



What Does It Mean For Israel to be a Jewish State?

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Let me start by posing a simple, or rather naïve, question: What do we mean when we refer to the State of Israel as “the Jewish State”? What does the designation “Jewish” amount to in the context of this sovereign nation-state? What does it mean for the politics of the state to be identified as “Jewish”? And how does all of this reflect upon the wider politics of the Middle East?

Our public discourse is rife with such references to Israel as the Jewish State. Especially in the English-speaking world, the two terms: “The State of Israel” and “the Jewish state,” are taken to be freely interchangeable, synonyms of each other.

Yet I would argue that the meaning of this designation is far from being clear. On the contrary, it is so vague as to encourage misunderstanding, miscommunication, and ultimately, conflict. Israelis, Jewish people, Zionists of various ideological persuasions and others participating in this discussion hold diverging, often conflicting, understandings of what it means for Israel to be a Jewish state. The concept, in other words, is used to designate contesting political worldviews, that, simply put, cannot stomach one another.

The conflict over what it means for the state of Israel to be Jewish, and specifically over the political implications of this designation has been a staple of Israeli politics. It sometimes goes unnoticed in the world outside of Israel, when observers simply project on Israel their understanding of the basic concepts of nationalism, religion, ethnicity and identity. By doing so, these observers miss what I would argue is a core, constitutive element of the Israeli polity. The State of Israel, the society it has built, and the culture it perpetuates are all determined by what I would call an unresolved Jewish identity problem, or even identity crisis, that underlies the reality of Israel, and by implication that of the Middle East at large.

If you want to understand Israel, in other words, you must first grasp the problem of Jewish identity in this polity. And while I will not pretend to have a solution to this problem, I hope to outline tonight the basic features of this problem, and thus enable a somewhat clearer view of what is at stake here.

I would like to suggest here that there are primarily two distinct, contesting and even contradictory political projects or horizons that are often entangled and confused in the discourse on Israeli politics, Jewish politics and the interplay between these terms (that is, Israeli politics as or versus Jewish politics). It seems to me that many of us – students of the Middle East and specifically of the Israeli case, participants in Jewish and Israeli politics, people representing various groups and points of view in related debates, and so on – we often bear in mind (a usually amorphous, sometimes inconsistent) sense of a core meaning related to these terms, that is quite strikingly different from that held by our interlocutors, without this difference being explicitly acknowledged. It might be of worth, then, to try and spell out some of the assumptions hidden behind our daily discourse and some of their implications.

We may begin this exercise by drawing a rather trivial distinction between two closely related but not indistinct English words, both of which would usually be translated into Hebrew as *yehudi*: Jew and Jewish. I find the two contesting political outlooks or meanings to be encapsulated in a certain distinction we sometimes employ when we use these English terms. But before I discuss this matter, I must clarify that the following

obviously does not pretend to be an exhaustive exploration of the terms. My concern here is primarily (and *only*) with a certain prevalent, common use of the terms, in a most specific context of politics.

So, what is it about “Jew” versus “Jewish”?

The former word, “Jew,” would be read in the context of the distinction I have in mind as a noun, a name. It alludes to one’s “being” (a Jew). This, almost by definition, would suggest that the matter at hand – that is: one’s “being a Jew” – is a derivative of some so-called “objective” criteria, more often than not probably having to do with one’s so-called “natural” or “biological” ancestry or accident of birth. (Many would prefer to call it “ethnicity”, a term which they find to be clearer or less offensive.) This name refers to some allegedly “objective” measure, an ought-to-be-simple “definition” that would mark one as either a Jew or not a Jew. This measure may be only remotely (and sometimes not at all) dependent on the choice, preference or behaviour, actions, ethics, outlook and so on of the individual: Paradigmatically (again: *in the context of this narrow meaning I focus on here*, and only in this context), one is “born a Jew.” Needless to say, one can also “become” a Jew, but this, too, would suggest the workings-in-the-background of the above-mentioned “objective” criteria, a line of demarcation, that the non-Jew has to cross in order to “become” – i.e., to now come and “be” – a “Jew.” Note that this “being” is by definition singular, and it has to do only with a person; it cannot refer to ideas, objects, collectives and other non-persons (they cannot be “Jews”). Only a person can pass the essential criterion – to have the ‘essence’ – that would make one “a Jew.” Obviously, we can also identify a relevant group identity here – that of Jews – but this would not necessarily amount to much more than many persons being each “a Jew.”

