Resolving the Tension: Israel as a Democratic and Jewish State

Contemporary Israel is, without doubt, a unique entity. It is often held up as the sole democratic state in a geographic region dominated by non-democracies. It is also the world's only officially Jewish state. Arguably, one cannot begin to understand the complex social, political, and cultural dynamics of Israel without placing the country within the context of its need to balance a dual identity as both a democratic and a Jewish state. But the nature of that dual identity is fraught with its own complexities. One of the many challenges facing contemporary Israel — both inside its own borders and on the world stage — is how to resolve the tension between the country's commitment to democratic principles on one hand, and its commitment to being an officially Jewish state on the other. Arguments put forth by critics such as David Kretzmer suggest that these two principles are, by design, mutually exclusive. In this view, tension arises because, as a democratic state, "Israel must serve the needs of all its citizens," regardless if they are Jewish or not (Kretzmer 175). But, the argument continues, as an officially Jewish state Israel is committed to "pursue particularistic goals" related to preserving, protecting and promoting Judaism (Kretzmer 176).

This essay will explore this argument and attempt to address the following question: can Israel truly be a democratic and Jewish state at the same time? The answer, arguably, is a philosophical one and largely dependent upon how one understands and defines the terms "democracy" and "Jewish." It is also an enquiry that leads to further questions. Given its unique historical and current geo-political context, is it appropriate to compare and measure the Israeli version of democracy against the standards of other Western democracies such as Canada, the United States and Great Britain? How does Israel itself define "Jewish" and does that definition

adequately reflect contemporary Judaism both within Israel and among the diaspora? This paper will argue that Israel can in fact be both democratic and Jewish — with two caveats. The first is that the Israeli version of democracy cannot be expected to mirror those of other Western democracies because Israel, simply put, is not a "Western county" in the traditional sense of the word. This does not excuse blatantly undemocratic state policies that lead to the denial of basic human rights or the violation of international law, nor does it affirm that Israel is truly a democracy country at present. Rather it is recognition that, given that contemporary Israel was founded in 1948 with many of democracy's fundamental principles enshrined in its founding documents and then set out on a deliberate — if a times winding — course of democracy, the still relatively young state has the potential to continue to evolve and create a version of democracy that fits its unique situation and needs — although that democracy may not always look like a typical Western democracy. The second caveat — which is closely related to the first — is that if Israel truly wants to be both a democratic and a Jewish state, its own definition of Judaism must become more inclusive and expanded to afford rights and official recognition for those who wish to practice Judaism within non-Orthodox denominations. Without this key move towards reconciling its dual identity, Israel will not be a truly universal democratic and Jewish state.

Historians such as Iian Peleg argue that the tension inherent in Israel's need to pursue and balance both the universal (democracy) and the particularistic (Judaism) is not new and "has been present in the Zionist movement from its very beginning" (Pellig 235). But for Peleg, this tension can perhaps be framed more positively as the state's official "dual commitment to the principles of democracy and to the Zionist agenda" rather than simply reduced to mutually

exclusive, and necessarily conflicting, goals. The state's official dual commitment is outlined in the Israeli Declaration of Independence which proclaims the land of Israel as "the birthplace of the Jewish people." The Declaration then proclaims "the establishment of a Jewish state in Eretz-Israel, to be known as the State of Israel" and promises that Israel will be "open for Jewish immigration" for Jews living in any other country (Declaration of Establishment of State of Israel, Israeli Ministry of Foreign Affairs). Immediately after officially enshrining Israel as a Jewish state, the Declaration proclaims the democratic nature of Israel by noting the state "will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex," as well as "guarantee freedom of religion, conscience, language, education and culture." Thus, the Declaration of Independence officially established that, as a state, Israel is committed to being both Jewish and democratic at the same time — with equal rights for all inhabitants — Jewish and non-Jewish alike. Gavison further expands on how Isreal, with a Jewish majority of 80 percent, functions as an officially Jewish state:

> It is a nation-state that maintains strong control over the symbolic and material aspects of the state. Hebrew is its language; its holidays, religious as well as national, are those that belong to the Jewish calendar. Jewish religion is very present in public life, and matters of personal status are controlled by Orthodox religious law. It presupposes that Jews are a nation, not just a religion. (Gavison 45)

Unlike other democracies such as Denmark and Romania, who have addressed specific minority rights within their respective constitutions, Israel affords no such protection to non-Jewish minorities. This raises yet another question — how does the lack of formal protection of minority rights relate to the fundamental Jewish value of not oppressing the stranger? By

extension, is there room within the constitutional framework of the officially Jewish state of Israel for such protection? I would argue that the answer to this — from both a democratic and Jewish standpoint — is yes. Not only is there room, but the absence of such protection is arguably necessary for Israel to be both democratic and Jewish.

Even casual followers of Israeli politics will likely be cognizant of the fact that the dual commitment, or tension, of being both officially Jewish and democratic has a significant impact on some of the country's most pressing issues including relationships between Israeli's Jewish and non-Jewish inhabitants, geopolitical concerns related to the West Bank and Gaza, and the role and status of religion in public life — particularly non-Orthodox streams of Judaism. As Pellig notes, the dual "political reality" of the Israeli state means that there Israel has developed, out of necessity, of "both Jewish and democratic policies" (Pellig 236). But, Pellig notes, such policies have often "collided" with one another and will more than likely "continue to collide even more severely in the future" (Pellig 237). Much has been written by others about Israeli's "Jewish policies" of which Pellig speaks, including the Law of Return which facilitates the immigration of Jews to Israel and provides those who immigrate under the statute with citizenship, the compartmentalization of the Israeli education system along religious and ethnic lines (Dror 61), and the state sanctioned status and privilege afforded to Orthodox Judaism— a status that is not currently extended to non-Orthodox streams of Judaism. These policies are designed to protect and promote Judaism within the world's only Jewish state — arguably something with great merit — but, as Pellig notes, such "Jewish policies" can at times conflict directly with the state's proclaimed democratic policies. This is a particularly sensitive issue, for example, within Israeli's education system where Arab schools

are typically afforded significantly less funding per student than Jewish schools (Okun and Friedlander 168).

