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Price Tag: West Bank Settlers' Terrorizing of Palestinians to Deter Israeli Government Law Enforcement

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"PRICE TAG"

WEST BANK SETTLERS' TERRORIZING OF PALESTINIANS TO DETER ISRAELI GOVERNMENT LAW ENFORCEMENT

Ori Nir[*]

I. PREFACE AND SUMMARY

"Price Tag," also known as "Arvut Hadadit" (Mutual Responsibility), is a set of violent tactics employed by national-religious Israeli settlers in the West Bank to deter Israeli law enforcement authorities from removing illegally-built structures from West Bank settlements.[1] The tactics employed include attacks on Palestinians and their property, as well as attacks on Israeli military and police officers. These tactics are designed to obstruct and deter law enforcement inside settlements, but their ultimate goal is to deter Israeli leaders from implementing a possible future Israeli-Palestinian peace agreement that entails removing Israeli settlements from the West Bank.

This essay describes how a strategy that started as a reaction to a sense of powerlessness and ineptness morphed from an unpopular form of high-profile, anti-government resistance into a popular—and very effective—low-intensity anti-Palestinian terrorism campaign.

By tweaking their tactics and using them in a determined yet controlled manner, its perpetrators—young militant national-religious Jewish settlers in the West Bank—have been successful in achieving two major objectives: first, they have deterred Israeli authorities from enforcing the

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[1] Isabel Kershner, *Arsonists Damage and Deface Mosque in West Bank Village*, N. Y. TIMES, June 8, 2011, at A6 (describing the vandalism of a West Bank mosque as part of the "price tag" strategy).

law and demolishing illegally-constructed buildings in West Bank settlements; second, they have done so without alienating an overwhelming majority of Israelis.

This essay documents the success of a form of terrorism unique in Western experience: politically-motivated violence directed against a foe, with the primary purpose of deterring the terrorists' own government from taking actions against their community.

II. INCEPTION OF PRICE TAG

The adoption of the "Price Tag" policy by settlers is rooted in a trauma experienced by the settler movement in 2005: Israel's August 2005 withdrawal from the Gaza Strip and from four northern West Bank settlements.[2] Before explaining the significance of that trauma, some background is necessary to understand who the players are and the political context in which they have acted.

The West Bank and the Gaza Strip came under Israeli military occupation in 1967, following the Six Day War.[3] The West Bank is today home to some 2.5 million Palestinians and 305,000 Israeli settlers.[4] The settlers live in 121 officially recognized settlements (not including East Jerusalem).[5] These settlements are officially recognized, in the sense that they were constructed with Israeli government authorization. Most of the world's governments regard all Jewish settlements in the occupied territories as illegal.[6] In addition to these "recognized" settlements, some settlers live in about one hundred illegal (under Israeli law) "outposts."[7] These are small communities built without Israeli government approval.

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[2]   *See* David Khalfa, *After the Gaza Withdrawal: Settlers' Struggle over the Meaning of the Israeli National Identity*, *in* CIVIL ORGANIZATIONS AND PROTEST MOVEMENTS IN THE STATE OF ISRAEL: MOBILIZATION AROUND THE ISRAELI-PALESTINIAN CONFLICT 42 (Elisabeth Marteu ed., 2009) (attributing the genesis of "price tag" to hardline settlers aiming to make disengagement from the West Bank extremely costly for Israeli policymakers).

[3]   *See* E.C. Hodgkin, *The West Bank Occupation*, *in* PALESTINE: A SEARCH FOR TRUTH: APPROACHES TO THE ARAB-ISRAELI CONFLICT 180 (Alan R. Taylor & Richard N. Tetlie eds., 1970) (indicating that the West Bank had been under Israeli military occupation for two and a half years as of publication).

[4]   *The World Factbook*: *West Bank*, CENT. INTELLIGENCE AGENCY, https://www.cia.gov/library/publications/the-world-factbook/geos/we.html (providing an extensive database of demographic and statistical information regarding the West Bank) (last updated Sept. 27, 2011).

