



Zionism & Israel as the Nation-State of the Jewish People

CUTTING THROUGH THE CONFUSION BY GOING BACK TO BASICS

A Resource for the Global Jewish World

THE IsraelForever™
FOUNDATION

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THE PROBLEM

The debates surrounding Zionism, Israel, and the legitimacy of a Nation State for the Jewish People seem never ending. The foundations on which the Jewish State was founded are constantly being questioned – both by the anti-Israel movement as well as within the Jewish world.

Is Zionism racism? Is the word “Zionist” an insult?

More and more people seem to think so. Social media’s magnification of individual voices has blurred the lines between what were until very recently extremist views one would not publicly express and narrative that is being expressed on college campuses, political pulpits and even mainstream media. Are we equipped to answer these accusations? Do we want to? How can we prepare the next generations to handle what is coming?

In a time of pluralism and globalism, is the Jewish State legitimate?

The legitimacy of the Jewish State has been questioned since (before) her establishment. The recent passing of Israel’s Nation State Law has been the impetus for renewed questioning. Many in the Jewish world have felt uneasy about the law, fearing it undermines the inherent pluralism of the Jewish State. What is the balance between Jewish Nationalism, Israel as a homeland for the Jewish People and Israel as a modern, liberal and pluralist country? What are the concerns? How should they be addressed?

Confusion within the Jewish world

We know that antisemitism is on the rise. Or is it anti-Zionism? Is there a difference between the two? At a time when our community is bombarded with questions and accusations from the outside, it is highly problematic to find ourselves confused and divided from within. How can we respond to accusations if we do not know the answers ourselves? How can we face hatred and prejudice from without when it is so difficult to find the things around which we can unite and agree?

THE SOLUTION

In the following resource booklet we attempt to cut through the confusion by leaving aside political commentary and analysis and going back to the basic concepts around which the Jewish world could always find agreement - Zionism and Israel as the Nation State of the Jewish People.

CONTENTS

WHAT IS ZIONISM?: A REFRESHER ON THE BASICS	3-4
A NATION STATE FOR THE JEWISH PEOPLE	4-5
WHAT IS A JEWISH STATE? By Aharon Barak, former Supreme Court Justice	4
ISRAEL'S DECLARATION OF INDEPENDENCE	6-11
TACKLING THE CONCRETE TENSIONS BETWEEN "DEMOCRACY," "ZIONISM," AND "JUDAISM"	12-16
THE MINIMAL DEFINITION OF "A DEMOCRATIC STATE"	12
TEXT-BASED DISCUSSION	13
FOR CONSIDERATION: IS ISRAEL A DEMOCRATIC SECULAR STATE OR A JEWISH STATE?	14
CHALLENGES	15
THOUGHT QUESTIONS	16
FOCUS ON THE NATION STATE LAW	17-21
POINTS OF CLARIFICATION	20
CONCLUSION	22

WHAT IS ZIONISM?

Zionism is the national movement of the Jewish people that supports the re-establishment of a Jewish homeland in the ancestral land of the Jews (the territory defined as the historic Land of Israel, Zion).

Modern Zionism emerged in the late 19th century in Central and Eastern Europe as a national revival movement, both in reaction to newer waves of antisemitism and as an imitative response to other exclusionary nationalist movements.

After the re-establishment of the Jewish State of Israel, Zionism means the development and protection of the sovereign Jewish homeland. Zionism did not begin in the 19th century, it began with exile from ancient Israel.

Zionism is a national movement for Jewish self-determination. Nothing more, nothing less. With this understanding, we can then address the questions and accusations:

Is Zionism a racist ideology?

Is it racist to say that the Jewish people have the right to self-determination? If the reader is unsure of the answer, the question can be turned around - is it racist to say that the Jewish people do not have the right to self-determination? Are there any people on earth who do not have the right to self-determination?

The Jewish people have always been on the forefront of the battle to help others attain their own freedom. In the time of American slavery, Jews were instrumental in the Underground Railway to help slaves escape from the south to the free north. Later Jews stood shoulder to shoulder with African-American leaders of the Civil Rights movement in the struggle to end segregation and attain equality for all of America's citizens. Jews have played key roles in the feminist movement. In recent years Jews have played key roles in rescuing Yazidi slaves from their Islamic State captors.

The State of Israel also plays a key role in facilitating freedom and self-determination for **people all over the world**, sending aid and guidance in technological methods to attain clean water and plentiful food to third world countries (as well as sharing knowledge with neighboring Arab countries) so that their people would be free for self-development rather than bound by the constraints of lack of basic needs.

Within the State of Israel, the rights and freedoms of minority citizens are protected by law and identical to those granted the Jewish majority.

Measures are taken so to enable minorities to protect their unique identity. For example, minorities are free to observe their day of rest according to their religion and receive vacation from work to observe their holidays. They can choose whether or not they wish their personal matters (family affairs such as marriage, divorce, child custody etc) be judged by the civilian courts or the religious court system (for Jews the Rabbinical court, for Muslims the Sharia court).

Self-determination for "Palestinians" -The State of Israel has repeatedly offered peace agreements in which self-determination for Palestinians could be laid out within a legal

framework and each offer was declined. The State of Israel provides for the oppressed people of Gaza through food, water, electricity and often times medical healthcare although, following the Disengagement from Gaza, Israel is no longer responsible for that population. Israel also provides assistance to Arabs living in Palestinian Authority controlled territories most often through COGAT (the IDF Coordinator of Government Activities in the Territories).