The word “Jewish,” on the other hand, an adjective (that can also be inflicted as to be an adverb, i.e., when we mark a certain act as being done “Jewishly”), suggests a quality, a style, a content – and only remotely, if ever, a “being.” While it, too, might be seen as ultimately referring to a certain “essence,” it is of a different order from the existential matter of “being” (or not being) a “Jew.” In the usage I have in mind, “Jewish” is explicitly “subjective,” evaluative, judgemental even, as it designates certain things (people, ideas, ethics, law, philosophy, and so on) as corresponding positively to a certain quality – the exact nature of which is obviously a matter of interpretation and judgment and given to debate and negotiation. (That is to say, it has to do with some sense of tradition, that is “an argument extended through time” regarding practice, meaning, collective boundaries, and so forth.)

In a narrower sense, “Jewish” may simply be the adjective inflicted from “Jew,” meaning that it only designates that which is “of a Jew.” In this case, one’s being a “Jew” would be the quality which allows for one’s actions, beliefs, ideas, etc. to be designated “Jewish.” Here, “Jewish” would simply mean “belongs to a Jew” (or Jews), “held by a Jew/Jews,” “practiced by a Jew/Jews,” etc. It is the subject/agent (“a Jew” or “Jews”) doing/owning/holding the object that renders the latter “Jewish.” In the context of this usage, there is practically no limit to what this marker may contain, as anything done by Jews or belonging to Jews could be considered “Jewish.”

Needless to say, this narrow meaning of the adjective “Jewish” misses much of what we often refer to when we identify something as “Jewish.” While there are obviously many instances when “Jewish” is used exactly to allude to this narrow sense (including, I would hasten to mention here and discuss in more details later, in instances when we refer to “the Jewish State” and to “Jewish politics”), I nevertheless think it can be convincingly argued that more often than not we use “Jewish” to refer to a quality that is of a historical, socio-cultural or traditional nature. And it is this usage I want to stress in the context of the duality of Jew vs. Jewish. This usage of the term would suggest that there is some correspondence of *meaning* (and not just attribution) that justifies or demands that we identify something as “Jewish.” As such, it necessarily involves evaluation and judgment. It alludes to a (clearly evasive, contested and negotiated) sense of authenticity.

These two usages – the narrow one, by which “Jewish” means “of a Jew,” and the more expansive one, where it refers to a constructed and negotiated quality – are not necessarily mutually exclusive. One could argue, for example, that it is the mere fact that a certain attitude has been prevalent among people “who are Jews” that ultimately constructs it as a “Jewish attitude.” But these two usages are also not necessarily

mutually dependent: for something to be “Jewish” (in the more expansive sense of the term), it does not have to be “of a Jew” or “of Jews.” Moreover, even if we insist on the validity of the notion of “a Jew” as having to do with some essence of being, we may conclude that “non-Jews” may be holding ideas that are Jewish, adhere to Jewish values, observe Jewish practices, etc. Similarly – and maybe more judgmentally – we may also conclude that people who “are Jews” do not adhere to Jewish values, ideas, practices etc. In other words, both the notion of “Jewish non-Jews” and that of “non-Jewish Jews” would make good sense in the context of this usage of the term.

Now, as I already noted, this all may be rather trivial. But I suspect that some of the more problematic *political* consequences of these two contesting understandings often go unnoticed, as a certain – problematic – reading of them have become a “taken for granted” assumption of many discussions on such notions as Jewish politics and Jewish collectivity, and especially on Zionist nationalism and Israeli nation-statehood.