[5]   *Palestinians Shun Israeli Settlement Restriction Plan*, BBC NEWS (Nov. 25, 2009), http://news.bbc.co.uk/2/hi/middle_east/8379868.stm (providing a useful table of West Bank background data updated through late 2009).

[6]   *See* Ethan Bronner, *In Israel, Time for Peace Offer May Run Out*, N.Y. TIMES, Apr. 3, 2011, at A1 (noting that international condemnation of the Jewish settlements is universal).

[7]   *Palestinians Shun Israeli Settlement Restriction Plan*, *supra* note 5.

The Gaza Strip is home to over 1,650,000 Palestinians.[8] Until 2005, there were also 8,600 Israeli settlers living in twenty-one settlements in the Gaza Strip.[9] In September 2005, then-Prime Minister Ariel Sharon led a sweeping, historical campaign to unilaterally "disengage" from the Gaza Strip.[10] He withdrew all of the Israeli settlers and all of Israel's military installations from the Strip. In addition, the Sharon government removed four small settlements in the northern West Bank. Today, Sharon is remembered as the Israeli leader who once (in the 1980s and 1990s) was the chief sponsor and advocate of the settlement enterprise, and then later became the first Israeli leader to start its dismantlement.

In 2003, Israel accepted the U.S.-sponsored "Road Map" plan to restart Israeli-Palestinian peace negotiations. The plan stipulated that all Israeli illegal outposts that were constructed after 2001 would be promptly dismantled. In 2005, the government passed a resolution stating that Israel was committed to dismantling these outposts.[11] As the U.S. government made efforts to resume peace negotiations under Presidents Bush and Obama, it put pressure on three successive Israeli governments (led by Ariel Sharon, Ehud Olmert and Binyamin Netanyahu, respectively) to make good on Israel's Road Map commitment. Indeed, at several points since 2005, ruling Israeli governments issued demolition orders against illegally-built structures in settlements and outposts, and moved to implement them.

This essay discusses the reaction of a particular segment of the settlers' population to the demolitions and to threats of demolition. Ideologically-committed, messianic, and national-religious in nature, this segment mainly inhabits settlements deep inside the West Bank. Unlike the bulk of the settlers, who live in suburban communities adjacent to population centers inside Israel because of the West Bank's economic and "quality of life" benefits, the so-called "ideological settlers" tend to live in smaller settle-

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[8]   *The World Factbook*: *West Bank*, *supra* note 4 (estimating the Gaza Strip's population at 1,657,155 as of July 2011).

[9]   Donald Macintyre, *Historic Exodus from Gaza Begins as 8,500 Settlers Move On*, THE INDEPENDENT (Aug. 14, 2005), http://www.independent.co.uk/news/world/middleeast/historic-exodus-from-gaza-strip-begins-as-8500-settlers-move-on-502789.html.

[10]   *See* David Weisburd & Hagit Lernau, *What Prevented Violence in the Withdrawal from the Gaza Strip: Toward a Perspective of Normative Balance*, 22 OHIO ST. J. ON DISP. RESOL. 37, 52–53 (2006) (describing the formation of the disengagement policy from Sharon's initial proposal to its eventual adoption by the Israeli Knesset).

[11]   *Id.* at 52 (describing both a parliamentary resolution indicating Israel's commitment to disengagement from the settlements and outposts, as well as a subsequent implementation order); *see also Exchange of Letters between PM Ariel Sharon and President Bush*, ISR. MINISTRY OF FOREIGN AFFS. (Apr. 14, 2004), http://www.mfa.gov.il/MFA/Peace+Process/Reference+Documents/Exchange+of+letters+Sharon-Bush+14-Apr-2004.htm?DisplayMode=print (describing the government's withdrawal plan as a "unilateral disengagement" from the Gaza Strip and part of the West Bank).

ments, in and around biblically significant landmarks. The ideological set-tlers see themselves as fulfilling a religious edict. This essay will address this segment of the settlers' population. For the sake of simplicity, this essay will refer to "ideological settlers" simply as "the settlers."