A NATION STATE FOR THE JEWISH PEOPLE

In a time when political movements are calling for the abolition of borders and nationalism is equated with extremism it can seem difficult to defend the idea of a State for a single people.

Interestingly, both anti-Semites and modern liberal Jews find themselves asking the same questions (albeit for different reasons): **Is it legitimate to found and maintain a State specifically for the Jewish People?**

The anti-Semite denies the legitimacy of the Jewish State out of hatred for the existence of the Jewish People. Jewish sovereignty is abhorrent because Jewish existence is abhorrent.

Liberal Jews on the other hand focus on the questions of pluralism, equality and an innate aversion to anything that could remotely be considered racism.

Added to this is the additional complexity of the Arab population both within and without Israel, many of whom object to the existence of the Jewish State in its entirety while others say that their objections are to specific laws and policies of the Jewish State.

WHAT IS A JEWISH STATE?

https://israel forever.org/interact/blog/what_is_a_jewish_state/

by **Aharon Barak**, former Supreme Court Justice

"In the Land of Israel the Jewish people arose. Here its spiritual, religious and political character was forged, here it lived a life of national independence, here it created its national and universal cultural treasures and bequeathed to the entire world the eternal Book of Books."

It is the natural right of the Jewish people to live like every other nation as a free people in its own sovereign state. A state to which every Jew is entitled to ascend and in which the ingathering of the exiles is among the most basic values.

A "Jewish state" is a state whose history is bound up with the history of the Jewish people, whose principal language is Hebrew, and whose main holidays reflect its national mission.

A "Jewish state" is a state which counts the resettlement of the Jewish people in its fields, its cities and villages among its highest concerns.

A "Jewish state" is a state that embodies the memory of the Jews who were slaughtered in the Holocaust, and whose purpose is to be a "solution to the problem of the Jewish people lacking a homeland and independence through the renewal of Jewish statehood in the Land of Israel."

A "Jewish state" is a state that fosters Jewish culture, Jewish education, and love of the Jewish people.

A "Jewish state" is a state whose values are the values of freedom, justice, righteousness and peace within the Jewish heritage.

A "Jewish state" is a state whose values are drawn from its religious tradition, in which the Bible is the most basic of its books and the prophets of Israel are the foundation of its morality.

A "Jewish state" is a state in which Hebrew jurisprudence fulfills an important role, and in which matters of marriage and divorce of Jews are determined according to the rules of the Torah.

A "Jewish state" is a state in which the values of the Torah of Israel, the values of the Jewish tradition and the values of halakhah [Jewish law] are among the basic values.

Read more on Barak's position on a Jewish Democratic Israel

https://israelforever.org/interact/blog/the_history_of_israel_as_a_democratic_jewish_state/

Countless documents, treaties and analysis have been produced discussing, promoting and negating these ideas. **In our effort to cut through the politics and divisive perspectives, we propose putting all of those aside and going back to the most basic document regarding the foundation of the Jewish State - the Declaration of the Establishment of the State of Israel.** Although the document was written before the questions of this time arose, it addresses them clearly and concisely, spelling out the reasons for the legitimacy of the Jewish Nation State.

ISRAEL'S DECLARATION OF INDEPENDENCE

"The Land of Israel was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books."

In Hebrew there is no word for indigenous however, the description that opens the Declaration of Independence is the definition of indigeneity: the land in which a nation was born, the place where that nation first formed their culture, built spiritual, cultural and political institutions.

Israel is the land in which the Jewish people were sovereign and the place from which, as a Nation, the Jewish People influenced the world (through the ideas laid out in the Bible).

Indigeneity is the strongest claim any People can have to any specific land: this specific piece of land and no other is the ancestral homeland of my People. While lacking the word for indigenous in Hebrew it was clear that the writers of Israel's Declaration of Independence had clear understanding of the meaning and the power of this concept.

"After being forcibly exiled from their land, the people kept faith with it throughout their Dispersion and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom."

This second paragraph reinforces the first with the explanation that the Jewish People were forcibly removed from their ancestral homeland and did not leave or abandon the land from their own free will. Despite centuries of exile, the Jewish People never gave up the hope to return and regain sovereignty in their ancestral homeland. This is an extraordinary and unparalleled testament to the deep connection of a People to the land.

"Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient homeland. In recent decades they returned in their masses. Pioneers, defiant returnees, and defenders, they made deserts bloom, revived the Hebrew language, built villages and towns, and created a thriving community controlling its own economy and culture, loving peace but knowing how to defend itself, bringing the blessings of progress to all the country's inhabitants, and aspiring towards independent nationhood."

This paragraph takes Jewish hope to the realm of practicality: ***Impelled by this historic and traditional attachment***, impelled by Jewish history in the land and the connection that was continued in exile through hope and prayer, Jews ***strove in every successive generation to re-establish themselves in their ancient homeland***. Jews not only retained esoteric hope but took action, in every generation, to re-establish themselves in their ancient homeland. ***In recent***

decades (prior to the Declaration of Independence) Jews returned **in their masses**. Following this is a description mirroring the first paragraph of the document and elaborating the revival of the Jewish People in their indigenous land – reviving the language in which their original culture was articulated, building thriving communities, taking custodianship of the land (making the desert bloom), controlling their own economy and culture.