Applied to politics, or more specifically to nationalism and nation-statehood, which is my focus here, the distinction between “Jew” and “Jewish” ultimately holds (or even hides and confuses) at least two, very different, often conflicting ideas, outlooks or programmes. So, let us focus at this point on the nation-state and spell out the basic difference between a “Jewish State” and a “Jews’ State.”

The notion of a “Jews’ State” (or “the State of the Jews”, מדינת היהודים in Hebrew) would seem to be suggesting a simple, direct application of the so-called “objective” criteria of the individual’s biological origin or descent (and the collective identity built upon it) to the basic logic of the politics of nation-statehood and of sovereignty. A (sovereign nation-) state of Jews would “simply” be defined or constituted by the “objective” fact of the biological/ethnic/racial/national/etc. makeup of the subjects represented by its sovereignty. If we follow the main political fiction of modern sovereignty, according to which the popular, national will constitutes itself as sovereign via the nation-state, then we can describe the Jews’ state as the sovereign who is constituted by/on the collective will of “Jews.” Seemingly, the logic here is quite straightforward: A Jews’ state would be the simple, direct equivalent of the State of the French, or the German, or the Serbs, and so on.

Looked at from a normatively-concerned point of view, the notion of a Jews’ state would seem to be quite neutral, as – at least in principle – there is no normative or ethical directive immediately and explicitly imposed on such a state. Once the God-like event of self-creation of modern sovereignty (of Jews, in this case) has taken place, the sovereign and its politics do not have to abide by any normative principles – *Jewish* or otherwise – to be authentically exercising their constitutive reason. The “Jews” (let us suspend for now the question of what this designation may mean) can – rather: *should* – make of their state whatever they choose to. They can, of course, prefer a certain type of “contract” to guide the state’s politics (a republican ethos versus a liberal one, for example), but there is no outside perspective that would normatively judge the authenticity, ethics, or purpose of this politics. All that is required is that the collective body present (or rather represented) at the core of the fiction of the “popular will” (that allegedly constitutes the sovereign) is identified as a group of “Jews.”

Note that this conceptualisation of the Jews’ State or a State of Jews assumes as given and obvious matters that are in effect highly contested and far from clear. Specifically, arguments for Israel’s being “simply” (and “only”) the Jews’ State (and *not*, that is, a *Jewish* State) fail to – or maybe they just prefer not to – seriously reflect upon the problematic application of the Modern, European, Christian-in-Origin categories of nation, state, ethnos, race, religion etc. to the case of “Jews.” Probably the most obvious aspect of this neglect is the in-effect highly contested matter of the alleged objective criteria that would determine who counts as a Jew and who does not. I will address this issue in more detail later on.

The notion of a *Jewish* State, on the other hand, would suggest (at least in the framework of the distinction I outlined above) some normative, ethical and constitutive worldview as determining the state’s “identity” or constitution as Jewish. Looked at from this point of view, for politics, economics, diplomacy, social care, and many other such elements of the workings of the state to be considered as (authentically) Jewish, they would have to positively, meaningfully correspond to what the historical conversation or argumentation would mark as “Jewish.”

I must note that a Jewishly concerned point of view would most likely also question the idea of the modern, sovereign nation-state, and may very well arrive at the conclusion that a Jewish notion of ethics and the conduct of public life is simply incommensurable with the political configuration of the modern nation-state. In this regard, as in many others, Wael Hallaq's judgment that traditional Islamic notions of governance, ethics, subjectivity and law (among others) are so incompatible with the foundational notions of the sovereign, modern nation-state so as to render the idea of an "Islamic State" an impossibility in principle, is highly informative to our discussion here.