Violent attacks by the settlers against West Bank Palestinians are not a new phenomenon. Deadly Palestinian attacks against the settlers are not new either. Violent friction has always existed between these popula-tions, who co-exist in an environment of military occupation. What is new—and is the focus of this paper—is the use of violence by the settlers not only to influence the behavior of the Palestinians but also, chiefly, to influence the behavior of the Israeli government.

Israel's August 2005 withdrawal from the Gaza Strip and from four settlements in the northern West Bank, so-called "unilateral disengage-ment," or "Gaza disengagement"[12] traumatized the settlers in several ways:

- **The settlers' public perception and self-perception as a paper tiger:** The eviction of settlers from Gaza—about 8,500 people—lasted eight days, and was carried out with mild resistance by the settlers. It was anti-climactic.[13] It followed a protest campaign by settlers and their sym-pathizers inside Israel that lasted ten months, and included mass demon-strations and two murderous attacks by Israeli Jewish terrorists against Is-raeli Arabs and Palestinians, all in an attempt to derail the government's disengagement plan.[14] The settlers resisted the eviction from Gaza, but failed to mobilize a mass civil disobedience campaign or a broad conscien-tious objection campaign among Israeli soldiers. Israeli law enforcement authorities were successful in quickly and efficiently evicting the settlers and in dismantling the settlements in Gaza, a feat that deeply alarmed the settlers. They were concerned that the precedent would encourage Israeli leaders to later withdraw from most—if not all—of the West Bank.

- **The settlers' failure to capture the hearts and minds of most Israe-lis:** At the time of its implementation, the disengagement was popular. Almost two-thirds of Israelis supported it.[15] Of those who did not, only a minority opposed it and did so on the ideological grounds that portions of the Land of Israel should not be compromised.

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[12]   *The Disengagement Plan - General Outline*, ISR. MINISTRY OF FOREIGN AFFS. (Apr. 18, 2004), http://www.mfa.gov.il/MFA/ (describing the government's withdrawal plan as a "uni-lateral disengagement" from the Gaza Strip and part of the West Bank).

[13]   *See* Weisburd & Lernau, *supra* note 10, at 40 (noting that the violence and civil unrest expected to follow the disengagement never fully materialized).

[14]   *Id.* at 39–40.

[15]   Esther Pan, *Q&A: The Gaza Withdrawal*, N.Y. TIMES, Aug. 8, 2005, *http*://www.ny times.com/cfr/international/slot2_080805.html?pagewanted=1 (noting that approval for the disengagement was consistently between 65–70%, but dropped to 50% immediately preced-ing withdrawal).

- **A generational rift between the settlers' older "traditional" leadership and the young activists:** The battle against the disengagement was a failure. The intense public relations campaign that the settlers' traditional leaders carried out over the course of almost a year, attempting (in their words) to "settle in the hearts" of Israelis, using "positive" slogans such as "we have love, and it will triumph," did not work.[16] At the conclusion of this charm offensive, most Israelis sided with Prime Minister Ariel Sharon's drive to uproot the settlers from their homes. Sympathy for the settlers was at an all-time low. The young activists accused the traditional leaders of creating a situation that would make future withdrawals from the West Bank much easier for the government to implement. In fact, leaders of Ariel Sharon's ruling Kadima party were openly talking about future plans to withdraw unilaterally from vast parts of the West Bank, uprooting thousands of settlers.[17] Indeed, this was the key plank in the Kadima party platform in Israel's March 2006 general elections. Ehud Olmert ran on this platform and won.[18]

Shortly before the elections, in February 2006, the settlers were handed an opportunity to change course. The government was preparing to enforce the law and demolish several houses at the illegal outpost of Amona, not far from the Palestinian town of Ramallah, north of Jerusalem.[19] An illegal outpost is a settlement—typically a small one—built without Israeli government authorization, in violation of Israeli law.

Although the demolition in Amona was of only nine houses (a fraction of the buildings vacated and demolished in the settlements of the Gaza Strip several months earlier) the settlers' leaders prepared for a major confrontation.[20] Unlike the settlers' leaders during the disengagement from Gaza, the leaders during this time were not of the older generation: rabbis and activists who established the settlements in the 1970s and 1980s. The leaders during this resistance were young activists who rejected the rabbis' reti-

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[16]   *See* MICHAEL FEIGE, SETTLING IN THE HEARTS: JEWISH FUNDAMENTALISM IN THE OCCUPIED TERRITORIES 265 (2009) (discussing the varying tactics used to protest the disengagement plan and the subsequent failure to curry public favor).

