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Democracy and the Hebrew Republic

THE GOVERNMENT IS INSISTING THAT PALESTINIAN negotiators recognize Israel as a Jewish state. The Palestinians say no. They recognize Israel, but not a “second-class status” for its Arab citizens. The elephant in the room just moved: The peace process cannot be dissociated from the standards of Israeli democracy. Which is the cue for Israelis to start talking past each other.

Former education minister Shulamit Aloni, for example, agrees that a democratic Israel must protect the equality of its citizens, Jew and Arab alike, and holds that religious identities are fundamentally private, embedded in civil society, whose freedoms the state must ensure. The eminent jurist Ruth Gavison retorts that the Jewish majority has every right to determine the state’s Jewish national character, with a particular religious life braided into it. Is there anything the state can do to make its Jewish character more or less mandatory without curtailing the civil rights of its citizens?

Of course, Israel can, and does, mandate that the official language be Hebrew, and by according Hebrew a privileged status, discriminates in favor of the Jewish nation. Out of consideration for its majority, moreover, it turns holidays like Passover into legally recognized days off and puts the Star of David on the flag. These actions create a patently Jewish civil society, which is why most people around the world, including potential Jewish immigrants, will call Israel a Jewish state, much the way France is considered a French republic. Aloni would not object to this Hebrew cultural mandate. Palestinians do not.

But Aloni is surely right to assert that, beyond it, the state should have no more say. When Israel discriminates in favor of Jews as individuals, or Judaism as a religion, it violates not only democratic standards but the idiosyncrasies of national identity. For the Jewish nation, like Hebrew itself, is not a finished thing; compare the cultural dynamics of today’s Tel Aviv to the workers’ colonies of the early Yishuv. The only way to think of the Jewish nation as nearly finished is to see it as a collective practitioner of Jewish Orthodoxy or *halakha*.

Which is precisely where Gavison tips over into a danger zone, and the “internal” fight over Jewish identity threatens serious consequences for Arab citizens. The question is this: Is the cultural distinctiveness of Israel, that is, of the Jewish nation, rooted in a language anyone can learn or in an exclusive bloodline wedded to halakhic practice? For Aloni, Jewish nationality—Israeliness—can be learned in the streets. Gavison doesn’t say whether she wants a halakhic state, but she is obviously con-

tent with the status quo, so the elision speaks for itself. She knows the state already confers immediate citizenship on Jews by the Law of Return, and privileges individual Jews and Judaism over non-Jews and other religions—discrimination in land rights, and ways of bending state power for rabbinic hierarchies and educational institutions.

These go far beyond anything the French state might enact as a member of the European Union and a signatory of its charter of human rights. They are also more than anything French Jews would accept. Gavison is unmoved. France is not Israel, where full minority equality

means—as she puts it—“uprooting Jewish nationalism.” She seems to think that if Jews have to compete on culture, they’ll lose, even when they dominate every campus and company in the country.

This debate, no doubt, began as a distraction. Everybody knows that the government insisted on recognition of Israel as a Jewish state because it wanted to preempt the possibility of Palestinians demanding the right to return to Haifa and Jaffa. But the debate shows vividly how the peace process may be in the foreground while, in the background, there is a dangerous confusion about what Jewish and democratic means.

Aloni, clearly, wants a kind of Hebrew republic connected to the forces of globalization. She knows that democracy *is* a peace process. But like so many others in the Israeli center, Gavison wants to triangulate: use the rhetoric of democracy while appealing to the forces of Orthodoxy. She winds up advancing a conception of Jewish majority rule that should be frightening not only to Palestinians. In a time of renewed violence, it could lead to ethnic cleansing and repression of dissent.

For imagine, as many predict, that the Annapolis process eventually fails and we find ourselves mired in a new intifada. When we hear phrases like Jewish self-determination, wedded to misty ideas about Jewish nationality deriving from *halakha*, just whose Jewish self is likely to determine things here? A Hebron settler’s? Right-wing financier Ronald Lauder’s? The Lubavitcher Rabbi Schneerson’s? Probably not peacenik songstress Chava Alberstein’s.

My point is that it is as presumptuous to say who is a Jew as what is a human being. This is exactly why the practice, or invention, of one’s Jewish religious identity should be confined to the protected private realms of citizens, here and everywhere. Meanwhile, Jewish national identity will spring from Hebrew-speaking citizens. Aren’t both prospects wonderful enough? •

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