

# Jewish and Democratic: Perspectives from World Jewry

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This paper presents the motivation behind, mechanism employed, and preliminary findings of JPPI's project, **Jewish and Democratic: Perspectives from World Jewry**.<sup>1</sup> Parts of this paper originally appeared in a background document prepared for moderators and participants in JPPI seminars conducted in early 2014 in Jewish communities around the world. The aim of the seminars was to solicit Diaspora views regarding Israel's identity as a "Jewish and democratic state." JPPI is in the process of preparing an integrative report on the views of world Jewry on this subject for submission to Prof. Ruth Gavison at the end of March 2014. This paper focuses on the motivations behind this project and the questions JPPI seminars were intended to assist in answering. It also includes a final section with some of the preliminary conclusions based on analysis of existing research and of early seminars. It should be looked at as a first and partial draft of the report that JPPI will ultimately submit. Its intention is to inform the discussion of this topic at JPPI's 2014 Glen Cove conference.

## **This paper is in four parts:**

1. Background on the need for the process and its mechanism.
2. Background on the main questions this process is meant to consider.
3. Specific questions for Jews around the world.
4. Existing data and preliminary findings from JPPI seminars.

## **Among its main findings:**

- There is a general agreement throughout the Jewish world that Israel should retain a markedly Jewish character, yet this should not compromise its democratic values.
- The term "Jewish and democratic" is a positive expression that unifies Jews around a common acceptable formulation of Israel's character.

- World Jews tend to want the expression of Israel's Jewishness to be inclusive of all Jews, and to not limit personal choice.
- World Jewry places special emphasis on Israel's sensitivity to minority rights – as both "Jewish" and "democratic" principles.
- World Jewry is split, very much like Israelis, on the correct way to maintain the delicate Jewish-democratic balance. Also, as in Israel, partisan politics are prominent in the discussion.
- A significant portion of World Jews accepts the notion that Israel lives under "special circumstances," which may justify an interpretation of constitutional values different from their own.

## **Background on the Process and the Need for it:**

Last August, Israel's justice minister, Tzipi Livni, appointed Prof. Ruth Gavison to assist her in preparing "a constitutional arrangement dealing with Israel's identity as a 'Jewish and democratic' state." Prof. Gavison, in an October 2013 letter to JPPI, suggested its "unique position" as a global Jewish policy institute be utilized to assemble and analyze the reflections and attitudes of Jews living outside Israel they could express their voice in this endeavor. The immediate need to engage in this process springs from political activity in the Knesset, and the intention of legislators from several parties to alter the way Israel is defined as a Jewish and democratic state.

Some of the legislative proposals have prompted two types of criticism. One – that a change in the law<sup>2</sup> is not at all necessary. Two – more specific criticism related to new language proposed by some of legislators. Most critics of the proposals themselves claimed that the proposed drafts for change seem to "believe that to ensure the Jewish character of the state it is necessary to damage its democratic character."<sup>3</sup> Yet proponents of new legislation, which include Knesset members from several parties, seem emboldened in their positions amid the criticism. Their activity aims to curb two main trends. Some view certain Israeli Supreme Court rulings based on the current formulation of the Basic Laws as "post-Zionist,"<sup>4</sup> and seek a new legal framework that "simply reasserts the national interest as a fundamental principle alongside that of universal rights."<sup>5</sup> Others point to external criticism of Israel's character as their main motivation for new legislation. Their goal is to battle those who strive to "cancel the right of the Jewish people to have a national home on its land."<sup>6</sup>

Minister of Justice Livni, aware of these facts but unsatisfied with what she perceives as partisan proposed legislation,<sup>7</sup> appointed Gavison<sup>8</sup> to investigate the matter and the need for change, and then draft her own proposal for further action. Her investigation engaged JPPI activity, which has included analysis of existing background materials, seminars in dozens of communities around the world, and conducting this conference of Jewish leaders.