Here, for the first time, the document refers to “all the country’s inhabitants” – in other words, the Jews and non-Jews (Arabs). This was written after the Arab massacres of their Jewish neighbors:

- In 1920 a number of settlements in the Galilee were attacked (among them Tel Hai where Trumpeldor and seven others were murdered) and in Jerusalem. Some 30 Jews were murdered and hundreds injured.
- In 1921 Jews were attacked in Tel Aviv, Petach Tikva, and Mikveh Yisrael and other communities, dozens were murdered and many more injured.
- In August of 1929 Jews in Jerusalem were attacked and entire neighborhoods were destroyed. In Hebron 69 Jews were massacred, many others were severely injured and the community was wiped out. Jews were also attacked in Haifa, Tel Aviv, Gaza, Ramleh, Akko, Beit Shean and more.
- The great Arab revolt of 1936-1939 in which 630 Jews were murdered and some 2000 were injured. At first Jews hoped that if they kept their heads down, the violence would subside. Then Orde Wingate decided to help the Jews, teaching them self-defense tactics which changed the balance of power (and have since become fundamental elements of the IDF’s doctrine).

It is within this context that the Declaration of Independence explains that the Jewish community while **loving peace knows how to defend itself** and **will bring the blessings of progress to all the country’s inhabitants**.

“In the year 5657 (1897), at the summons of the spiritual father of the Jewish State, Theodore Herzl, the First Zionist Congress convened and proclaimed the right of the Jewish people to national rebirth in its own country.

This right was recognized in the Balfour Declaration of the 2nd November, 1917, and re-affirmed in the Mandate of the League of Nations which, in particular, gave international sanction to the historic connection between the Jewish people and Eretz-Israel and to the right of the Jewish people to rebuild its National Home.”

Here the document moves from the explanation of indigenous rights to the discussion of Jewish rights under international law – from the first Zionist Congress, to the Balfour Declaration, it’s reaffirmation by the League of Nations which recognized the **historic connection between the Jewish people and Eretz-Israel and to the right of the Jewish people to rebuild its National Home**.

"The catastrophe which recently befell the Jewish people - the massacre of millions of Jews in Europe - was another clear demonstration of the urgency of solving the problem of its homelessness by re-establishing in Eretz-Israel the Jewish State, which would open the gates of the homeland wide to every Jew and confer upon the Jewish people the status of a fully privileged member of the community of nations."

The Holocaust as an example, not a reason – in this paragraph the Declaration mentions the Holocaust, explaining that this is a clear demonstration of the need to ***solve the problem of homelessness by re-establishing in Eretz-Israel the Jewish State***. It is important to note that the Holocaust is not brought as a reason or justification for the establishment of Israel but as *an example of what can happen when the Jewish People have no Israel* and are not seen by the community of nations as equal and with full privileges.

"Survivors of the Nazi Holocaust in Europe, as well as Jews from other parts of the world, continued to migrate to Eretz-Israel, undaunted by difficulties, restrictions and dangers, and never ceased to assert their right to a life of dignity, freedom and honest toil in their national homeland."

Here too is an example - also after the Holocaust, survivors and other Jews continued to make aliyah ***undaunted by difficulties*** and ***never ceased to assert their right to a life of dignity, freedom and honest toil in their national homeland***. It was not because of the Holocaust survivors that the State of Israel was established but they, whose dignity had been stripped from them, joined those already struggling to establish a life of Jewish freedom and were followed by additional Jews who all came together in their ***national homeland***.

"In the Second World War, the Jewish community of this country contributed its full share to the struggle of the freedom- and peace-loving nations against the forces of Nazi wickedness and, by the blood of its soldiers and its war effort, gained the right to be reckoned among the peoples who founded the United Nations."

This paragraph is an interesting assertion of rights of Israel's Jewish community, not because they are freely given (as one might expect) but as something *earned* due to behaving like other ***peace-loving nations*** and through ***the blood of its soldiers***.

"On the 29th November, 1947, the United Nations General Assembly passed a resolution calling for the establishment of a Jewish State in Eretz-Israel; the General Assembly required the inhabitants of Eretz-Israel to take such steps as were necessary on their part for the implementation of that resolution. This recognition by the United Nations of the right of the Jewish people to establish their State is irrevocable."

The United Nations General Assembly passed a resolution calling for the establishment of a Jewish State in Eretz-Israel but this was not something the nations swooped in and did for the Jewish People; ***the General Assembly required the inhabitants of Eretz-Israel to take such steps as were necessary on their part for the implementation of that resolution*** – which they did. Was the statement of legal fact, that the ***recognition by the United Nations of the right of the Jewish people to establish their State is irrevocable***, a premonition of future questions regarding the legitimacy of the Jewish State?

“This right is the natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign State.”

The right to be ***master of your own fate*** is a ***natural right***. The Jewish People, ***like all other nations***, have the right to ***their own sovereign State***.

“Accordingly we, members of the People's Council, representatives of the Jewish Community of Eretz-Israel and of the Zionist Movement, are here assembled on the day of the termination of the British Mandate over Eretz-Israel and, by virtue of our natural and historic right and on the strength of the resolution of the United Nations General Assembly, hereby declare the establishment of a Jewish state in Eretz-Israel, to be known as the State of Israel.”