Nevertheless, in the context of the predominant political discourse I am considering here, most references to Israel's being a Jewish state do not address this fundamental question. They seem to take as given the basic "form" of the politics of the nation-state, and dwell exclusively on the question of the "contents" that would make such a state authentically Jewish. We would be encouraged, in the context of this discourse, to ask questions such as: what Jewish principles should guide the conduct of the state? In what sense is the conduct of a Jewish military and especially the waging of war by such a military different from non-Jewish militaries? What is Jewish diplomacy, or what should it be? What are the contours of a Jewish economy? And so on. More often than not, these questions are posed – *when* they are posed – in a critical framing, where the speaker often presupposes the answers to these questions and goes on to criticize the state for failing to adhere to these values. Suggesting, that is, that the state fails to adhere to its foundation or constitution as a *Jewish* state.

Note also that in the case of the notion of a "Jews' State," it would seem that form alone is of relevance: As long as the configuration of power, or political form of the nation-state is seen as constructed by/for Jews, there is no point (or, in some formulations, it is nonsensical if not even illegitimate) to ask questions of "content," such as what is "Jewish" about the economy, diplomacy, social care etc. of the state. From this point of view, whatever Jews do with their economy, army, diplomacy, social welfare etc. is, *ipso facto*, Jewish. The Jewish State perspective, on the other hand, will focus primarily on "content" – it will expect the behaviour of the state – regardless of the details of its configuration of power – to correspond to certain aspect of the teachings that is "Judaism."

Let us now consider two not unrepresentative exemplars of these contesting views of Israel.

The first comes from a study of the ideational infrastructure of the Islamic Revolution in Iran. The author, Hamid Dabashi, ties the history of the 1979 revolution in Iran and the formation of the Islamic Republic into a regional and global history in which the idea of a "Jewish State" plays a crucial role. He maintains that in order to understand the events culminating in the establishment of the Islamic Republic, it is imperative to consider the geopolitics of the region, drawing a direct parallel between Iran's Islamic "nature" or constitution and Israel's "Jewish nature." As he writes,

(Quote): "[T]he establishment of the state of Israel created the first modern Jewish state in the region in specifically religious terms. The first Arab-Israeli war turned the Palestinian problem into the cornerstone of the regional conflicts—and the Jewish nature of the state of Israel was bound to intensify the Islamic disposition of opposition to it...[I]t is critically important to keep in mind that precisely at a time that both a Jewish state in Palestine and a Hindu-Muslim bifurcation in the Indian subcontinent was taking shape, Iran was experiencing the most momentous part of its modern history [...] (Hamid Dabashi, *Theology of Discontent*, p. xvi)" (End of Quote.)

The gist of the argument is clear: Israel's Jewish identity refers to the same conceptual realm where Iran's Islamic revolution is to be found. It clearly has to do with a political configuration that nourishes on traditional/religious normativity, and not "only" a matter of the genealogy of those in whose name the state is sovereign.

Compare, or rather contrast this view with a rather straightforward explication of a secularist, Liberal-Zionist proclamation. This was made by an editorial piece in Israel's *Haaretz* newspaper, protesting against a governmental initiative to "strengthen" the Jewish identity of Israeli Jews: "Zionism," the editorial proclaims, (and I am quoting) "dreamed of a state for the Jews, not a Jewish state: a refuge for members of the Jewish

people, not a state with an official religion like Muslim Saudi Arabia. The Balfour Declaration promised a national home, not a religious one. On Israeli identity cards, “Jewish” describes a nationality [that is, *not* a religion].” (*Haaretz*, 22 May, 2013.) (End of quote)

The thrust of the argument here goes directly against Dabashi’s comments above regarding the parallels between Israel and Iran: Israel is not – was never meant to be – a “Jewish State.” It is only a state of Jews. Any normatively Jewish prescription for the polity beyond this “objective” fact amounts to religious coercion and distortion of the state’s founding principles.

So, as you see, there is a Jewish identity problem playing out here:

Israel’s Jewish identity problem can be understood as a direct outcome of the Zionist unresolved claim to Jewish identity. Zionism spearheaded a modernist, secularizing shift, that turned the focus away from the “subjective,” historical and traditional matter of Judaism to the allegedly “objective” and predetermined matter of “Jews.” In this scheme, Jews are primarily identified by “what they are” (that is, their alleged “natural” common biological origin, blood, ethnos or race), and not (or only remotely) by what they believe and practice, and by how they live their collective and individual lives (i.e., Judaism, in its varied and even conflicting historical manifestations).