Israel's character as a Jewish and democratic state is based on a compromise arrangement, not on "broad constitutional consent."<sup>9</sup> The need for compromise arises from the inherent tension (some say: contradiction) between "Jewish" and "democratic" values and interests. The more "democracy" represents values of neutrality and equality, the less it will be compatible with an emphasis on "particularistic foundations on the state level."<sup>10</sup> And the more "Jewish" frames the contours of policy-making, the less compatible that policy will be with neutral democratic values. If the Knesset strives to preserve or strengthen the Jewish character of the state or its core democratic values, a balancing act will be required. The impulse to resolve such tensions is not rare in legislative work, and Israeli scholars have already written extensively on this topic. They have demonstrated that interlacing Jewish and democratic values – without one canceling or highly damaging the other – is possible, and, by most accounts, desirable. They have shown that other countries have taken similar measures to safeguard their identities and guide their policy-making.<sup>11</sup>

The background paper prepared for the seminars in Jewish communities identifies the two main fields in which tension between "Jewish" and "democratic" often presents itself.<sup>12</sup> There is the internal Jewish debate on state-religion issues (such as marriage, conversion, the role of the rabbinate, jurisdiction over the Western Wall plaza etc.), and the Jewish-Arab tension, namely the tension integral to majority-minority relations in a state that isn't religiously-ethnically "neutral." Israel is not "Israeli and democratic," it is, rather, "Jewish and democratic," even though more than one fifth of its citizens are not Jewish.

Both these "tensions" were invoked in JPPI-initiated seminars around the Jewish world and discussed in detail through specific examples of possible dilemmas. These included the question of whether there is a need for the Jewish state to regulate its day of rest according to Jewish standards, and the question of whether the Israeli national anthem, having such a demonstrably Jewish theme ("the Jewish soul yearns"), can

be considered counterproductive in a democratic state. Participants grappled with questions such as: “What kind of Shabbat do we want for Israel as a Jewish state?” and “Should Israel strive to make state symbols inclusive of its non-Jewish citizens?” These questions guided participants as they attempted to answer larger questions such as: “What core Jewish values and expressions must Israel insist on having?”; “What core democratic values and expressions must Israel insist upon having?”; and “When Israel has to choose between “Jewish” and “democratic,” what principles should guide its actions?”

The need to get answers to these questions from Jews who do not live in Israel, and for the most part never intend to become Israeli citizens, is a matter for discussion and debate in and of itself. Clearly, the views of the citizens of Israel should have more weight as the state wrestles with issues of national identity than those residing in other countries. Moreover, it would not be inaccurate to claim that deciding to solicit opinions from world Jewry on this matter already presupposes a specific position on the nature of Israel as a country in which all Jews have a stake. This is unacceptable to some who see Israel’s deep association with world Jewry as thinning its democratic nature.<sup>13</sup> Still, for several reasons, Prof. Gavison and JPPI remain convinced that an investigation of the perspectives of non-Israeli Jews on the character of the state is necessary:

- As the process does presuppose Israel as a “Jewish and democratic state,” the “Jewish” component makes it only natural to have global Jewish input in understanding its meaning.
- Jewish communities around the world contributed significantly to the building of the State of Israel and are asked to continue contributing to its success. It would be wise for Israel to consult with them as it ponders matters related to its core identity.
- Israel was established to fulfill “the natural right of the Jewish people.”<sup>14</sup> It declares itself a state in which all Jews have a stake. As long as this proposition is not revoked, consultation on matters central to Israel’s nature is required.
- Changes to Israel’s character have potential impacts on the way Israel relates to Jews around the world. Similarly, they carry potential impacts on the way world Jewry relates to Israel. Consultation to anticipate and appreciate such impacts is vital.

JPPI seminar discussants were also asked to consider, in addition to the two tensions listed above – Jewish-Jewish and Jewish-Arab – tensions arising from Israel’s desire to keep its special relationship with Jews around the world.