In accordance with all the reasons given above, ***by virtue of our natural and historic right and on the strength of the resolution of the United Nations General Assembly***, on the termination of the British Mandate over Eretz Israel the representatives of the Jewish Community of Israel (not the Jewish world community) and of the Zionist Movement (the National Movement for Jewish self-determination) declared ***the establishment of a Jewish state in Eretz-Israel, to be known as the State of Israel***. This was an important determination that the Jewish historic name of the land would be the name by which the new State would be called.

“We declare that, with effect from the moment of the termination of the Mandate being tonight, the eve of Sabbath, the 6th Iyar, 5708 (15th May, 1948), until the establishment of the elected, regular authorities of the State in accordance with the Constitution which shall be adopted by the Elected Constituent Assembly not later than the 1st October 1948, the People's Council shall act as a Provisional Council of State, and its executive organ, the People's Administration, shall be the Provisional Government of the Jewish State, to be called “Israel.”

The State of Israel will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of

religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations."

Here the document declares the State of Israel open to immigration of all Jews, the basis for what is now called the "Law of Return".

While the document clearly discusses Jewish rights, it is important that here, we see for the second time, mention of "all inhabitants." The addition of these two little words explains a crucial concept - the Jewish People are recognized as indigenous and have the rights of an indigenous people returning to their ancestral homeland. The other inhabitants, while not indigenous, are recognized as having rights due to their residence within the land and thus, in accordance with the visions of the prophets of Israel who described what the Jewish State needs to look like, and in accordance to ***the principles of the Charter of the United Nations*** the State of Israel will provide for the benefit of all, not just the Jews but for Jews and Arabs alike: ***the development of the country, freedom, justice and peace, complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions.***

These rights were later established in Israeli law but it is important to note that those were a realization of this declaration which was based on the ancient visions of what a Jewish State needs to be.

"The State of Israel is prepared to cooperate with the agencies and representatives of the United Nations in implementing the resolution of the General Assembly of the 29th November, 1947, and will take steps to bring about the economic union of the whole of Eretz-Israel.

We appeal to the United Nations to assist the Jewish people in the building-up of its State and to receive the State of Israel into the community of nations."

The declaration expresses the willingness of the new State to cooperate with international bodies and requests that the United Nations assist the Jewish People and ***receive the State of Israel into the community of nations.***

"We appeal - in the very midst of the onslaught launched against us now for months - to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions."

Here, for the first time, the Arab inhabitants of Israel are addressed directly, in the context of the previous pogroms against the Jews of Israel and the winds of war that were recognized by the declarers - with the request to ***preserve peace and participate in the upbuilding of the State***

on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions.

“We extend our hand to all neighboring states and their peoples in an offer of peace and good neighborliness, and appeal to them to establish bonds of cooperation and mutual help with the sovereign Jewish people settled in its own land. The State of Israel is prepared to do its share in a common effort for the advancement of the entire Middle East.”

The declaration does not stop with the Arab inhabitants of Israel but extends a hand of peace to all neighboring Arab countries and an offer of collaboration – that they assist with the settling Jews in the sovereign Jewish State (a request that includes the Jews living at the time in Arab lands) and a promise that the State of Israel will ***do its share in a common effort for the advancement of the entire Middle East.***

“We appeal to the Jewish people throughout the Diaspora to rally round the Jews of Eretz-Israel in the tasks of immigration and upbuilding and to stand by them in the great struggle for the realization of the age-old dream - the redemption of Israel!”

The last request is to Jews around the world to assist with ***the tasks of immigration and upbuilding*** and stand by the Jews of Israel in ***the great struggle for the realization of the age-old dream - the redemption of Israel.***

Placing our trust in the Almighty [the first and only time God is mentioned in the document], we affix our signatures to this proclamation at this session of the provisional Council of State, on the soil of the Homeland, in the city of Tel-Aviv, on this Sabbath eve, the 5th day of Iyar, 5708 (14th May, 1948).

David Ben-Gurion

<i>Daniel Auster</i>	<i>Meir Wilner-Kovner</i>	<i>Golda Myerson</i>	<i>Felix Rosenblueth</i>
<i>Mordekhai Bentov</i>	<i>Zerach Wahrhaftig</i>	<i>Nachum Nir</i>	<i>David Remez</i>
<i>Yitzchak Ben Zvi</i>	<i>Herzl Vardi</i>	<i>Zvi Segal</i>	<i>Berl Repetur</i>
<i>Eliyahu Berligne</i>	<i>Rachel Cohen</i>	<i>Rabbi Yehuda Leib</i>	<i>Mordekhai Shattner</i>
<i>Fritz Bernstein</i>	<i>Rabbi Kalman Kahana</i>	<i>Hacohen Fishman</i>	<i>Ben Zion Sternberg</i>
<i>Rabbi Wolf Gold</i>	<i>Saadia Kobashi</i>	<i>David Zvi Pinkas</i>	<i>Bekhor Shitreet</i>
<i>Meir Grabovsky</i>	<i>Rabbi Yitzchak Meir</i>	<i>Aharon Zisling</i>	<i>Moshe Shapira</i>
<i>Yitzchak Gruenbaum</i>	<i>Levin Meir</i>	<i>Moshe Kolodny</i>	<i>Moshe Shertok</i>
<i>Dr. Abraham Granovsky</i>	<i>David Loewenstein</i>	<i>Eliezer Kaplan</i>	
<i>Eliyahu Dobkin</i>	<i>Zvi Luria</i>	<i>Abraham Katznelson</i>	

TACKLING THE CONCRETE TENSIONS BETWEEN "DEMOCRACY," "ZIONISM," AND "JUDAISM"

Israel's Jewish identity is a dominant issue. Many are concerned that Israel's actions or policies and its world image have an impact on Diaspora Jews' security and wellbeing.

