *mishna*, a writ of divorce—a *get*—which arrives in the Land of Israel from the Diaspora, must be validated by the delivery agent in order for it to be effective.<sup>2</sup> Conversely, a writ of divorce originating from within the Land of Israel requires no such validation. As such, the *mishna* details the precise boundaries of the Land, identifying specific cartographic markers in the east, south, and north, with the unstated assumption that Israel's western boundary lies at the natural frontier, the Mediterranean coast line.<sup>3</sup>

This same attention to the precise location of Israel's territorial boundaries appears in the halakhic concern with the laws regulating agricultural tithing, the *mitzvot ha'taluyot ba'aretz*.<sup>4</sup> As Rambam explains in his legal digest, the boundaries of Israel for the purpose of agricultural law are created by drawing imaginary lines connecting the cartographic markers identified in the *mishna* in *Gittin* referred to above.<sup>5</sup> In fact, Rambam bases his cartographic rendering of Israel's territorial boundaries upon the exegetic interpretation of this *mishna* as recorded in the Talmudic tractate of *Gittin*.<sup>6</sup>

It is important to note, that in explicating the mishnaic representation of Israel's territorial borders, the Talmud even demarcates Israel's western boundary, rejecting the assumption that it lies at the Mediterranean coast line. Instead, the Talmud deduces from the redundancy of the Biblical text which reads, "and as for your sea border, you may have the Great Sea and let this border be your sea border," (Numbers 34: 6) that the coordinates of Israel's "sea border" extend *into* the Mediterranean, west of the coast line.<sup>7</sup> Accordingly, the Talmud creates Israel's western boundary by connecting

an imaginary line drawn northward from Israel's south-west border to a second imaginary line drawn westward from Israel's north-west border. This technique incorporates at least 200 square miles of the sea into Israel's territorial domain.<sup>8</sup>

It is remarkable that the Talmud transforms Israel's western border from a natural frontier into a contrived and imaginary artificial boundary line. It is not, however, exceptional. In the south, in the east, in the north-east, and in the north-west, Israel's territorial boundaries also do not conform to the natural geographic divisions—the mountains, the deserts, the waterways—which circumscribe the Promised Land and isolate it from the rest of God's earth. Instead, Israel's land-based borders are established by the Talmud and halakha without regard to the natural frontiers of the Holy Land, being made to resemble the seemingly arbitrary cartographic lines of a New World secular map maker.<sup>9</sup>

For example, to Israel's south, there lies a large and expansive desert. This barren wilderness could readily serve as a natural boundary or frontier separating the Promised Land from the territorial entities below it. And yet, instead of locating Israel's southern boundary at the beginning or at the end of this vast desert, or simply having the Land of Israel disappear at its southern extremities, the border is placed *in the middle* of the desert which is artificially divided into the Negev desert which is part of the Land of Israel and the Sinai desert which is not.<sup>10</sup> Similarly, to Israel's north-east there rises the majestic Golan mountain range which vividly sets off the Holy Land from the territories located on the other side of the mountains. However, rather than placing Israel's north-eastern boundary at the foot of the Golan mountain range or at its peak, or simply having the Holy Land fade into the mountains, halakha delineates Israel's north-eastern boundary to be interjacent with the mountain range.<sup>11</sup> Even in the east, the border of Western Israel, the area described by the Torah as "the Good Land,"<sup>12</sup> does not coincide with the Jordan River, the natural frontier separating Biblical Israel's two banks. Instead, the border is established as an imaginary line drawn from the north to the south which falls east of the Jordan River but west of the territory which is known today as the Hashemite Kingdom of Jordan and which the Bible calls *Eyver haYarden*.<sup>13</sup>

But of all of Israel's land-based territorial boundaries, the most artificial, and certainly the most contrived, is located in the north-western corner of the country. According to the first *mishna* in *Gittin* Israel's north-western boundary lies in front of the City of Acre which is itself outside of the Land of Israel.<sup>14</sup> On the other hand, the Talmud, in a number of places, considers the City of Acre to be within Israel's territorial boundaries, noting, for example, that R. Abba would kiss its stones whenever he arrived there from the Diaspora.<sup>15</sup> In fact, according to the Talmud, the City of Acre was both inside *and* outside of the Land of Israel because the border bisected the

City; its southern sections were part of Israel's territorial patrimony while its northern sections were not.<sup>16</sup> One could hardly imagine a more artificial border than that which severs a municipality.