## **Background on the Main Questions this Process is Meant to Consider**

The 1947 UN mandate and Israel's Declaration of Independence both refer to a "Jewish state."<sup>15</sup> That Israel would be a democracy was never in doubt. Israel was founded and continues to exist as a modern political project, a way for Jews to exist in the modern world. Thus, both the "Jewish" and "democratic" pillars have always been important to the Israeli mainstream. Still, Israel first officially codified the formulation "Jewish and democratic" in the early 1990s with the activation of two Basic Laws. The heated political debate preceding the passage of these Basic Laws ended in compromise. The religious parties demanded the term "Jewish" be added to the legislative language to prevent judicial activism from eroding Jewish values dear to their hearts. And parties on Israel's left insisted on the inclusion of "democratic," to make Israeli democracy explicit and safeguard against its erosion by the inclusion of "Jewish" in the legislative language.

This political debate itself is an apt illustration of Israel’s Jewish and democratic nature. It is an arrangement that is in line with the instinctive sentiments of the vast majority of Israelis. Any new arrangement, legal or otherwise, that changes the Jewish and democratic” framework would have to attempt to ease the inherent tension between the two “values,” by establishing a mechanism, or laying out the principles, for resolving contradictions when they occur. The need to resolve such tensions is not uncommon in legislative work. Many commentators on the nature of the "Jewish and democratic" arrangement compare the tension between the two terms with the inherent tension between "freedom of speech" and the "right to privacy."<sup>16</sup> Both are valuable and worthy of preservation, yet are at times incompatible and require balancing.

In both areas of strain we’ve identified above, the internal Jewish debate on state-religion issues and the Jewish-Arab tension, Israel has to deal with occasional eruptions of tension.

One example of such an eruption related to the Jewish-Arab arena is the famous and controversial High Court decision in the Kaadan case, in which the court ruled that

an Israeli Arab couple could not be barred from living in a community built solely for Jews.<sup>17</sup> But aside from the occasional eruptions of debate, there are also long-term questions stemming from the “Jewish and democratic” nature of the country, such as the highly sensitive issue of what means are legitimate to retaining a significant Jewish majority.

Similarly, on issues relating to the Jewish nature of the state, Israel has to deal with events that demand a temporary judgment – should Women of the Wall be allowed to pray at the Kotel plaza. It must also deal with the long-term and more central repercussions of Jewish marriage. Currently, Israel only offers a religious path to marriage. For Israeli Jews, it is an exclusively Orthodox path controlled by the official rabbinate. Continuing this regime because it makes the state more “Jewish,” or ending it to make Israel more “democratic” both have significant implications for the Jewish and democratic future of the state. There is clearly a tension within Israeli society related to marriage, and its leaders and justices need to decide how urgent it is to defuse this tension, and whether it should happen in the legislature or the courts.

## Specific Questions for Jews Around the World

Since this process is designed to end with specific formulations, the following paragraphs present the two basic questions that JPPI seminar participants were asked to contemplate and answer:

**What is world Jewry’s vision of a “Jewish and democratic” state?** That is, in what way should Israel reconcile the clear expression of its “Jewishness” with its desire to be a state that affords equal rights to all its citizens?

In thinking about the relations between the Jewish majority and Israel’s non-Jewish citizens, please consider the following examples: Which Jewish symbols should the Jewish state maintain, and what symbols should be dropped (if any) to accommodate non-Jewish sensitivities? Should the flag remain as it is even though Israel’s non-Jewish citizens might find it difficult to identify with the Star of David? Should the national anthem, which specifically speaks of a “Jewish soul,” be replaced or supplemented with an additional verse that is not markedly Jewish? Should Israel keep the Jewish calendar as its main frame of reference for national holidays? Should Israel make Hebrew its only official state language, or should it include Arabic as an official language of equal or lesser stature (and if lesser, does it contradict the “democratic” nature of the state)? What means are legitimate – if any – to preserve

Israel's Jewish majority? Can it maintain its Law of Return for Jews only and remain "democratic"? Should it actively encourage immigration of non-Arab citizens? Could it keep imposing obstacles for non-Jewish citizens who want to marry non-Israelis (by not permitting their spouses to become citizens)?