[17]   *See* Scott Wilson, *Kadima Planning West Bank Pullout*, WASH. POST, Mar. 6, 2006, at A9 (discussing Kadima party's plan to evacuate thousands of Israelis living in scattered West Bank settlements).

[18]   *See* Scott Wilson, *Sharon's Party Is Winner In Israel*, WASH. POST, Mar. 29, 2006, at A1 ("The Kadima party led by acting Prime Minister Ehud Olmert won the most seats in Israel's parliamentary elections Tuesday, in a vote that hinges on his plan to draw the country's final borders through unilateral withdrawals from the Palestinian territories.").

[19]   *See* Greg Myre, *Settlers in West Bank Outpost Battle Police Who Came to Raze Houses*, N.Y. TIMES, Feb. 2, 2006, at A12 (reporting that police were ordered to tear down houses built without permission along the West Bank near Ramallah).

[20]   *See id.* (discussing the violent confrontation between settlers and policemen).

cence in confronting the state establishment.[21] Young leaders amassed thousands of activists, also known as "the Hilltop Youth," who violently clashed with a large force of Israeli police officers, pelting the officers with rocks, bricks and metal bars. Hundreds of settlers were injured, as well as scores of police officers, many more than those injured during the Gaza disengagement, months earlier.[22]

The "Hilltop Youth" were not a new phenomenon. Neither was the generational crisis within the settler community. Israelis were first introduced more than ten years ago to the "Hilltop Youth": rogue, young, violent, extremist settlers, who rejected the Israeli establishment and Israel's mainstream culture, and who rebelled against the settler elders' alliance with the Israeli establishment.[23] Before Amona, these young militants were disorganized, and had not yet posed a formidable challenge to their elders' leadership.

The disengagement from Gaza brought the settlers' ongoing generational crisis to a peak, and brought the Hilltop Youth to the forefront of the Israeli public's attention.

The young settlers' violent conduct in Amona was a direct reaction to the Gaza disengagement trauma. At the time, Yuval Diskin, then-chief of the Shin Bet, Israel's internal security service, said: "the motivation of the people in the field was to make up for the disgrace of Gush Katif [the main bloc of settlements in Gaza] and to drive a message: Not through love we will triumph, but through struggle and war."[24]

At a February 5, 2006 cabinet meeting, Diskin warned the ministers that he was witnessing a "process of rift" between the settlers and the state. He noted that some of the settlers had carried signs that read: "In war we will prevail," and "It is Jews who build and Israelis who destroy."[25]

Initially, the settlers and their supporters perceived the Amona experience as a disaster. They came out of it bloodied—both physically and figuratively. Violent resistance did not prevent the demolition of the illegally-built houses in Amona, violent confrontation with Israeli law enforce-

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[21] INT'L CRISIS GRP., MIDDLE E. REP. NO. 89, ISRAEL'S RELIGIOUS RIGHT AND THE QUESTION OF SETTLEMENTS 8 (2009) [hereinafter CRISIS GRP. REP.], *available at* http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Israel%20Palestine/89_israels_religious_right_and_the_question_of_settlements.pdf.

[22] *See* Myre, *supra* note 19 (reporting that over 200 were injured in the West Bank confrontation, including police officers, settlers and right-wing members of Parliament).

[23] *See* CRISIS GRP. REP., *supra* note 21 (explaining the development of the moniker "Hilltop Youth").

[24] Ronny Sofer, *Shin Bet: "Extremist Settlers Not Marginal,"* YNET NEWS (Feb. 5, 2006), www.ynet.co.il/articles/0,7340,L-3211299,0.html.

[25] *See id.* (discussing the presence of signs with slogans such as, "In war we will win," among others).

ment further alienated the Israeli public, and the rift between their tradition-al leaders and the young activists deepened.