## II. THE MUNDANE HOLY LAND

By transforming the natural frontiers which envelop Erets Israel into artificially contrived territorial boundaries delineated as mere points on a map, the *halakha* establishes the Promised Land as a mundane territory, a place indistinguishable to the naked eye from any other place on God's earth.<sup>17</sup> In this sense, the *halakhic* cartography only confirms what is readily apparent from the Biblical narrative: that the Jewish conception of the Land of Israel as a Holy Land implies the opposite of a magical kingdom, the antithesis of a mysterious and enchanted realm beyond the bounds of concrete reality.<sup>18</sup>

According to the Biblical narrative, it was from just such a magical kingdom that the Jews emerged in order to enter into the Promised Land.<sup>19</sup> As the Torah tells us, following their liberation from Egyptian bondage, the Jews embarked on a forty-year sojourn through the wilderness of Sinai. During most of this period, they occupied what might be called the world of the permanent miracle wherein God's authority was made manifest, unmediated by the norms of created nature. There, in the wilderness, the Jews witnessed numerous daily miracles that regularly violated the natural order established by God Himself during the six days of creation.

In the Promised Land, however, the miracles of the desert would cease.<sup>20</sup> In the land of their redemption, the Jews would no longer live in such close proximity to God's immediate manifest presence. Instead, God's direct immediacy would recede behind the veil of created nature and the rational order of the world would reemerge as primary. Thus, the arrival of the Jews in the Holy Land did not lift God's chosen people from the semi-supernatural realm of the desert into a more refined and purified state of permanent exaltation, a perfected heavenly abode, wherein their mortality could be altogether transcended. Rather, it rooted them in the real world, the concrete and mundane world of created nature which God Himself ordained so as to order and organize His universe.

If *Erets Israel* would have been confined by the natural impediments which surround and enclose it—the vast desert in the south, the majestic mountains in the north, the wide river in the east, and the great sea in the west—it would have nevertheless acquired an exotic, spiritual character despite the removal of God's immanence from the daily lives of its residents. To be sure, the Holy Land would not be a magical kingdom; its mere visual distinctiveness would not alter its natural environment. But it would also not simply be a mundane and earthly place, special only to the Children of Israel for whom it serves as their national patrimony. Rather, to

borrow a Christian concept, the Holy Land would become a City on a Hill,<sup>21</sup> a shining emerald of spirituality, an arena of sublime righteousness suitable for habitation only by those whom God has chosen to serve as His spiritual elite.

In practical terms, Israel's natural frontiers would have functioned much like the high walls which surround the Church. Just as these walls obscure the inner workings of clerical life to the laity who live beyond its confines, rendering the Church mysterious to its devotees,<sup>22</sup> so would the frontiers of Biblical Israel obscure the inner life of God's Chosen People, rendering the land and its people mysterious to the unchosen nations of the world. Under such conditions, the obligation upon the Jews to become a nation of priests would have been distorted into the role of being a priestly *ecclesia* obligated to harness God's transcendental energy on behalf of mankind and channel it into this world or to serve as human conduits for directing man's religious energies out of this world. In any case, the Jews would be exalted among the nations who would be in thrall to their spiritual authority rather than God's, leaving the Jews as removed from the mundane environment of their Promised Land as if they had never left the desert.<sup>23</sup>

We suggest that only contrived and artificial territorial boundaries—mere lines on a map—could preserve the mundane character of the Holy Land despite its status as the national patrimony of God's chosen people. In the first place, any entity established by artificially contrived territorial boundaries is by definition a synthetic creation, a completely unnatural juridical domain. As such, the artificial boundaries of the Holy Land, which are painstakingly and minutely detailed in the Torah and Talmud, serve to demystify the realm to those who inhabit it. Moreover, artificial boundaries have two sides.<sup>24</sup> Thus, the very same borderlines which delineate the Land of Israel, setting it aside for the Jewish people, also delineate the territories contiguous to the Land of Israel, setting those areas aside for their inhabitants.<sup>25</sup> In this manner, Israel's territorial boundaries also demystify the Holy Land to the other nations of the world whose national patrimonies are indistinguishable to *the naked eye* from the national patrimony of God's chosen people.