Viewed as an enlightened secularisation and politicization of Jews, Judaism and Jewish identity, this ideological foundation of Zionism ultimately consolidated around a political, nation-statist reading, according to which the foremost, redemptive modern reincarnation of Judaism itself is to be a nation-state of Jews. Depicting two millennia of Jewish life outside of the framework of (Jewish) sovereignty as a pathology, this ideology insists that the nation-statist politicization of Jews would also amount to their “normalisation,” a healing of the Jewish collective body. Critically, this healing would mean that Jews are no longer “unique,” but rather “normal,” a nation “like all other nations” of the world.

Among other things, this “normalcy” would mean, so the ideology has determined, that once this polity (the Jews’ State) comes into being, everything done in the framework of the State will be, by “natural,” obvious political definition, “Jewish.” Moreover, it would make the state itself “Jewish.” To this day, Zionist ideologues repeatedly draw a comparison to other, European nation-states suggesting that “Jew” should be read as exactly equivalent (conceptually) to “French,” “Italian,” “German,” and so forth: Just as the nation-state of the French, France, *is* French simply by virtue of being their state, so the nation-state of Jews, Israel, *is* Jewish by virtue of its being their state: The peoples’ “being” Jews (i.e., their “natural” makeup) makes their State, *ipso-facto*, Jewish.

In any event, the most immediate implication of this analogy (“a nation like all other nations”), given the historical context of the establishment of the State of Israel, has been the logic produced by the reversing of the analogy: Israel is Jewish only in-so-far-as it is a State of Jews. Were the population it rules over not to be seen as Jewish; the Jews’ State will cease to exist as such. Alternative potential understandings of Jewish nation-statism, according to which it is a Jewish constitution of the State (whatever this notion may amount to) that determines its Jewishness, regardless of the biological, racial, or ethnic origin of the members of its population, are simply not considered viable. They are often assumed to imply that Israel would become a theocracy, hence rejected outright by a liberal-democratic, secularist mindset.

Furthermore, it is important to remember that Israel’s history is such that the nation-state (itself being the culmination of an ideological and political project) preceded the formation of the “State’s nation.” In actuality, the State itself has played a most central role in bringing Jews from all over the world under its sovereignty and shaping this newly created collective as “new,” national Hebrews (or “new Jews”). And just as crucially, the territory over which the State is sovereign has been historically settled by non-Jews.

These foundational parameters have determined a historical course by which the State is bound (by its own guiding logic) to manufacture and maintain a Jewish majority – or to be precise, a majority of Jews – in its population. This necessitates the ceaseless arithmetic of “demography” where a necessary majority of Jews is continually counted against a minority of non-Jewish Palestinian-Arabs, rendering the latter an immediate

threat to the very notion of the sovereignty of Jews.

Yet most crucially, as I mentioned earlier, both the Zionist ideological foundation and its political embodiment, the State of Israel, have failed to offer their own (modern, Enlightened, secular, “natural,” etc.) definition of Jewish identity. Instead, either as a stopgap or as a somewhat self-denying, almost Freudian-slip-like manifestation of adherence to a mythical, essentialist notion of Jewishness, the State (under the dominance of the Socialist Zionist party in its formative decades, it must be recalled) has chosen to rely on rabbinical, Orthodox gatekeepers for the foundational maintenance and upholding of the line separating Jews from non-Jews. The prevalent discourse that blames this reality on the Orthodox minority’s alleged “coercion” of the non-Orthodox majority of Israeli Jews is indeed helpful for this majority’s upholding of an enlightened, liberal-democratic self-image. But it should not distract us from seeing how important the role of the rabbinical gatekeepers for the State’s upholding is of its most basic of premises: that it is a Jews’ State.