With time, however, the perception of Amona as a defeat was trans-formed. More than a year after the battle, Knesset Member Uri Ariel, one of the ideological settlers' leaders, published an article in the national-religious daily Hatzofe headlined "A Defeat That Is All Triumph." [26]

The main reason for that "triumph" was that the settlers did achieve one fundamental goal: for more than a year, they kept Israel's government from carrying out more demolitions at illegal outposts. The government knew that any further implementation of demolition orders would cause more bloodshed. Internal police probes and other investigations showed that much of the bloodshed was a result of police and the army using excessive force.

In his article, MK Ariel wrote: "The fact that since Amona not even one outpost has been uprooted . . . stems directly from the fact that the form of the battle in Amona has presented the military and the police with an intolerable price-tag."[27] The experience has "deterred the military and police establishment,"[28] Ariel wrote. He called for "leveraging the Amona events" to prevent them from reoccurring.[29]

That was exactly what the "Hilltop Youth" did. They used the Amona lessons to escalate their deterrence campaign.[30]

As a result, over the past four or five years, whenever Israeli mili-tary and police officers arrived at a settlement or illegal outpost to carry out demolition orders, young local activists gathered to resist. If homes were demolished, settlers avenged the action by attacking Palestinian property or by disrupting traffic. At first, they also attacked police officers and soldiers, but before long, they focused on attacking Palestinians, a modus operandi that won them back significant support from the Israeli public. Physical attacks against soldiers and police officers continued, but were not the focus of the settlers' resistance.

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[26] Uri Ariel, *A Defeat That Is All Triumph*, HATZOFE (Jan. 22, 2007), http://www.hazofe. co.il/web/newsnew/katava6.asp?Modul=24&id=54091&Word=&gilayon=2914&mador.

[27] *Id.*

[28] *Id.*

[29] *Id.*

[30] *See* CRISIS GRP. REP., *supra* note 21, at 11 (explaining the escalation of violence after Amona demolition).

III. THE EVOLUTION OF PRICE TAG: FROM UNPOPULAR ANTI-GOVERNMENT HIGH-PROFILE RESISTANCE TO POPULAR ANTI-PALESTINIAN LOW-INTENSITY TERRORISM

About a year after the Amona events, when the Olmert government launched a selective, timid initiative to demolish illegal structures in settlements and outposts, the Hilltop Youth and other settler leaders organized efforts to resist. They called it "Mutual Responsibility" (in Hebrew, Arvut Hadadit: a term that denotes a Jewish value of caring for each other within the community).[31]

The idea was prosaic, according to one of the Hilltop Youth's leaders. In an anonymous May 2011 interview with the Israeli daily YEDIOTH AHRONOTH, this leader explained that some families whose homes had been demolished were absent at the time of the demolition and were thus unable to resist.

> One evening, about three years ago, a few people sat in a small settlement in Samaria [the northern West Bank] and looked for a solution. The IDF would demolish settlement outposts without a response, because people simply weren't able to reach the [sites slated for] evacuation. So for these people, who did not have the privilege to oppose the demolition, the concept of "mutual responsibility" was born that evening, and later on, the media decided to call it the "price tag."[32]

At the time, the settlers' resistance was mainly directed at IDF soldiers and Israeli police officers carrying out the demolition orders.[33] Yitzhak Shadmi, the director of the Samaria Settlers' Council, an umbrella body that represents the settlers of the northern West Bank, put it this way in a June 2008 interview: "Dismantling is for us a crime. And if it is a crime it must be prevented."[34] In reference to the settlers' traditional leaders who advocated avoiding a confrontation with the government and its law enforcement, he said: "Whoever is not preventing it is an accomplice. It is simple logic."[35] He added, "During the struggle, [the traditional leaders] decided that it was inappropriate to defeat the State and the IDF. We think that when the IDF gives orders that are inappropriate, it must be defeated."[36] Asked

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[31]   Nathan Jeffay, *Settlers Appear to Be Ramping up Violence in West Bank*, FORWARD.COM (Aug. 14, 2008), http://www.forward.com/articles/13991/.