However, the discussion has a strong tendency to be negatively-charged - There are those who see these values as congruous, those who see Israel's democratic identity arising from the state's Jewish foundations, and those who emphasize that Israel's democracy is of greater priority than its Jewish essence.

HOW CAN WE NAVIGATE THE DISCUSSION MORE EFFECTIVELY?

The minimal definition of "a Democratic State"

"Recognition of the sovereignty of the people manifested in free and egalitarian elections; recognition of the nucleus of human rights, among them dignity and equality, the existence of separations of powers, the rule of law, and an independent judiciary system."

The State of Israel defines itself as a parliamentary democracy: a democratic system of government in which all the citizens choose their representatives for parliament according to their political affiliation, and then the political parties choose their leaders.

While the term "democracy" is absent, Israel's Declaration of Independence states the intention to: "Ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex: It will guarantee freedom of religion, conscience, language, education, and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations" and appeals to]"the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions."

Since no constitution had been passed by 1985, the Supreme Court ruled that the Declaration of Independence document is a guiding principle of Israeli society and its state, the need to legally define the Jewish nature and Democratic character of the State of Israel arose.

Judaism as nationhood presents no conflict between a "Jewish statehood" bill and equality for all of Israel's citizens. The Basic Laws serve as the de facto constitution of Israel. Israel's Jewish and democratic values are accorded supralegal-constitutional status and serve as a legal yardstick by which to measure the applicability of the Basic Laws.

TEXT-BASED DISCUSSION:

1

"The 'core' characteristics shaping the minimum definition of the State of Israel as a Jewish State come from the aspects of both Zionism and heritage. At their center stands the right of every Jew to immigrate to the State of Israel, where the Jews will constitute a majority; Hebrew is the official and principal language of the State and most of its fests and symbols reflect the national revival of the Jewish People; The heritage of the Jewish People is a central component of its religious and cultural legacy". — *Aharon Barak, Supreme Court Justice*

DISCUSS: How does this make you feel personally as a Jew?

2

"In the Land of Israel the Jewish people arose. Here its spiritual, religious and political character was forged, here it lived a life of national independence, here it created its national and universal cultural treasures and bequeathed to the entire world the eternal Book of Books."

DISCUSS: How does this make you feel as a Jew living outside the land?

3

"It is the natural right of the Jewish people to live like every other nation as a free people in its own sovereign state. A state to which every Jew is entitled to ascend and in which the ingathering of the exiles is among the most basic values."

DISCUSS: Why is the nationalism of Israel problematic when so many other nations have a declaration of ethnic and/or religious freedom?

4

The Jewish state's rebirth was the result of the Jewish people's physical and legal assertion of their national right to self-determination in their ancient homeland, and the international community's de jure recognition of that right. Being a Jewish State was, and remains, the reason for Israel's existence under international law.

DISCUSS: Why is this premise increasingly challenged even by those who believe themselves to be pro-Israel or Zionist?

5

The diversity of Israeli Society has resulted in a some advances to the definition of "a Jewish and Democratic State" which includes efforts to appease the interests of all parties involved: "A Torah State" (Halachic state), "National-Religious State", "National Culture State", "The State of the Jewish People", "The Jewish State", and "The Jewish State and the State of all its citizens".

DISCUSS: Does this positively or negatively affect diaspora/international opinions of Israel? How and why?

6

The nation-state law reaffirms some of the key ideas that always lay at the heart of the Zionist project, bringing about the correct balance of "Jewish" and "democratic" that has always been the secret sauce that makes Israel work. - *David Hazony*

DISCUSS: If Arabs in Israel have more rights than in any Arab/Muslim country in the world, on the basis of Jewish ethical and social practice, why do people consider a "Jewish democratic state" a contradiction in terms?

7

Israel is the Jewish State, and this law tells us what that means, just as other Basic Laws tell us what goes into its democratic foundations. Laws that protect the equal rights of Israel's citizens must be balanced with similar protections of Israel's flag and anthem and the original vision of the country as not just a refuge.

DISCUSS: How can we help people understand Israel as both a "Jewish state" that protects and celebrates Jewish identity, and a liberal democracy that protects the rights of all minorities, including non-Jews?

FOR CONSIDERATION: Is Israel a democratic secular state or a Jewish state?

Israel is a democracy where all citizens (of age) can elect and be elected, regardless of gender, sexual orientation, ethnicity or religion.

Israel protects freedom of press and expression and in it's parliament one can find members who justify terrorism as means of resistance to Israeli occupation on the one hand, and members who support an annexation of Judea and Samaria to create a Jewish state from the Jordan river to the sea on the other.

The spectrum of political movements that are not considered illegal is very broad, and you can find socialists, libertarians, messianic ultra-nationalist settlers groups, Palestinian nationalists and even some moderates.