Similarly, we would urge you to consider the nature of "Jewish and democratic" as it presents itself within internal Jewish discourse. Many questions related to the relationship between religion and state have implications for the nature of Israel as "Jewish" and as "democratic." Should the state play a role in maintaining the Jewish Shabbat as a special day of rest? Should it make it unlawful to open a store on Shabbat – to keep both the nature of the day and guard the rights of workers to a day off? How should Israel differentiate between Jew and non-Jew – is this a matter of self-definition, or a matter of birth and conversion? When a matter of birth, should it be only transmissible matrilineally, or also patrilineally? In matters of conversion, who should have the authority to conduct and recognize them? Should Israel demand that the study of Jewish texts be part of the educational curriculum in all Jewish schools – and which texts? Should the state permit all interested institutions to grant kosher certificates, or should it strictly regulate this field? And if it is to keep its regulatory role, what eligibility standards could the state require?

**Should there be an explicit codification of the special relationship between the State of Israel and world Jewry?** In this we refer to both symbolic expression, and to an actual framework that governs practical matters such as designing and implementing a structure to examine impacts of Israeli decision-making on the Jewish world, and which clearly enumerates some of the State of Israel's obligations to world Jewry.

## **Existing Data and Preliminary Findings from JPPI Seminars**

In considering world Jewry's perspectives on Israel as a Jewish and democratic state, a large body of research is available. It is clear from the research and JPPI seminars that – as often happens in Israel – the insertion of "Jewish and democratic" slogans into political debates is common. Thus, the mere invitation to a discussion about Israel's ideal character as "Jewish and democratic" is often interpreted and acted upon as an invitation to air misgivings about Israel's current state of affairs. Groups, mostly on the left, invoke the "Jewish and democratic" cry to either claim that one or another

decision by Israel's government endangers its "Jewish and democratic" character, or to argue that in light of its ongoing policies Israel's claim to being "democratic" is bogus, that "theocratic" is a more accurate description of Israel.<sup>18</sup> We will deal with the question of whether world Jewry currently perceives Israel as Jewish and democratic in the second half of this section.

But first, we have to ask whether Jews around the world want Israel to be "Jewish and democratic," and in what way they expect it to manifest. It is interesting to note that in the vast majority of contentious debates over Israel's policies or the pursuit of its goals, the "Jewish and democratic" formulation is broadly embraced by both sides. There are relatively few instances in which this formulation is challenged as unfit. This is particularly interesting because for many Jews throughout the world, particularly for the largest group of Jews outside Israel, in the U.S., Israel's identity as Jewish and democratic is, as one researcher put it, "potentially challenging."<sup>19</sup> Jews outside Israel face an environment that is markedly different for Judaism than in the Israeli context. As small minorities themselves, they have an understandably special sensitivity to minority rights, and an interest in keeping ethnic-religious identity issues out of politics.

The issue of Israel being "democratic" is not much of a "challenge." We know from many surveys that Jews in general – and North American Jews, the largest Jewish community outside Israel, in particular – tend to hold liberal views (U.S. Jews are "the most strongly liberal" group in America).<sup>20</sup> Democracy for the vast majority of them is a precondition for moral politics. They also live in a place where the legal and societal placement of religion is much different than in Israel. Thus, for many Jews the very essence of "liberal democracy" is highly compatible with their understanding of "Jewish values." That is to say: a betrayal or compromise of democratic values is tantamount to a betrayal of Judaism, and defining a state as "Jewish" without it being a liberal democracy would be an anathema.<sup>21</sup>

Nevertheless, many Jews seem reluctant to impose their own conditions and beliefs on Israel. They are, of course, influenced by the way Judaism – and religion in general – is expressed in their own societies (In the Atlanta seminar, for example, participants "conceived of [Israel's] Shabbat as evolving in the direction of how Sunday evolved in Georgia"). And they do project their own value systems onto Israel's reality. Still, many of them are willing to make an exception for Israel. As one participant in a seminar in Cleveland reminded his friends, "comparing the



American context to Israel doesn't make much sense"<sup>22</sup> That is to say, that they want it to retain its definition as "Jewish," while understanding that it could complicate various aspects of democracy as understood in their own milieu.

