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THE JEWISH STATE AND DEMOCRACY

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No Contradiction between "Jewish" and "Democratic"

Together with or parallel to the efforts of a small but dynamic Israeli elite over the past decade to persuade the public that the "post-modern" era has brought us to the "post-Zionist" era, efforts to persuade us that there is a fundamental contradiction between Israel as concurrently a Jewish and a democratic state continue. The argument goes that the more Jewish the state is, the less democratic it is, and the more democratic, the less Jewish. Because this elite — which, brandishing this argument, wages full-press war in the political, judicial, and legislative arenas — believes that the democratic ethos transcends any other, it argues that Israel should renounce all structural and legislative aspects of its identity as a Jewish-Zionist state so that it might at last become a democratic state worthy of the universalistic era into which progressive humankind has already advanced, as it were.

Where, within the parameters of their argument, is the contradiction between Jewishness and the

applied constitution of a democratic state? It is said to exist on two main axes of reference, one leading from the Jewish majority to Israel's national or religious minorities, the Arab one in particular as the largest one; and the second leading from the so-called "secular" Jewish majority to the so-called "religious" (Orthodox) Jewish minority. There is, to be sure, a paradoxical difference between these two axes in terms of the way the problem is presented. In the first case, it pertains to the injustice of the many toward the few; in the second place, it applies to an injustice perpetrated by the minority against the majority. The first case concerns itself with relations between collectives; the second pertains to relations between the collective, represented by the state, and the individual citizens within it. In any case, the postulate, which is presented by way of indoctrination as if it were not ideology but fact, is that the Jewish identity of Israel in itself rules out the equal application of democratic laws on all Israeli citizens, in two senses as one: national freedom and autonomy, and

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freedom of belief and religion.

In this discussion, I refer separately to the two axes of this "contradiction," but first wish to elucidate these juxtaposed terms.

Israel's Role in Jewish History

In Jewish Israeli society, another issue that evokes ongoing and tumultuous polemic is the meaning of "Judaism" and of "Jewish identity" on both the individual and the political-national planes, the latter represented by the state. We need not take a stance in this controversy for the purposes of the present discussion; it suffices merely to mention the existence of such a controversy in order to stress that in the broadest context, Judaism means belonging to a people whose identity has been fashioned by its cultural history in all its components, not only religion. While religion was and remains undoubtedly the most distinctive identifying cultural element in Judaism, the way it relates to national life and culture renders it far less uniform and defined in its socio-political values and beliefs than Orthodox observant Jews and their opposites, orthodox secular Jews, are wont to claim against each other. Two implications that touch upon our theme flow from this historical given.

The first is the desire to shape the image of the State of Israel as a Jewish state in terms of Jewish majority and sovereignty, in the sense of its fulfilling its role in Jewish history (safeguarding the special interests of the Jewish people in light of the nation's contemporary destiny) and in the sense of the identifying cultural indicators of a society that the modern democratic state is directly involved in shaping. This aspiration reflects the consensus of the Jewish people that established this state with these goals in mind and that still fights for its survival and its *raison d'être*. This being so, this aspiration is deeply rooted in the primary definition of Israel as a democratic state, one in which sovereignty flows from the people (*demos*).

The second implication is that Judaism presents neither a monolithic *weltanschauung*, even as a religion and *a fortiori* as a national culture, nor a normative outlook that views democracy as a system of governance or as a political socio-ethical value system. It offers various attitudes toward the definition of the nature of democracy and the relationship between Jewish religion and democracy and its values. These include the belief, adequately backed, that biblical monotheism has made a decisive contribution to the fashioning of the humanistic ethical infrastructure on which modern democracy is based. Be this as it may,

one may argue on the basis of these two outlooks that Judaism and Zionism on one hand, and democracy on the other, are complementary rather than contradictory, and that the more Jewish Israel is, the more democratic it will be.

This is not the only perspective on democracy that is rooted in the Jewish cultural sources. The secular nature of modern democracy brought forth and consolidated a religious attitude that, while accepting democracy only as the most preferred form of secular government from the minority's point of view, does not ascribe to it itself any ideological significance, but rather warps its values to conform with those of the faith. The result is a confrontation between different views on the relationship between Judaism and democracy. We should emphasize, however, that this confrontation does not focus on whether Israel should or should not be a democracy, because a vast majority of Israelis, including the observant who do not identify with democracy as a value system, agree unequivocally that it must be so. Therefore, the debate focuses on several issues connected with the definition and application of democratic values and rules in view of contemporary Jewish realities, and it is conducted within the framework of Israeli democracy as part of the process of its application.