The Israeli Jewish identity crisis is further compounded by another basic failure of the Zionist prognosis. Contrary to the secularist prediction that the nation-state of Jews would become not only the centre of Jewish life but also the very embodiment of modern Jewishness (rendering non-Israeli Jewish identities pathologically incomplete, if not outright inauthentic), Jews throughout the world, and Israeli Jews in particular, have kept on insisting (as has been historically the case) that “Jewish origin” alone does not suffice. Or, to put it politically, that a positively meaningful Jewish identification demands more than just being subjected to the sovereignty of the State of Jews. This, of course, is further emphasized by the fact that there are also non-Jews who are subjects of this sovereignty: Contrary to the statist Zionist prognosis, Israeli political culture does not accept the designation of these people (or their creations) as “Jewish” simply by virtue of their being citizens of the Jews’ State, sons and daughters of the Land of Israel, and even speakers of Israeli Hebrew.

Moreover, the political culture sponsored and propagated by the State itself (through its various institutions and branches) echoes this normative understanding of Jewishness, even if it does so clumsily. This is manifested primarily in what has been historically labelled “the status quo,” and what recent secularist protestations decry as “religionization”: namely, the propagation by the State of (an admittedly narrow and problematic) sense of Jewish identity, mostly through the statist educational system and via the legal enforcement of certain decrees (as a matter of civil, i.e. “secular,” law) that colour the Israeli public sphere in Jewish “hues.” These governmental measures, while far from instilling one’s identity with a positively meaningful knowledge of Jewish history, tradition, ethics and identity, have one fundamental trait: They are reserved for Jews alone; hence, they reiterate the basic fault lines of Israeli nationhood.

We may safely generalise and state that Israeli politics is determined by an uneasy upholding of both and at the same time an “objective” sense that Israel is primarily a polity of Jews and a “normative” notion that it is (or rather: should act as) a Jewish polity. This combination is upheld regardless – or in spite – of the fact that, as we saw, these two outlooks may end up directing the polity in different ways, not infrequently conflicting with each other. Maybe more importantly, as I argued earlier, the tension entailed by this uneasy combination is often overlooked or outright denied. While there is much talk (sometimes it seems like an endless discussion) on matters pertaining to the politics of Jewish identity in Israel, often labelled under “religion and politics,” much of this talk fails to address directly the tension between two differing understandings or outlooks of Israel’s Jewishness.

Put schematically, we may say that while the state is founded – as a matter of its political and ideational constitution – on a political-Zionist notion of a “polity of Jews,” important segments of the cultural, and especially the educational sphere within the state have been shaped by a cultural-Zionist notion of Jewish politics. Importantly, both the state and the culture/education it has promoted have been viewed as “secular.” In other words, both the idea of an “objective” determinant of Jewishness and the “subjective” notion of Jewish culture are seen as independent – at least in principle – from “religion.” Yet the agreement seems to persist that much of the substance of Judaism as a culture, as well as the “essence” of a hereditary determinant of Jewishness have been historically dominated by a “religious” tradition. This transforms the

ascription of Jewishness and Jewish culture as secular into a self-professed revolutionary act.

The tension entailed herein shapes much of the actions, debates and analysis of the matters at hand. To briefly mention but one obvious example, this tension is what lies at the basis of the legislation of the controversial “Nation State” law, and especially the continuous debate over it. This “Basic Law: Israel the Nation-State of the Jewish People,” a quasi-constitutional legislation that has been the focus of a continuous debate within Israel for over a decade, and since clearing the last legislative hurdles in July 2018 also attracted much international attention, is the culmination of a heightened political tension surrounding Israel’s “Jewish identity,” which has come to dominate Israeli politics in the past couple of decades. I would argue that a key way to understanding the history of this law, which allegedly aims to enshrine Israel’s identity as *the* Jewish nation-state, is to read it as an initiative motivated by concerns of the “State of Jews” kind (meaning, an attempt to reiterate or reinstate constitutionally the preferential status of the majority of Jews over Palestinian Arabs within the state), which was somewhat unintentionally transformed into an apparently confused debate over the meaning of a “Jewish State” (meaning, an attempt to explicate what a normative adherence to “Jewish heritage” may amount to.)