### III. HOLINESS AND HALAKHA

But what the naked eye cannot see is that in *halakhic* Judaism holiness issues from "the very nub of concrete reality."<sup>26</sup> As the Rav, the late Rabbi Joseph B. Soloveitchik, explained in his *Halakhic Man*, "holiness does not wink at us from 'beyond' like some mysterious star that sparkles in the distant heavens."<sup>27</sup> It does not signify a transcendent realm completely separate and removed from reality where man transforms himself into pure spirit

through “mystical adhesion to the absolute, mysterious union with the infinite or a boundless, all embracing ecstasy;” nor does it denote “the complete actualization of the ethical ideal, of the supreme good, which is not grounded in a transcendent realm but in the domain of norms and values.”<sup>28</sup> In other words, holiness is not located in the refined and purified netherworld of a transcendent magical kingdom nor is it to be found in the ideal realm of a perfectly ethical City on the Hill. Rather, according to the Rav, holiness is created “by man, by flesh and blood . . . in the very midst of the world and the fullness thereof.”<sup>29</sup> Thus, we suggest, it is the very artificiality of Israel’s territorial boundaries, the fact that they are nothing more than mere lines on a map, which transforms the Promised Land into a synthetic juridical domain, an unnatural *halakhic* creation, that paradoxically imbues the Promised Land with its holiness.

The halakhic world view, as expounded by R. Soloveitchik, identifies holiness with a life ordered and fixed in accordance with the *halakha* whose rules and regulations, laws and dictates, treat only with this world.

The task of the religious individual is bound up with the performance of commandments, and this performance is confined to this world, to physical, concrete reality, to clamorous, tumultuous life, pulsating with exuberance and strength. . . Therefore, holiness means the holiness of earthly here-and-now life.<sup>30</sup>

Halakha is founded upon the earthly, bodily life of man living within the tangible, empirical reality of this world. As such, halakha delves into the very concrete materiality of man’s physical and biological existence and, as R. Soloveitchik contends, finds its fulfillment in the laws regulating each and every physical or biological human function. It is within this context that the *halakhic* conception of creating holiness in the nub of reality, of communicating with God in the very midst of the world and the fullness thereof, can be understood.

On the other hand, concrete reality itself, that is, the world of nature, is a diffuse and unbounded realm whose various components tend to blend and overlap with each other. “Reality is not uniform and monochromatic but pluralistic and multilayered.” There is “a cloud of mystery which hangs darkly over the order of phenomena and events . . . which can only be dispersed by affixing principles and creating laws and judgments to negate the unforeseen and the incomprehensible, to understand the wondrous and the sudden in existence.”<sup>31</sup> Thus, the very concrete materiality of man’s physical and biological existence, the cosmic and lawful order of the universe within which the halakha routinizes man’s life, is itself created by the principles of halakha.

For example, in the world of nature, daytime does not begin at sunrise nor end at nightfall. Rather, it evolves through the dawn and the dusk respectively, until the day is born anew or dissolves into the darkness.

Similarly, summer does not suddenly burst forth from winter only to disappear when the cold months return. Instead, the winter's cold is slowly thawed during the springtime while the summer's heat is cooled during the fall. Children do not instantly reach their majority at some predetermined natural moment but must develop into adulthood, slowly maturing through the trying years of their adolescence. And, as we noted, the land does not end at the water's edge but constantly erodes into the sea whose waves lap up against it obscuring the line between them.

But in the world of halakha there is no such confusion. The day begins and ends at the exact moment that man calculates the sunrise or the sunset. The seasons and the festivals are determined by the precise astronomical calculations which mark the arrival of the new moon. Depending upon their sex, minors achieve their majority on their twelfth or thirteenth birthday despite the fact that twelve year old girls and thirteen year old boys are children who have yet to mature into full adulthood. And, as we have seen, even the land extends to the artificial boundary line, beyond which lies the open or the uncharted sea or the sovereign "territory" of a neighboring nation.

As R. Soloveitchik states, "halakha fixes firmly established and clearly delimited laws, statutes and measures *for each and every commandment*—what constitutes eating and what are its measurements, what constitutes drinking and what are its standards, what constitutes a fruit and what are its stages of development . . . and many more,"<sup>32</sup> including, no doubt, *what constitutes the Land of Israel and what are its boundaries*. The personal act of, for example, eating *matza* and drinking wine on Passover eve, or refraining from eating and drinking altogether on Yom Kippur is transformed into an objective religious act *within the context of man's physical and biological life* by the laws and statutes which define eating and drinking in precise measurements and absolute standards. And it is only through this transformation of qualities into quantities and experiences into equations, that holiness can be created in the nub of concrete reality for wherever there are commandments which govern man's actions there must also be laws which define his acts.