Discrimination in the workplace on ethnic, religious, gender, sexual orientation grounds is illegal.

Israel is Jewish as it considers itself the homeland of the Jewish people, much like Germany is the homeland of the Germans and Latvia is the homeland of the Latvian people. In practice it means three main things:

- 1) Jews (but not others) can become citizens of the state upon request. This is similar to the law in many nation states.
- 2) There is emphasis on Jewish culture and identity in the state's cultural institutions.
- 3) Weddings and divorces are controlled by rabbinical institutions. More precisely, for each religious group, the state only recognizes the religious institutions of that group as the ones who can declare or annul marriage. So there is no secular/civil marriage option, unless you are defined "religionless".

This last point might partially answer your question of whether Israel is a secular state. For the most part it is, and it was created by secular people, many of them atheists. Most institutions are secular, as is the criminal law. However, religious courts can determine on family law, as can civil courts. Each religious groups has its own courts.

Some notes on para-legal discrimination:

- There is some employment discrimination, as Jewish employers are less likely to hire Arab candidates. It still happens both because of stereotypes (which is illegal but hard to prove), and in some industries because of the lack of military service by most Arabs in Israel. On the other hand, there is affirmative action in government jobs and universities.
- Arabs are discriminated in allocation of land, partially as a result of historical institutions predating the establishment of the state partially because of unofficial discrimination by the ministry of housing and other government bodies.
- Nonetheless, despite making about 20% of the Israeli population, Arabs own more private lands than Jews, as most Jews live on government owned land.

Regarding the popular claims that Israel is an apartheid state or democracy for Jews alone: Arabs in Israel enjoy more democratic rights than in any Arab country in the world. There are things to improve, and most of them will be solved once a resolution of the Arab-Israeli conflict is achieved.

CHALLENGES:

Israel's identity is examined by those living outside of Israel in accordance with the following premise:

- Israel's character has significant influence on how "Judaism" is regarded around the world by Jews and non-Jews. For example, it is likely to affect the degree of the young generation's devotion to its Jewish identity, and at the same time is likely to affect attitudes of non-Jews toward the Diaspora Jews who live among them.
- Diaspora Jews are members of a minority group in their home countries; in Israel, Jews are the majority. This distinction is relevant to the great importance that Diaspora Jews attach to minority rights in Israel and to human rights in general.

The debate over Israel's identity as a Jewish and democratic state showed that Diaspora Jews have a variety of expectations of Israel, including:

- That Israel be pluralistic;
- That Israel strive for a reality in which it does not rule over the Palestinians;
- That Israel put an end to the Orthodox monopoly over Jewish life and give equal standing to all Jewish streams;
- That Israel avoid imposing religious norms on its mostly secular civil society;
- That Israel prevent dissipation of its Jewish character by strengthening its citizens' knowledge of Jewish history, traditions, and values.

Since democratic values are considered "Jewish values" by a large percentage of the Jewish world, "actions that erode Israel's democratic values are seen as detrimental to Judaism and to the definition of Israel as a Jewish state."

Criticism on aspects of Israel's conduct in Jewish matters is often based on arguments rooted in democratic values, just as criticism of aspects of Israel's conduct in the democratic field are often based on arguments rooted in Jewish values.

THOUGHT QUESTIONS:

- What importance do you feel the opinions of Diaspora Jews who do not live with the uniqueness of Israeli social dynamics, conflicts, who do not serve in the army or pay taxes, matter to Israel and her lawmakers, or by the Israeli society as a whole?
- To what extent must those living outside of Israel examine and develop their opinions with regard to the practical dilemmas Israel faces that characterize life in a "Jewish and democratic state?"
- The regional reality does not grant Israel immunity from criticism. Should Jews in the Diaspora recognize the difficulties and constraints Israel faces given the regional hostility and security threats when expressing criticism?
- How important is the fact that Israel's neighbors do not adhere to principles of democracy and human rights, as justification for lowering the high values bar Israel is expected to maintain?
- If Israel was not a liberal democracy, would its attractiveness to many Diaspora Jews erode? In this regard, is Israel held to a different standard than other countries in the world? Why or why not?
- Israel has preserved a democratic, multi-party framework and a free and open society. Yet Israel has been pressured and maligned by foreign and domestic pressures more powerfully than other countries. Despite all its flaws, it is in Israel that free political discourse is maintained. What accounts for this difference?

FOCUS ON THE NATION STATE LAW

The Israeli Declaration of Independence stated that a formal constitution will be formulated and adopted no later than 1 October 1948. The deadline stated in the declaration of independence proved unrealistic in light of the war between the new state and its Arab neighbors.

The Basic Laws of Israel are the constitutional laws of the State of Israel, intended to be draft chapters of a future constitution and act as a de facto constitution until that time. Basic Laws can only be changed by a supermajority vote in the Knesset (with varying requirements for different Basic Laws and sections). Many of these laws are based on the individual liberties that were outlined in the Israeli Declaration of Independence.

The Basic Law: Human Dignity and Liberty, protecting the freedom and equal rights of Israeli enjoys super-legal status, giving the Supreme Court the authority to disqualify any law contradicting it, as well as protection from Emergency Regulations.