The debate over the bill has offered a clear view of the essential tensions at the very roots of the Israeli polity; specifically, it highlighted the tension between Zionism’s rebellion against what it has viewed as Jewish “religion” and its (Zionism’s) foundational claim to a Jewish history and identity that are, by the Zionist own account, saturated with the same “religious” elements. More critically, it has exposed the Zionist inability to construct a full-fledged independent-from-religion (i.e., in Zionism’s own terminology, “national” and “secular”) positively *normative* sense of Jewish identity. Such an ideological construction could have been the source that would clearly identify Israel’s values as a “Jewish state,” hence, ultimately, the Israeli meaning of Jewish politics. Instead, the law directs much of its impetus toward a *negative* construction of Jewish-Zionist nationhood, by way of refuting the Palestinian claims to nationhood, and attempting to buttress the preference of Jews over non-Jews in Israel.

Two issues emerged almost instantaneously as the flash points attracting most commentators’ attention: The implied preference of Israel’s Jewish identity over the polity’s (liberal-)democratic principles when the two are understood to be in conflict, and the assertion of Jewish nationhood through the blunt negation of Palestinian nationhood.

In the critical liberal Zionist (oppositional) reading of the law – a reading that, as we saw above, is principally committed to a “state of Jews” framework – the main motive behind the law is an attempt – which the critics clearly see as racist – to firmly establish the collective inferiority of Palestinian-Arabs in the nation-state of Jews. In this reading, the internationally-accepted rightful affirmation of the Jewish majority’s determination of Israel’s “Jewish identity” masks a more sinister, less acceptable practice of “apartheid” (Editorial, 2013a), in which this affirmation is built primarily on the negation of the national “Other.”

The centrality of the Palestinian challenge to Political-Zionist nationhood is most clearly explicated in a draft-proposal to the original legislative bill, published by the Institute for Zionist Strategies (IZS) in 2009. This document’s authors justify the legislative initiative as a counter measure to what they decry as a gradual erosion – and ultimately a “perversion” – of the Zionist vision, entailed in the idea (which, the document bemoans, has clearly gained traction) that the preference of Jews over non-Jews in Israel is illegitimate. If left unopposed, they warn, this trend would lead to the transformation of Israel into the opposite of “a state of Jews”, namely “a state of all of its citizens”: a liberal-democratic state, where all citizens, regardless of their national(ist) belonging and aspirations, enjoy equal status not only in face of the law, but also in the allocation of material and symbolic resources. Doing so, they clearly expose the fundamental dependency of the “state of Jews” outlook on an a-prior “demographic” calculation of a privileged majority versus a tolerated minority. In this framework of nationalist political philosophy, the “Jewish character” of the nation-state must amount to an explicit preference of people who are Jews over those who are not, at least in collective terms.

The authors directly identify the liberal threat to the “state of Jews” outlook as they warn against a “radical

liberal interpretation,” the “elevation of equality...to an exclusive supreme value in Israel” that “distorts the intention of the Founding Fathers of the State of Israel.” It “denies the Jewish People its right to self-determination” and “leads to the warped conclusion that all laws contributing to the Jewish character of Israel are undemocratic (except for now, the Law of Return) and must therefore be annulled”.