[32]   Akiva Novick, *At Any Cost*, YEDIOTH AHRONOTH, May 13, 2011, at 22, *translated in* ISRAEL NEWS TODAY (May 16, 2011).

[33]   *See* CRISIS GRP. REP., *supra* note 21, at 29 (detailing the shifting focus of violence to the Israeli Defense Force and police).

[34]   Hagit Rothenberg, *Decision Makers will Think Twice Before the Next Event*, ISR. NAT'L NEWS (June 29, 2008), http://www.inn.co.il/Besheva/Article.aspx/7528.

[35]   *Id.*

[36]   *Id.*

about future plans, he said, "we will conduct a rough and piercing struggle, and not necessarily in the arena that they are thinking of. The arena will be [determined] according to our consideration."[37]

The settlers have always been sensitive to Israeli public criticism. When such criticism mounted, cognizant of their fellow Israelis' low tolerance for attacks on the IDF, a people's army, the settlers directed most of their attacks against Palestinians and their property.

The U.N. Office for the Coordination of Humanitarian Affairs (OCHA) in the West Bank has documented a total of 1,451 settlers' attacks on Palestinians and their property since January 2006: physical attacks on Palestinians, attacks on vehicles, houses, schools and mosques, uprooting of trees, torching of fields, and more.[38] Even if these attacks were not all part of "Price Tag," many—probably most—were. The data show a sharp increase since October 2009, when Prime Minister Netanyahu announced his intention to impose a ten-month long moratorium on settlement construction (the Israeli cabinet officially decided to approve Netanyahu's decision in November 2009).[39]

When government demolition attempts intensified, "Price Tag"-related attacks soared accordingly:[40]

- 2006: 162
- 2007: 149
- 2008: 271
- 2009: 216
- 2010: 417
- 2011 (January–June): 236

Methods of "Price Tag"-related attacks on Palestinians and their property vary. In most cases, they involve vandalism, damage to property, and typically light injuries to Palestinians. The perpetrators of "Price Tag" attacks have been careful to maintain a relatively low level of violence, albeit widespread. There are several reasons for Price Tag's being a form of low-intensity terrorism:

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[37]   *Id.*

[38]   U.N. Office for the Coordination of Humanitarian Affairs, *The Monthly Humanitarian Monitor*, UNISPAL (Sept. 2011), http://unispal.un.org/UNISPAL.nsf/47D4E277B48D9D36 85256DDC00612265/D0920802FB6A50FF8525792E00514CDD.

[39]   Rep. of the Comm. on the Exercise of the Inalienable Rights of the Palestinian People, 65th Sess, U.N. Doc. A/65/35; GAOR, 65th Sess., Supp. No. 35 (2010).

[40]   Data was especially aggregated by OCHA for this paper. U.N. Office for the Coordination of Humanitarian Affairs, Israeli Settler Related Incidents Leading to Casualties or Property Damage: 2006–2011 (unpublished data) (on file with author).

- **Maintaining a high level of Israeli popular support**: Extreme violence might alienate the Israeli public. Low-intensity violence creates a "comfort zone" of sorts for Israelis, who often view such violence as a somewhat legitimate form of protest.

- **Avoiding accountability**: Israel's "Judea and Samaria" police district, responsible for law enforcement in the settlements, is understaffed and under-equipped.[41] It does not have the resources to investigate petty crime such as vandalism. Most Price Tag incidents do not end up with indictments. For example, in 2008, 105 indictments were filed against Israeli civilians for attacking Palestinians and their property in the West Bank. In 2007 the number of such indictments was sixty-one.[42]

- **Allowing room for escalation**: Cumulative deterrence, the impact that the settlers are hoping to achieve through their Price Tag campaign, is best accomplished on a gradual scale of escalation. The use of limited force to avenge limited-scale house demolitions implies the potential use of greater force in retaliation for greater action.

    Israeli security officials reportedly estimate that several thousand young activists take part in the attacks.[43] Young activists communicate through text messages on their mobile telephones.[44] Typically, the attacks come in retaliation for the demolition of illegal structures in settlements or outposts, or to prevent such demolitions.