So too in regard to *Erets Israel*. The Land of Israel is, of course, a Holy Land which God set aside to serve as the national patrimony of His chosen people.<sup>33</sup> And there is a halakhic obligation to enter and conquer the Promised Land which becomes holy through man's act of conquest. However, like every other commandment, this act too must be fulfilled within the physical and biological reality which halakha creates by adapting the world of nature, or perhaps, in this case, the world of nations, to the ideal patterns of the *halakha* in order to draw the holiness from on high into the concrete and empirical mundane world. As we have seen, this adaptation requires transforming qualities into quantities and precepts into equations, which at the geo-political level translates into transforming the natural

frontiers of the Promised Land, its deserts, mountains, and waterways, into artificial territorial boundaries.

#### IV. CONCLUSION

Halakha's orientation toward the Holy Land conforms to the greater pattern within the halakhic system which generally imposes exact, artificial boundaries upon the various phenomena of created nature. Interestingly, this orientation conforms as well to the pattern of organization found in modern world politics.

In the modern world, nations exist within specific territorial boundaries.<sup>34</sup> Although some nations exhibit distinct ethnic, religious cultural or linguistic characteristics, all nations must control a bounded territory, defined by mere lines on a map, in order to be recognized as a nation. Moreover, the territorial boundary lines which delimit national political sovereignty are not just necessary conditions for establishing a national political identity, they are sufficient. For example, in North America, all that really distinguishes the citizens of the United States from those of Canada is the artificial boundary line that separates the two nations; Americans live south of the territorial border while Canadians live to its north.<sup>35</sup> On the other hand, in the world of politics, ethnic, religious, cultural or linguistic groups who do not control a specific and bounded territory simply do not qualify as nations notwithstanding their unique and shared characteristics.<sup>36</sup> Indeed, in the modern international arena, such groups are commonly identified as being supra-national or sub-national associations, which is just another way of saying that they are not nations.

The confluence between the halakhic conception of nationhood and sovereignty and the modern one is not unique. As Rabbi Soloveitchik demonstrated a half-century ago, the very spirit of modernity, especially as it is expressed in the physical, mathematical, and biological sciences, which are considered to be the crowning achievements of civilization, is located in the ethos of halakha.<sup>37</sup>

"To whom may [the ideal *halakhic* man] be compared? To the mathematician who fashions an ideal world and then uses it to establish a relationship between it and the real world. The essence of the *halakha*, which was received from God, consists in creating an ideal world and cognizing the relationship between the ideal world and our concrete environment in all its visible manifestations and underlying structures."<sup>38</sup>

In politics as well, we suggest, halakha approaches the question of separations among the nations with an ideal cognitive standard, the principle of artificial territorial boundaries. This standard transforms the world into multiple territorial sovereignties or jurisdictional domains defining each and

every nation as nothing more than the occupants of a contrived and delimited area, a cartographic creation of the geodesic devices of the practical mathematician.

And yet, the confluence between the *halakhic* approach to the world of nations and the modern one has remained obscure. Even in our times, when Israel has reemerged as the single most important issue in organized Jewish life, the religious origins of modern world politics await recognition. Perhaps, through the struggle being currently waged in the Holy Land to establish Jewish sovereignty in every part of *Eretz Israel*, up to the Biblical borderline,<sup>39</sup> the subjective reality of modern world politics will finally become revealed as an objective halakhic fact. If so, the implications of this struggle for Israel's "place among the nations"<sup>40</sup> as well as for the emerging post-communist New World Order have yet to be calculated.