While the status, importance and legitimacy of the Jewish State clearly defined in Israel's Declaration of Independence, until very recently, there was no law to safeguard the rights of the State of Israel as a Jewish State. In cases of legal questions, Israeli courts could not bring into consideration the importance of protecting the future of the Jewish State because there was no law on which to base such rulings. In order to amend this imbalance, a new Basic Law was passed: Israel - The nation state of the Jewish people.

The new law sparked an uproar, mostly within the Jewish world. The question is, why? Is there something wrong with the law? In order to address these questions, we must first examine the content of the law. It is short and written in very clear language.

The following is the full content of the Basic Law:

1. The State of Israel

- a) Israel is the historic homeland of the Jewish people in which the State of Israel was established.***
- b) The state of Israel is the nation-state of the Jewish people, in which it fulfills its natural, religious, and historic right to self-determination.***
- c) The fulfillment of the right of national self-determination in the State of Israel is unique to the Jewish people.***

This point defines Israel as the Nation State of the Jewish People in which the Zionist movement, the national movement of the Jewish people that supports the re-establishment of a Jewish homeland in the ancestral land of the Jews, has been fulfilled. By extension, the right of self determination as a nation within the Jewish Nation State is unique to the Jewish People.

Is there anything wrong with these statements? Are they any different from what is written in Israel's Declaration of Independence which clearly defines Israel as the Jewish State, Jewish rights to the land as those of the indigenous people and the rights of other inhabitants as being the same individual rights as any other Israeli citizen?

2. National symbols of the State of Israel

- a) The name of the state is Israel.**
- b) The flag of the state is white, two blue stripes near the edges, and a blue Star of David in the center.**
- c) The symbol of the state is the Menorah with seven branches, olive leaves on each side, and the word Israel at the bottom.**
- d) The national anthem of the state is "Hatikvah"**
- e) [Further] details concerning the issue of state symbols will be determined by law.**

Is there anything wrong with these statements defining that the current symbols of the Jewish State are the legal symbols of the Jewish State?

3. [The] unified and complete [city of] Jerusalem is the capital of Israel.

This a reference to and reinforcement of the Basic Law: Jerusalem, the Capital of Israel (passed in 1980) which defined the status of Jerusalem as the capital of Israel and secure its integrity and unity. It determines that Jerusalem is the seat of the President of the State, the Knesset, the Government and the Supreme Court. The law also deals with the status of the holy sites, secures the rights of people of all religions, and states that Jerusalem shall be given special priority in the activities of the authorities of the State so as to further its development in economic and other matters.

4. The Language of the State of Israel

- a) Hebrew is the language of the state.**
- b) The Arabic language has a special status in the state; the regulation of the Arab language in state institutions or when facing them will be regulated by law.**
- c) This clause does not change the status given to the Arabic language before the basic law was created.**

Hebrew is the language of the Jewish State. Is there anything wrong with that?

Up until this law it was customary to make sure, particularly in official documentation and state institutions that Arabic would appear alongside Hebrew. For those who know neither language, English usually appears as well. For convenience many times there are also other languages such as Russian and Amharic. Now the law defines Arabic as having special status, particularly in regard to language in state institutions and not to change (demote) what was customary before the law. This is actually an improvement in status as it makes what was customary but not mandatory, part of the law.

5. The state will be open to Jewish immigration and to the gathering of the exiled.

This is the legal version of the statement in the Declaration of Independence with almost the exact same wording: *The State of Israel will be open for Jewish immigration and for the Ingathering of the Exiles*. Adding this to the Basic Law is a reinforcement of Israel's Law of Return (passed in 1950).

6. The Diaspora

a) The state will labor to ensure the safety of sons of the Jewish people and its citizens who are in trouble and captivity due to their Jewishness or their citizenship.

b) The state will act to preserve the cultural, historical and religious legacy of the Jewish people among the Jewish diaspora.

This clause defines the relationship of the Jewish State with the Diaspora:

The State of Israel will labor to protect anyone in trouble or in captivity due to their Jewishness or Israeli citizenship – including Jews who are not Israeli, sons of Jews (not necessarily Jewish according to Halacha) and non-Jewish citizens of Israel. This set of values and feeling of responsibility has led the decision-making process of the Jewish State from its inception to this day in regard to rescuing Jews in trouble anywhere in the world as well as paying the same regard and effort to assist all Israelis in trouble, whether they are Jewish or not.

The State will act to preserve Jewish legacy among the Jewish diaspora. This is a paradigm shift from the request in the Declaration of Independence asking diaspora Jews to assist the newly born State of Israel.

7. The state views Jewish settlement as a national value and will labor to encourage and promote its establishment and development.

This clause is the one that certain groups objected to but is it really any different from what is stated in the Declaration of Independence? Or the ideals of the Zionist movement? Or that of any newly founded nation state?

If the clause denied the right of non-Jewish settlement for Israel's non-Jewish citizens that would certainly be problematic however that is not the case.

8. The Hebrew calendar is the official calendar of the state and alongside it the secular calendar will serve as an official calendar. The usage of the Hebrew calendar and of the secular calendar will be determined by law.

This is the current custom of the country, now made law.

9. National Holidays

a) Independence Day is the official holiday of the state.

b) The Memorial Day for those who fell in the wars of Israel and the Memorial Day for the Holocaust and heroism are official memorial days of the state.