    In some cases, waves of attacks on Palestinians came in response to political developments, such as the November 2009 decision to freeze settlement construction.[45] In other cases, they came to avenge Palestinian terrorist attacks on settlers, for example: the wave of attacks on Palestinians following the murder of five family members in the settlement of Itamar,

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[41] Shelly Paz & Abe Selig, *Pines: Police Must Fight Settler Attacks*, JERUSALEM POST (Feb. 10, 2011), http://www.jpost.com/Israel/Article.aspx?id=116189 (explaining the deficiencies with the police force in the Judea and Samaria districts).

[42] Matthew Levitt & Becca Wasser, *Violence by Extremists in the Jewish Settler Movement: A Rising Challenge*, WASH. INST. FOR NEAR E. POL'Y (Nov. 25, 2008), http://www.washingtoninstitute.org/templateC05.php?CID=2967 (reporting trends and threats of violence in fringe settlements).

[43] *See* U.N. Office for the Coordination of Humanitarian Affairs, *Unprotected: Israeli Settler Violence against Palestinian Civilians and Their Property*, Dec. 2008 OCHA SPECIAL FOCUS 3 [hereinafter OCHA] (discussing Israeli media reports which credit the recent increase in settler violence to "radicalized settler youth").

[44] *See* Chaim Levinson, *Settlers Attack Palestinians to Avenge West Bank Outpost Demolition*, HAARETZ.COM (Jan. 27, 2010), *available at* http://www.haaretz.com/print-edition/news/settlers-attack-palestinians-to-avenge-west-bank-outpost-demolition-1.262160 (describing how text messages are used to communicate with youth to carry out a "price-tag" operation).

[45] *See* OCHA *supra* note 43, at 15 (giving an example of the "price-tag" techniques used in response to the dismantling of settlements).

near Nablus, in March 2011.[46] That month set a record: seventy-nine "Price Tag" attacks in one month, according to OCHA data, the highest number of attacks in one month since October 2010.[47]

A public opinion poll published on March 28, 2011—as "Price Tag" attacks soared and the Israeli public was still feeling the effect of the Itamar attack—showed that almost half of the Israeli public (46%) was supportive of "Price Tag" tactics.[48] While 48% said "Price Tag" attacks were unjustified, 22% said the actions were "perfectly justified", and 23% defined them as "quite justified."[49] "While most [secular Israelis Jews] said they opposed '[P]rice [T]ag' activities (36% in favor, 57% against), most traditional, national-religious and ultra-Orthodox Jews believe these actions are justified (55%, 70% and 71%, respectively)."[50]

In other words, among the settlers' natural constituency of national-religious and ultra-Orthodox Israeli Jews, a solid majority expressed support for the tactic. But even among secular Israeli Jews, more than a third expressed support.

It is entirely possible, if not likely, that the timing of the poll influenced the respondents' views. Israelis were still under the influence of the horror of five family members, including young children, having been massacred in their beds on a Sabbath.[51] But even if one accounts for the impact of the outrage, such significant support for violent actions against innocent Palestinian civilians means that the settlers achieved an important goal. They avoided alienating a large majority of the Israeli public and galvanized significant support among their natural constituency.

IV. CONCLUSION

Israel's security establishment has been wrestling for years with the challenge of deterring Palestinian terrorism, with some success. It has also

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[46] *See* Harriet Sherwood, *Five Members of Jewish Family Killed in Suspected Palestinian Militant Attack*, THE GUARDIAN (U.K.) (Mar. 12, 2011), http://www.guardian.co.uk/world/2011/mar/12/west-bank-jewish-family-killed (reporting that a Jewish family was killed near the Palestinian city of Nablus).

[47] *March Overview*, THE MONTHLY HUMANITARIAN MONITOR (OCHA, East Jerusalem), Mar. 21, 2011, at 4, *available at* http://www.ochaopt.org/documents/ocha_opt_the_human itarian_monitor_2011_04_12_english.pdf (reporting the statistics surrounding Israeli attacks).