This paper is based on a vast body of research and relies on previously published studies, papers, books, and articles. But the more specific we want to be about the question of "Jewish and democratic," the less material we have that exactly matches the need. We have also relied on JPPI's concerted efforts, in a very short period of time, to arrange a significant number of seminars around the Jewish world to get a first-hand impression of how the subject is viewed by Jewish leaders, professionals, rabbis, philanthropists and activists.

The lessons we draw from the seminars are open to all kinds of criticism, and we can't present them without raising certain caveats, and without offering an explanation of the context in which the seminars were held, and what they can and can't tell us with certainty. First and foremost, this paper was written before several of the seminars have concluded. Their findings remain to be reported and analyzed, so everything that is presented for the occasion of this conference is subject to change in the final report.

It is also crucial to understand that seminar participants were assembled by the local communities. They, therefore, have varied in character and size. They all have had one thing in common though: the convening body was of the established community, usually a federation. It is important to acknowledge the fact that seminar findings and conclusions express the opinion of Jews more within the so-called "core" Jewish community, and were less representative of the Jews whose ties to established Jewish life are weaker or non-existent. We know from previous research that the core community is more attached to Israel, exhibits more Jewish identity markers, and tends to be a little less liberal than other Jewish groups.<sup>23</sup>

Seminars, mostly attended by individuals with communal status, also tended not to include many young people. We would expect younger participants to have a relatively liberal outlook, a tendency to be more critical of Israel, and to have a weaker connection to Israel.<sup>24</sup> It is also fair to assume that the groups all suffered from selection bias – that those with little interest in Israel and its character probably tended not to attend the seminars even if invited. So, the overall picture drawn from the seminars definitely skews toward those in the world Jewish community who care about Israel, and have an interest in exercising influence on its character. The seminars

also varied in length, level of discussion, and degree of summation. It should be noted, though, that all participant communities showed a remarkable level of seriousness and dedication to the process. A list of all participating communities and technical details about the project will be included in JPPI's final report on the project.

As mentioned, specific questions about the level of Jewish support for a "Jewish and democratic Israel" are not often asked in surveys of Jews. But in some cases questions were asked that could give credence to the assumption that this formulation of Israel's character is commonly accepted and endorsed by most Jews around the world. This doesn't necessarily mean that they would still choose "Jewish and democratic" had they been presented with alternative formulations. Yet, it is notable that very few seminar participants actively challenged the premise of the discussion to argue that Israel should not be "Jewish and democratic."

It is possible to support the conclusion that the "Jewish" nature of Israel is deemed critical by many Jews from responses to the question asked in American Jewish Committee surveys of American Jewish opinion: "Should the Palestinians be required or not be required to recognize Israel as a Jewish state in a final peace agreement?"<sup>25</sup> A vast majority of respondents, in this case 96%, believe that recognition of Israel "as a Jewish state" should be required in current peace negotiations with the Palestinians. This is especially salient when considered vis-à-vis other data showing that U.S. Jews have relatively little trust in the effort made by the Israeli government to achieve peace with the Palestinians.<sup>26</sup>

This commonly stated interest of world Jewry in keeping Israel a "Jewish state" might not be a huge surprise, as "it is only as a Jewish state that Israel holds special meaning" to Jews outside of Israel.<sup>27</sup> By all available accounts, Israel does hold special meaning to most Jews, so the interest they have in keeping it "Jewish" can't be overstated.<sup>28</sup> So even with the many recent discussions of whether attachment to Israel is weakening among Jews, it is still the case for most Jews in the world that Israel as an important component of Jewish life.