As Avi Dichter, who presented the bill to the Israeli parliament, has triumphantly put it, the Basic Law is aimed at “preventing even a shadow of a thought, not to mention an attempt, to transform Israel into a state of all of its citizens.” *Haaretz*’ Editorial highlighted the impetus of this assertion:

The ugly, naked truth has been exposed: The nation-state law was meant to make it clear to Israeli Arabs that the state views them as second-class citizens. Admittedly, they have “equal rights just like the rest of us,” but they should know that the state doesn’t belong to “all its citizens.” Moreover, since Israel isn’t a state of all its citizens, any government that includes the Arab parties “would undermine the security of the state and its citizens.” (Editorial, 2019)

Other oppositions to the bill may also shed light on the matter at hand. Throughout the almost decade of debate of the bill, it has been insistently opposed by two groups who are usually considered to be on the side-lines of mainstream Israeli socio-politics: Palestinian-Arabs and Ultra-Orthodox Jews. As for the former, the reasons for rejecting the bill seem quite obvious: Palestinian-Arabs object to a political configuration of power that puts them in a precarious position of a tolerated minority who lacks equal protection of its rights. Yet in the context of the current discussion, it is the Ultra-Orthodox Jewish opposition to the bill that sheds light on what is at stake between the two readings of Jewish politics discussed here.

This opposition may indeed seem perplexing: Wouldn’t a reaffirmation of Israel’s “Jewish identity” be something naturally favoured by those who conservatively observe Jewish Law? Yet the wider Ultra-Orthodox discourse on the matter makes it clear that the opposition is not aimed at the law *per se*,¹ but rather at the overall epistemology from which it nourishes. Simply put, the Ultra-Orthodox view rejects the very notion that Israel is a “Jewish” state, since in the Ultra-Orthodox view the Jewishness of the State must amount to more than the Zionist understanding of Jewish politics (i.e., mainly the “state of Jews” calculation of demographic imbalance). The challenge here is not against the intended “strengthening” of Israel’s “Jewish character,” but against the Zionist understanding or construction of this “character.” In other words, the Ultra-Orthodox opposition suggests a (critical) “Jewish state” view of the Israeli polity, judging it to be fundamentally lacking exactly in being indifferent, if not outright hostile, to what the nationalist view designates as “Jewish religion”, and the Ultra-Orthodox critique sees as the very essence of Jewishness.

For those who are concerned with the Jewishness of the state of the Jews, there seems to be only one viable course of action: a *Jewish* constructive critique of the current meaning and future outlook of Jewish politics. This critique must overcome the limited, narrow and one-dimensional frame of reference, in which one is either “pro-Israel” and passively, un-reflectively accepts the State’s rendition of Jewish politics, or she is “anti-Israel,” adopting a discourse that justifiably or not may very well end up being labelled “anti-Jewish,” hence excluded *a priori* from an intra-Jewish conversation.

I would not pretend to suggest that I have the key to this solution. The task of searching for such a key must be a collective effort, and any attempt at approaching it must be put in dialogue with competing and complementing ideas (as has been the case, one is tempted to note, throughout Jewish history). It seems to be that whatever Jewish critique we may consider, it would have to begin with a refutation of the modern, racialised and nationalised arithmetic of a Jewish majority vs. a non-Jewish minority. Instead, it would be wise to reclaim a normative sense of Jewishness and Judaism as guiding the meaning of Jewish politics. It seems clear to me that the constitutive concept of Jewish collectivity has been the Jews’ “commitment to an ethic.” This concept could indeed be seen as anathema to the politics of the modern nation-state, as “the

¹ Ultimately, parties representing the Ultra-Orthodox communities in Israel helped the bill pass its final legislative hurdles, most probably motivated by coalitional considerations.

whole idea of Israel in the Torah is conditional – conditional upon the people keeping their side of the bargain, living up to the billing as a ‘light of nations’ (Isaiah 49:6).”²

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References & Further Reading

<https://www.cambridge.org/core/books/israels-jewish-identity-crisis/B2FD9B3F7BEE7311A9C8DA60743322EA>

https://www.jstor.org/stable/10.13169/reorient.6.1.0020#metadata_info_tab_contents

Texts and and comments on the Basic Law:

<https://marginalia.lareviewofbooks.org/israel-nation-state-jewish-people/>

<http://www.sunypress.edu/p-6401-sovereign-jews.aspx>

² Klug, *Being Jewish and doing justice*, 24.