Thus, Israel (like all countries of the "free world") is hosting a protracted debate, itself an essential part of democracy, concerning the limits of democracy and the ways in which it meets needs and desires, some universal and others individual — anchored in the special culture and history of the people, or peoples, living within it — as reflected in its structure, legislation, and policies.

The question that arises in this context is: Is this debate legitimate, and is it conducted within the contours and value-system of democracy as part of its fulfillment, or is it in fact a debate between the defenders of democracy (who claim that it clashes with Judaism) and its detractors?

Democracy for People with Differing Worldviews

This leads us to the issue of democracy as a system of government and of values. The crux of the issue is: does democracy allow protracted debate and new and changing decisions on the definitions of its values and their application, not only from the standpoint of individual and group interests but also as viewed by the exponents of ideologies that differ in their perception of the supreme values that invest life with meaning and determine the adherents' life practices — or is it a

monolithic worldview, with one scale of values and one way of applying them, which subjugates all other worldviews and value scales that wish to share its habitat?

Indeed, one has to take a stand on this issue. It is conventional to state that democracy is more than a formal political process of establishing institutions and running them by means of decision-making mechanisms to which the majority of citizens assent. Democracy is based on values and rules that protect the universal basic rights of individuals and minorities from the tyranny of the majority, and these values are the ones set forth in the UN Declaration of Human Rights. Conventional thinking also states that human rights are fundamental components of a political-social-ethical *weltanschauung* that forms the basis of democracy and fashions it in various aspects of life. If this is so, the question is: Are we talking about one all-embracing *weltanschauung* that dictates all the supreme beliefs and values that all citizens of a democratic state must share, so that, according to the values of democracy, they define the general meaning of their lives and fashion all aspects of life in all domains — private, public, social, political, and economic? Or may there be several such worldviews that, although they agree on human-rights values and the legislative rules that apply them, do not agree on the supreme values that provide meaning and destiny in individual and national life, and therefore create confrontations between them, including serious ones, within the contours of democracy? In other words, is democracy the only all-inclusive *weltanschauung* that defines all civic interests and values, or do the values and principles of democracy offer only a basis for dialogue and coexistence between individuals, groups, and nations, all of which choose their legitimate worldviews and interests, each in their own way, in view of their beliefs and culture?

One thing is clear in any case: to argue sweepingly that Israel's democratic nature clashes with its essence as a Jewish state is to argue not only that democracy is based on the Declaration of Human Rights as part of an overarching ethical worldview, and on the legislation that applies this charter, but much more than this. To say this is to assert that the worldview underlying human rights is monolithic, exclusive, all-embracing, and binding, and that it rests on one set of supreme values by which all citizens must determine the whys and wherefores of what they are and what they do, and therefore it overrides any other worldview and interest. Those who adopt this kind of democratic worldview, and who define themselves as broad-minded and toler-

ant, may tolerate individuals of different worldviews in their midst on the basis of the Declaration of Human Rights, but they do not tolerate, and even less so legitimize, the wishes of people who hold general worldviews other than their own to help create the institutional and constitutional framework that constitutes the all-embracing setting in which they act and live.

It is obvious that if people who derive democracy and its values from belief in a superhuman source of authority, not from a set of supreme values anchored in humankind as its own master, use democratic methods to accumulate power and affect legislation and policy, the zealots of democracy will regard their impact, within their set of human autonomous values, as fundamentally antidemocratic. They would accept it only out of political necessity (which they term "religious coercion" or "nationalist coercion"). We admit that such a position seems absolutely consistent, but it contains a strange paradox, one that may disturb the serenity of these so-consistent democrats: How does one reconcile their zealotry with their democracy, i.e., with the basic values of freedom that lie at its root? Does not zealotry in the service of democracy as a human value turn democracy into a special kind of tyranny?

What, then, is the alternative that would allow democracy to function without contradicting itself by excessive self-allegiance? The answer is to accept that there is no single perfect and exclusive *weltanschauung* that sustains and interprets the basic values of democracy; one should postulate the existence of several such *weltanschauungen* that disagree on the definition of the truths and superior values but agree on the ethical values, the supreme rules, and the institutions of coexistence that rest atop a shared and unifying national, universal, political, social, and cultural infrastructure. The alternative, in other words, is the idea that democracy exists for the people, singly and collectively, who are different from each other in respects that include *weltanschauung*, rather than people existing for democracy.