In terms of its democratic structures, Israel — alone in the Middle East — has made a concerted effor to be a democratic state with an elected legislative wing and independent judiciary and executive branches of government, as well as its system of holding open and regular elections, and allowing free and public debate on political and social issues. Using these fundamental operating principles to define democracy, Israel is a democrcy. Ruth Gavison argues that failing to recognize Israel as a democracy "obscures" these democratic "elements" that are clearly a part of Israeli political and public life (49). But critics such as Kretzmer, Rouhana, Pellig point out, Israel's notion of democracy can, at times, be "problematic" (Pellig 238). Pellig notes that the country's "largest minority" — Israeli Arabs who are citizens of Israel — have not been able to "achieve full equality either as individuals or as a group" (238). According to Gavison, in 1999 Israel had a 17 Palestinian minority population — a fairly significant part of the country's overall population (44). Both Kretzmer and Rouhana write about the "systemic discrimination" (Kretzmer 178) encountered by Israel's non-Jewish inhabitants when it comes to things such as citizenship, education and employment. While there has been an acknowledgement among critics such as Smooha that the situation has improved for Israeli Arabs and thus should be cause for tempered optimism (429), others such as Pellig argue that "it is hard to maintain that Israel is moving decisively towards civic equality" (238). It stands to reason that while Israeli democracy may by necessity take on a somewhat different look and flavour than other Western democracies and is not without its challenges, there are certain democratic standards that Israeli should aim for. As Gavison notes, the very

nature of democracy includes "a deep commitment to civil equality" (48). Ensuring that non-Jewish inhabitants of Israel do not face challenges with regards to civic rights should be a goal of Israeli democracy and is a significant way of incorporating the Jewish value — and the most often repeated commandment in the Torah — of not oppressing the stranger into the practice of Israeli democracy. Without question, the further development of Israeli democracy can only be positive. As Gavison notes, Israel has gradually become "more democratic than it was in the 1950s" (47). She also points out that the term "democracy" is not "neutral" in that "other things being equal, the more democratic a regime is, the better it is" (47).

Israel's need to reconcile its commitment to both Judaism and democracy impacts not just the non-Jewish inhabitants of the state, both also Israel's Jewish population as well. As Pelig notes, many secular or otherwise non-religious Jews "resent deeply the continuous interference of the Orthodox establishment in their lives" (238) — referring to state policy, anchored in the Status Quo Agreement of 1947, that affords Orthodox an official role in Israeli political life to the exclusion of other denominations of the faith. Pelig notes that "in terms of Western standards," religion in Israel is "unusually obtrusive" in both public and private life (239). This becomes an issue because the terms "Judaism" and "Jewish identity" mean different things to different people. At present, the Israeli's formal stance on its status as a Jewish state appears to be tied to Judaism as a religion — specifically Orthodox Judaism . But this ignores the fact that the notion of Jewish identity is not soley tied to religion and can be contentious. Gavison refers to this as the "inter-Jewish debate about the meaning of the Jewishness of the state" (44). Is it a debate, she notes, that consists of "fierce competition between religious and secular-cultural-historical conceptions of Jewish identity (Gavison 44). For Israel to truly be a

Jewish state, it must expand the definition of Judaism to include not just non-Orthodox streams of Judaism but also those elements of its population that identify with Judaism on purely cultural and historical terms, but not necessarily religious ones. At present, Orthodox Judaism holds a virtual monopoly on issues such as religious marriages and burials. Religious exemptions from military service are granted to a number of ultra-Orthtodox groups, but not to non-Orthodox Jews. Orthodox yeshivot and synagogues are provided with public funding, while non-Orthodox religious organizations are not. The result is that Jewish state becomes, in its own way, oppressive to those elements that do not fall within its own very narrow definition of Judais. Indeed, as Pelig notes "If freedom from religion, along with freedom of religion, is one of the expected values of modern democracy, Israel's democracy is flawed" (239). As with the need to be more inclusive with regard to the civil rights of minorities within its borders in order to be a true democracy, so much Isreal become more inclusive in its definition and understanding of Judaism. These are not mutally exclusive goals, but rather a path towards a democracy that can also be a Jewish state in the truest sense of the word.

If one rejects that idea that Isreal cannot be both a Jewish and a democratic state, the question then becomes: how can Israel relastistically achieve both? Isreal's version of democracy must be one that recognizes, as Pellig noted above, that there will be conflicts between the Jewish and democratic elements — and interests — of the Isreal state. Finding a way to balance conflicts between the two is key. Neither can be absolute. Given that state and religion are not officially separate in Isreal, its version of democracy cannot be that of a fully democratic Western state where such separation is a cornerstone democratic principle. But that is not to say that Isreal cannot find a workable medium between the two. There is much to

be gained from the Middle East's only democracy and the world's only Jewish state finding a way to make it work.

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