This clause defines Israel's Independence Day and Memorial Days as National holidays (as opposed to religious holidays). This has ramifications in regard to employer obligations to employees.

10. Saturday and the Jewish Holidays are the official days of rest in the state. Those who are not Jewish have the right to honor their days of rest and their holidays. Details concerning these matters will be determined by law.

Whereas the previous clause deals with national holidays, this deals with religious holidays. In continuation of what appears in Israel's Declaration of Independence the law determines that while the official holidays and rest day of the Jewish State are the days noted in the Jewish tradition, non-Jews have the right to honor their holidays and rest day. This can become a little complicated as Muslims, Christians (and people of other faiths) have different holidays and rest days, for example Muslims rest on Friday while Jews on Saturday and Christians on Sunday. Honoring the different holidays and rest days, including making it possible for employees to take vacations and receive full benefits, is already the custom of the land. Now it is reinforced by this law.

11. This Basic Law may not be altered except by a Basic Law that gained the approval of the majority of the Knesset members.

Like other Basic Laws, this law is harder (but not impossible) to overturn or change than regular laws.

POINTS OF CLARIFICATION

Much has been written about Israel's Nation State Law. Examination of the concerns raised leads one to discover that the objections are not to the actual content of the law but rather questions about what does not appear in the law:

1. "Why does the basic law not mention, as the Declaration of Independence does, equality for all citizens?"

When one understands the Israeli system of Basic Laws and notes the content of the new law, this question becomes moot.

Equality for all citizens is already enshrined in previous Basic Laws, the new law does not overturn or cancel previous laws, it only provides a legal basis upon which it is possible the needs and rights of individual citizens with the needs and rights of Israel as the Jewish Nation State.

In addition, the new law reinforces the rights of minorities within the framework of the Jewish State regarding language and freedom of religion (which also affects freedom of employment).

2. “Why is it necessary to create this law when all these points can be understood from the Declaration of Independence?”

All the points in the law are elements lifted directly from Israel’s Declaration of Independence however a declaration is just that – a declaration, not a law. Although these points are understood, it is necessary to give the court system laws on which they can base their decisions. Before this new law, there was no legal basis on which the courts could rule when questions regarding symbols of the state, holidays, language etc. arose.

3. What about Israel’s non-Jewish citizens who are objecting to this law?

Israel takes the rights of her non-Jewish citizens very seriously and has done so since the establishment of the State. It is important to examine the concerns raised and address each and every one of them – with the understanding that there are different groups making different objections. Each must be addressed separately and not lumped together as if they were the same people raising the same issues. The Israeli government is in the process of doing exactly this.

Some issues are easier than others to address:

- Some object to Israel as the Jewish Nation State, refusing to recognize Israel as the ancestral homeland of the Jewish People. These are the people who demonstrated in Rabin Square with PLO flags shouting “In blood and with fire we will free Palestine.”
- Others object to the fact that the Nation State Law does not legalize the status of minority groups in Israel. While previous laws define the rights of all individuals, including minorities, there is no law defining the status of minorities as groups. This does not indicate a problem with the existing laws but does suggest that it might be necessary to pass an additional law defining the status of minorities as groups.
- Druze and Bedouin who feel that the law drives a wedge between them and the State of Israel. This is a sentiment that must be taken seriously. Those of the Arab population (such as most Druze and some Bedouin) who have chosen to ally themselves with the Jewish State are people who we do not want to alienate.

Close examination of their objections uncovers that their complaints are not really about the law itself but about what does not appear in the law. A large portion of the objectors in this group used the discussion of the law to raise issues of inequality in day-to-day life Israel that need to be addressed in order to create a better society but do not actually have anything to do with the law or any other laws being broken, rather societal issues and some government bureaucracy that if amended would make it easier for minorities to better integrate in the general population. Others were asking for their minority status as a group to be addressed in law, which as previously stated, is not an indication of a defect in this law but that it is worth considering creating a new law for that purpose.

CONCLUSION

We live in a world inundated with information, with technology platforms that make it is easy for anyone and everyone to shout their opinions. It can be difficult to separate the wheat from the chaff, fact from fiction, real news and fake news. That is why we suggest simplifying everything by:

Going back to the basics - reading the original documents makes a world of difference.

How many people do you think objected to Israel's Nation State Law because they read an analysis of the law rather than reading the law itself? How many people do you think objected to the new law without understanding the system of Israel's Basic Laws? How many people do you think objected to the Nation State Law without realizing that is a direct continuation of the Declaration of Independence?

Asking "why?" This is perhaps the most Jewish of behaviors and one that is crucial in a world of confusing and often contradictory or agenda driven information. When we go back to the basics, understand the concepts involved (rather than adopting the analysis of others as our own) we can make informed decisions, fully rooted in knowledge and based on our values (rather than the desires of others). In the example of the Nation State Law, asking the objectors why they are objecting makes it possible to effectively address the problems raised, most of which do not actually have anything to do with the content of the law itself.



About the Israel Forever Foundation

The Israel Forever Foundation develops and promotes experiential learning resources and initiatives to celebrate and strengthen the personal connection to Israel as an integral part of Jewish life and identity. Our content and programming aim to engage and inspire Diaspora Jews as Virtual Citizens of Israel to foster understanding, respect, involvement and pride in our ancestral connection with our heritage, history and homeland.

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