Basing ourselves on the assumption that democracy exists in order to facilitate the coexistence of individuals and groups and also to contend with conflicts and contradictions arising from their differences and from clashes of interest of peoples, groups, and cultural and religious worldviews, we may probe the two axes of confrontation concerning the Jewish nature of the State of Israel.

The Democratic Right of an Independent Jewish Nation in Its Homeland

The problem of the nation-state and its national minorities was not invented by Zionism. It began with the establishment of the modern secular nation-state, of which Zionism was in fact an offshoot. The Jewish people that had existed until the beginning of the modern era as a national-religious minority dispersed across Europe and the Mediterranean basin had lost its national-religious setting with the establishment of nation-states in Europe, and it became apparent that even the most liberal nation-state failed to offer a favorable way to allow Jews to exist as a culturally distinct nation. Zionism thus asserted the universal democratic right of the Jewish nation to exist in its homeland as an independent nationality among the nations. In this sense, the State of Israel is the realization of the Jewish people's democratic right to exist as an independent nation, and democracy in Israel is a consequence of this fact.

If this is so, it takes a sizable measure of sophistry to proclaim a contradiction between the existence of the State of Israel as a Jewish state that serves Jewish national interests and its existence as a democratic state. As long as the basic argument is valid — that the Jewish people needs a nation-state in order to exist as a free people and preserve its own cultural integrity and uniqueness — the existence of Israel as a Jewish state will be the very fulfillment of the Jewish people's democratic prerogative, and the Jewishness and democratic nature of Israel will be fully compatible, even if the fulfillment of this Jewish democratic prerogative has caused and is causing a serious national conflict. As long as democracy provides a way to cope with this conflict and seek its resolution, Israel will remain a democracy even in the context of the conflict.

Considering Palestinian Rights

Consequently, the foregoing remarks do not overlook the observation that fulfilling this Jewish national democratic prerogative collides with the claim of the Palestinian nation, which determined its national singularity in view of the realization of Zionism in Palestine, to the same democratic prerogative. As stated, such a clash has characterized most modern nation-states and could not but arise in Israel. Did the Jewish people have the right to realize its national prerogatives in its homeland? From the Jewish-Zionist point of view, the affirmative answer to this question is anchored not only in Jewish historical consciousness and historical rights but also in considerations of justice

among nations. The factual basis for this argument is that Eretz Israel was not populated by any other national entity in the early Zionist period and that Arab nationalism has attained full political expression in seven large states, as against the one small state that the Jewish people created for its own needs in the course of a bloody struggle that has not yet ended. Furthermore, the Zionist movement accepted the nostrum of partition, albeit for lack of choice, while the Arabs rejected it categorically. This, however, is a question that deals with the past. Israel as a state that is based democratically on the Jewish majority that created it for its own needs is a fact. Even the conflict with the Arab minority that originally opposed its establishment but remained there after it was established and accepted its citizenship on a democratic basis is a fact. The question is: Is there a solution that would respect both the rights of the majority as a majority that wishes to exist as a nation in its homeland, and the rights of a minority that wishes to preserve its particular national identity?

Democracy exists in order to find a just solution to the conflict between these peoples, allowing them to observe the supreme values of their distinct nationalities within the confines of a single state, even though only one of these national groups established the state for itself, and only one wishes to achieve a separate existence, although not in order to offer itself, as it were, as an ahistoric utopian solution that eliminates the conflict as if it had never existed. After all, if democracy itself is a solution, the two peoples must then renounce their separate identities and become one nation, at least in the formal political sense. Do they wish this to happen? Do the Israeli citizens who define themselves as Palestinian Arabs want this to occur? Or is it the Jewish majority that should renounce its nationhood or political autonomy for the sake of democracy?

There is reason to assume that if stable peaceful relations between Israel and the Arab states and Palestinians take shape, it will be possible to grant the Israeli Arabs full democratic rights as full-fledged citizens who bear all obligations of citizenship in their state while reserving the right to preserve their unique national, religious, and socio-political identity and maintain close socio-national relations with co-nationals who are not Israel citizens. In the national sense, however, Israel would remain a Jewish state that rests on a Jewish majority and Jewish sovereignty, and functions as a national center for the entire Jewish people. Such a solution, of course, would rule out equality of national

status between Jews and Arabs in Israel. Democratic justice, however, would be applied to the utmost. Jews who constitute a minority in democratic states demand nothing more than this in their countries of residence; it suffices for them that there is one Jewish state in the world, namely Israel. Israeli Arabs will have to make do with full manifestation of their separate national prerogatives in seven states and the autonomous areas, or in an additional Palestinian state.