## NOTES

1. Although the T.B. *Gittin* deals primarily with Jewish divorce law, parts of the first eight folio pages explore in detail the territorial boundaries of *Eretz Israel*.
2. The validation requirement imposed on the delivery agent is his testimony that the writ of divorce was written and signed in front of him. The reason for this requirement, which is disputed in the Talmud, does not concern us here.
3. This assumption is expressed in the commentary of Rashi who states "but western *Eretz Israel* requires no border for the Mediterranean is its border." *Ibid*.
4. The produce of the land and the fruits of the trees within the boundaries of *Eretz Israel* are subject to many laws which are explored in the *mishnaic* order of *Z'raim*. The details of these laws are beyond the scope of this paper.
5. *Rambam, Hilkhos Z'raim* 1:7.
6. According to a note inserted at the bottom of the text, *Rambam* provided a map of *Eretz Israel* which is included at the end of the volume. Unfortunately, the map no longer appears in the available editions of this work.
7. There is, in fact, a dispute between R. Yehuda and the Rabbis as to where the imaginary boundary line should be drawn with the Rabbis taking the more moderate position. In any case, both disputants agree that the boundary falls west of the coast line. *Gittin*, 8a.
8. The number of miles is taken from John Selden, *Of the Dominion or Ownership of the Sea*, translated by Marchamont Nedham, 1652. Reissued by Arno Press Inc. n.p. 1972.  
Selden, a 17th century Protestant, was one of the founders of modern international law. In the above work, he drew heavily on the Talmud's consideration of Israel's western boundary as extending into the sea and he used this and other Judaic arguments to dispute the contentions of Hugo Grotius regarding the law of the sea. For an evaluation of Selden's role in mediating Judaic concepts into modern international relations see Abraham Berkowitz, "John Selden and the Religious Origins of Modern World Politics," *Journal of Jewish Political Studies*, Fall 1993.
9. The borders are, of course, laid out in the Bible and only amplified in the Talmud and the *halakha*. Numbers 34: 22-12
10. The southern border is demarcated in *ibid.*, verses 3-5. The *mishna* in *Gittin* (2a) identifies this border with the town of Ashqelon although there appears to be some question as to whether the town is the same as the present town. It would seem that this matter is connected to the status of the Gaza District in terms of its being included in the borders of Biblical Israel. See *Tosafot*, s.v. *v'Ashqelon q'Darom*, *ibid.*, and references.



11. Numbers 34: 7-10. It should be noted that the idea of having a nation's sovereignty simply disappear at its extremities was common among the pre-modern territorial Empires off the Middle East, which makes the Biblical concept of exact territorial boundaries even more unique. See J.C. Hurewitz, *Middle East Politics: The Military Dimension*, (Octagon Books, New York, 1974).
12. The Torah distinguishes between the *Erets HaTova* which is the land of the seven nations and the ten lands of the *Eyver haYarden* which was captured by the Children of Israel on the last leg of their journey to the Promised Land and was given, in perpetuity, to the two and a half tribes. See Numbers 32.
13. See Rashi, Numbers 34:15, who makes the point that the waterways are all included within the borderlines.
14. The *mishna* excludes the city from the Land of Israel by stating "v'Aqo q'tzafon," that Acre is like the north, i.e., it is outside of Israel's territorial borders.
15. The story of R. Abba can be found in T.B. *Ketubot*, 112a.
16. See *Tosafot* s.v. *v'Ashqelon q'Darom*, op. cit., who notes that such is the ruling of the Jerusalem Talmud.
17. Artificial boundaries have two sides, rendering the territories on both its sides unmysterious. For a complete elaboration of this idea see, Abraham Berkowitz, *Boundaries: The Biblical Origins of the Modern International Political System*; unpublished dissertation. Columbia University, 1991, especially chapters 3 and 4.
18. Any number of examples demonstrate this fact including the commandments to tithe the wheat (Deuteronomy 14: 22-29); to observe the Sabbatical year (*ibid.*, 15: 1-6); to sanctify the first fruits (*ibid.*, 26: 1-12); and so on.
19. Thus, among the regular miracles of desert life were the following; food fell from the heavens, water flowed from rocks, clothing grew with the people, etc.
20. See *Ptikha l'Sefer Bamidbar* in the *Humash, Ha'amek Davar* compiled by Rabbi Naftali Zvi Yehuda Berlin, (Vaad HaYeshivot b'Erets Yisrael; Jerusalem, 1967.)
21. This concept is associated with the Protestant vision of creating a new Jerusalem in the new world which would be occupied by the elect. Its theological origins may be traced to the work of St. Augustine who divided the world into the City of man and the City of God. For Augustine, although not for the Protestants, the City of God was coterminus with the Church which he saw as an earthly extrusion of the heavens. Excerpts, and an explanation of Augustine's ideas, can be found in V.F. Claverton, ed., *The Making of Society* (Random House, New York, n.d.) pp. 63-73. Rabbi Soloveitchik, in *Halakhic Man*, (Philadelphia, 1983), translated by Lawrence Kaplan, associates *homo religiosus* with this concept, although he does not use either of these two terms, and finds it not compatible with the *halakhic* approach to religion, holiness, and the worship of God. See pp. 15-17 and 45-6.
22. For a complete explanation of the sociology and consequences of monastic life see Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (Charles Scribner's Sons, New York, 1976).
23. Thus, the Jews would be mysterious to the world although the world would not be mysterious to the Jews. That this relationship is incompatible with the *halakhic* world view is obvious from the fact the *halakha* could not, under these circumstances, penetrate the world and organize it from within which, as we show below, is the very ethos of the *halakha*. For a full explanation of this ethos see Abraham Berkowitz and Stephen H. Garrin, "Halakhic Man at Fifty: An Essay in Memory of Rabbi Joseph B. Soloveitchik," *Jewish Thought*, Fall, 1993.
24. See Abraham Berkowitz, *Boundaries: The Biblical Origins of the Modern International Political System*, unpublished doctorate dissertation. op., cit.
25. Deuteronomy 2. For a political analysis of this Chapter see Berkowitz, *ibid.*, especially Chapter 3. See also Abraham Berkowitz and Tom Milstein, "Manifest and Latent Destiny; The Israel Settlers' Movement," *Midstream*, January, 1993.
26. R. Soloveitchik, op. cit., p. 29. The Kaplan translation of Rabbi Soloveitchik's essay is an official translation since it was reviewed and approved by the author. The original Hebrew