[48] *Poll: 46% in Favor of 'Price Tag,'* YNETNEWS.COM (Mar. 28, 2011), http://www.ynet news.com/articles/0,7340,L-4048459,00.html (detailing the results of a poll conducted about Jewish beliefs on extremist actions against Palestinians).

[49] *Id.*

[50] *Id.*

[51] *See* Sherwood, *supra* note 46 (referring to the murder of a family of five in a suspected Palestinian militant attack).

made a point of not allowing Palestinian terrorists to use the threat of terrorism to thwart or curtail Israel's freedom of action politically. In other words, it has always worked to deny terrorists the ability to achieve a "balance of deterrence."

The settlers' Price Tag strategy has succeeded where Palestinian terrorism has failed. It has successfully influenced the Israeli political and security establishment's short term decision-making and its long term calculations. In the short term, it has deterred Israeli law enforcement authorities from keeping its international commitments, enforcing the law, and demolishing structures built in violation of Israeli law.

In the long term, the Price Tag campaign serves the settlers' goal of building cumulative deterrence. By sowing fears of escalation among the Israeli public and government, it serves to deter them from acting to achieve an Israeli-Palestinian peace agreement that would require removing settlers from the West Bank en mass. Israelis, including senior officials, often express some version of the following notion: "If removing a handful of buildings from an illegal outpost sets the settlers off on an uncontrollable rampage, just imagine how bad it'll be if the government signs a peace agreement and commits to removing tens of thousands of settlers from scores of settlements."[52]

In November of 2008, in the wake of a wave of settlers' attacks against Palestinians, the head of Israeli's internal security service, the Shin Bet, again briefed the Israeli cabinet on the radicalization among young West Bank settlers. According to Israeli journalist Alex Fishman (known to have extensive contacts within Israel's security establishment), Shin-Bet Head Yuval Diskin told the Cabinet (as paraphrased by Fishman):

> If you don't intend to wield governmental authority and enforce the law without blinking, then don't mess with them, because you will only light unnecessary bonfires. If you don't seriously intend to remove them, then you are powerless to deal with their hooliganism against the Palestinians; don't play into their hands. They are serious. They will yet fire at police, at soldiers, at political leaders.[53]

[52] *See* Glenn Kessler & Howard Schneider, *U.S. Urges Israel to End Expansion*, WASH. POST (Mar. 24, 2009), http://www.washingtonpost.com/wpdyn/content/article/2009/05/23/AR2009052301536_pf.html (reasoning why settlements cannot be dismantled); *see also Netanyahu Says Settlements Can Expand*, BBC NEWS (May 24, 2009), http://news.bbc.co.uk/2/hi/middle_east/8066389.stm (explaining why Israeli settlements will be allowed to expand).

[53] Alex Fishman, *Beware the Radical Right: Only a Pretext for Murder is Lacking*, YEDIOTH AHRONOTH, Nov. 3, 2008, at 9, *translated in* ISRAEL NEWS TODAY (Nov. 3, 2008); *see also* Aluf Benn, *Settlers Preparing for War, Says Shin Bet Chief*, HAARETZ.COM (Nov. 2, 2011), http://www.haaretz.com/news/settlers-preparing-for-war-says-shin-bet-chief-1.256473 (summarizing security chief Yuval Diskin's meeting with Israeli cabinet ministers).

In so saying, Diskin captured the impact of the settlers' successful campaign of deterrence. The Israeli government indeed got the message, and has acted accordingly. Although the government has continued over the past three years to evict or demolish illegally built structures in settlements and outposts, it has done so piecemeal, and very selectively. It has not demolished any of the 100-odd illegal outposts that have popped up throughout the West Bank over the past decade or so, and it has not cracked down decisively on the Price Tag perpetrators. Thus it has neither reversed their achievement of effective deterrence, nor prepared the ground for removal of illegal outposts in the future. It certainly has not created an environment necessary for removing settlements in the context of a future peace agreement.

Price Tag is a success story. It is the success of an illegal, terrorist strategy aimed at perpetuating illegal construction and land grabs, and limiting the political maneuverability of future Israeli governments, should they seek to achieve a peace agreement with the Palestinians.