Jewish Law Accepts the Separation of Religion and State

Nor is Israel the only country in which the complex issue of the interaction between religion and a democratic state rears its head. Every religion makes specific demands on the society and state in which it functions. It is worth noting in this context that the liberal solution of "separation of religion and state," an ostensibly unequivocal formula dictated, as it were, by the essence of the democratic *weltanschauung*, leaves in its wake a long, wide trail of unsolved problems that surface and grow in urgency as the modern state intervenes more vigorously in economic and cultural social processes that are essentially political. No religion (including Judaism) can dissociate itself from the society in whose ways of life it is applied. Even the United States, where the constitutional prescription in this regard seems unequivocal, the parameters of the religion-state separation are constantly challenged, especially in the context of religious education in state systems.

What we have, then, is a long-standing, complicated, controversial, and complex issue that should be elucidated in a special forum of discussion. Therefore, we shall address ourselves only to the question of principle, i.e., the relationship between the religious aspects of the application of Jewish identity in Israel and the democratic nature of the state.

First, from the standpoint of Jewish religion in the *halakhic* (Orthodox) sense: The oft-repeated argument that Jewish religion is opposed *halakhically* and categorically to the separation of religion and state is baseless. On the contrary, in several respects, the exact opposite is true. *Halakhic* Judaism does not prescribe any normative form of government or constitution, and it is flexible enough to adapt itself favorably to any form of regime or legal system that allows Jews to lead full religious lives within their family and community settings. Therefore, it is evident that democratic countries that profess the separation of religion and state are not only wholly legitimate but also wholly prefera-

ble from the Jewish religious point of view. In Israel, where the entity at issue is a Jewish state, the attitudes and expectations are different. The difference, however, is relative, not absolute, and it arises from the fact that Jewish religion cannot come to terms with separation of religion from the society in which it is practiced, with separation of religion and people, or with the disempowerment of Jewish religion in setting the parameters of national identity in the Jewish state. Consequently, it is empirically evident that even in Israel, the Orthodox religious establishment, embracing the entire observant public, has accepted a complete separation of religion and state in all political, legislative, and judicial respects that do not directly affect the basic indicators of Jewish identity in which the state intervenes by means of its involvement in social processes and the definitions and manifestations of Jewish nationhood. Thus, the question is whether such involvement of religion in determining the identity of people and society, an issue that religion treats as a matter of substance, is legitimate in the democratic sense even if it clashes with other views of Jewish identity and life that citizens and members of the nation espouse. The only possible answer on the level of principle is that this is the basic democratic prerogative of Jews who wish to regard their country as their home in both the religious and the national senses. Democracy exists not to eliminate conflict and confrontation, but to solve them in a shared milieu.

Preserving a Shared Jewish Identity

Second, from the standpoint of those who are represented by Israeli democracy, as stated, the status of Jewish religion in Israel flows not only from the interest of this population group to define itself as religious, but also from the general interest of the public that defines itself as Jewish in the senses of peoplehood, nationhood, historical memory, and cultural heritage. Even from this perspective, religion is an inseparable thread in the fabric that is identified as the national life, the historical memory, and the heritage of a culture that is implemented by means of distinct symbols and ways of life. This provides a basis for the expectation harbored by part of the religious community, even if it is a minority, that these norms and symbols of cultural-national identity will be recognized as binding not only in the religious sense but also in the cultural and national senses, thus preserving the shared Jewish identity for posterity despite differences among various types of religious and non-religious Jews, despite the pitched social conflicts that these

differences cause, and despite the fact that the acceptance of such norms and symbols requires compromises, concessions, and restraint of individuals' rights for the common weal.

Consequently, if democracy offers itself not as an overarching, total solution that eliminates all conflicts generated within it but rather as a way of coping with the results of protracted conflict between different attitudes toward a shared national life, then all the compromises and concessions that may be needed, insofar as they arise in consensus and mutual respect, will not contradict democracy but will represent its very existence.

Summing up: By rejecting the characterization of democracy as a monolithic, all-embracing *weltanschauung* that should override all contradictions between the national identities of majority and minority and between various Jewish *weltanschauungen*, the State of Israel may continue on the path set forth when it was established as a democratic Jewish state as relentless efforts are made to cope with conflicts, problems, difficulties, and challenges.

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