- essay, entitled *Ish haHalakha* first appeared in 1944 in the journal *Talpiot*, (1; 3-4, pp. 651-735).
27. *Ibid.* p. 46.
  28. *Ibid.*
  29. *Ibid.* p. 37.
  30. *Ibid.* p. 33.
  31. *Ibid.* p. 5 and 13. The quotes juxtapose R. Soloveitchik's description of the alternative visions of nature of the ideal religious man and the ideal cognitive man.
  32. *Ibid.*, p. 55.
  33. Thus, for example, the Torah in Deuteronomy identifies the special characteristics of Israel as being a land where milk and honey flow, whose stones are as useful as iron, and from whose mountains copper can be mined. (8: 7-10) Similarly, the land is identified as one which God is always concerned with, training His eyes upon it from the beginning of the year until the end. (Deuteronomy 11: 12.)
  34. Louis Henkin, et al, *International Law Cases and Materials* (West Publishing Co., St. Paul, Minn. 1980), pp. 1-5 and 257-79. Henkin provides the standard definition of national political sovereignty, considering control of a specific territory to be essential. In this regard see also F.H. Hinsley, "The Concept of Sovereignty and the Relations between States," *Journal of International Affairs* 21: 2, 1967. For full bibliographical material on this subject see Berkowitz, *Boundaries*, op. cit., pp. 179-87.
  35. The United States appears to be paradigmatic in this regard. An American is someone who lives within the boundaries of the nation without regard to his place of birth, cultural heritage, religious belief, racial characteristics or any other personal distinction. America is a completely contrived nation whose origins in the ideals of the enlightenment have long been recognized. What is less well recognized is the role played by its boundaries in creating and maintaining the nation. For an examination of this issue in the present context of world politics see Abraham Berkowitz and Tom Milstein, "New World Order; Old World Hatreds," *Borderlines*, Spring, 1993.
  36. For example, the Kurdish people and the Palestine Arabs are two groups which appear to have all of the characteristics of a nation except control over territory. For this reason, neither of these groups are recognized in international law as proper nations. Recent developments in the Middle East peace process, which appear to have launched the Palestinian Arabs on the road to statehood, may change their status while making this point.
  37. See Abraham Berkowitz and Stephen H. Garrin, op. cit.
  38. R. Soloveitchik, op. cit., pp. 19-20. The Rav also compares the methodology of the ideal *halakhic* man to a physicist. *Ibid.*, p. 83.
  39. For an examination of this struggle within the context of the ideas expressed in this essay see Berkowitz and Milstein, *Midstream*, op. cit.
  40. *A Place Among the Nations* is the title of a new book by Benjamin Netanyahu, the current leader of Israel's Likud Party.