As mentioned, from JPPI seminars and other studies, it is clear that both avid supporters of Israel's current policies and Israel's Jewish critics tend to express agreement that Israel should be a "Jewish and democratic state." Questions specifically tailored<sup>29</sup> to address the formulation of "Jewish and democratic" were asked in focus groups of Jews in the Boston Massachusetts area.<sup>30</sup> In these groups, the majority of participants also seemed to accept the formulation, although there were interpretive

differences of its precise meaning. Thus, some Jewish commentators concluded that the "Jewish and democratic" formulation seems like a possible "litmus test" separating those who wish to be "legitimate" participants in the larger Jewish conversation about Israel from those (at the far religious right or far liberal left) who don't much care if they are stationed "beyond the pale" of a community conversation. "If you fail to affirm your commitment to Israel as a Jewish and democratic state, you are also outside the camp," argued (former) President of the Union for Reform Judaism, Rabbi Eric Yoffie.<sup>31</sup> Some Jews, surely, choose to locate themselves "outside the camp." But their numbers at JPPI seminar were de minimis.

And not just in JPPI seminars. Only a small minority of Jews – mostly of the radical left – claim that the Jewish nature of Israel should be eliminated to make the state strictly neutral (and, arguably, more democratic). And only a minority seems willing to assign "Jewishness" significant priority over "democracy" in terms of how Israel conducts itself. Within the majority of the Jewish center, even the harshest critics of Israel refer positively to the "Jewish and democratic" formulation.<sup>32</sup> In focus groups, left-leaning Jews resonate with "the need to preserve Israel's Jewish and democratic character" when arguing that Israel should end "its rule over millions of Palestinians." Statements of political leaders of the left, such as that of J Street founder and critic of Israel's policies, Jeremy Ben Ami,<sup>33</sup> are similar in nature: "Israel desperately needs a two-state solution if it is to remain both Jewish and democratic."

In some JPPI seminars a question was asked about measures for keeping a Jewish majority in Israel participants would consider legitimate. Many of them, especially participants with markedly liberal political views, sensing a highly volatile topic, tried to dodge the question. They tended to view this topic as unlikely to realistically arise, and expressed great unease about using any governmental measure, with the possible exception of *aliya*, that might serve the cause of keeping a Jewish majority in Israel. It was clear that some participants were trying to circumvent a question that might expose inconsistencies in their beliefs (as they strongly believe in democratic values and also strongly want Israel to remain Jewish), in many cases, by making various exceptions for Israel. Thus, a participant in a JPPI seminar in Toronto stated, "the Law of return did violate democratic norms but was justified because of the historic and ongoing persecution of Jews." The Law of Return was a relatively non-contentious subject in seminars, with a vast majority of participants believing it should remain on Israel's books – and viewing it as a key feature in preserving Israel's "Jewish" character. In London, after a short discussion on the Law of Return, participants proposed

to promptly move to the next topic as this one was not controversial enough to merit a debate. There were exceptions though, such as a participant in a Palo Alto seminar, who denounced the law as "racist" and incompatible with the state being "democratic."

### **Do Jews think that Israel is currently Jewish and democratic?**

As Jews around the world consider the question of whether Israel passes the threshold of being Jewish and democratic, they usually divide the formulation into its two components. They ask if Israel is Jewish enough, and ask if Israel is democratic enough. As they do it, though, they often conflate the terms "Jewish" and "democratic" back to being two parts of one set of values – as we will demonstrate. Of course, on both issues views are not unanimous, but areas of agreement and disagreement can be mapped to identify where Israel fails, in the eyes of some Jews, to reach its Jewish\ democratic standards.

One area in which a clear majority express dissatisfaction with Israel's standards concerns the relationship between state and religion. Interestingly, even though this area is markedly about the "Jewish" nature of Israel, often criticism of Israel related to this topic focuses on the impact of the dynamics of Israel's state-religion relationship on its "democratic" nature. The following example, a statement by Reform Jewish leader Rabbi Rick Jacobs is typical of this line of argument. Jacobs in speaking about the status of the Reform and the Conservative Jewish streams in Israel said. "[Israel is] the only democracy in the world that legally discriminates against the streams of Judaism representing the majority of Jews in the world and the overwhelming number of Jews in the U.S..<sup>34</sup> Clearly, his complaint concerns the way Judaism is handled in Israel – officially dominated by the Orthodox rabbinate – yet his language points to "democracy" and "legal discrimination."

The converse can also be observed when Jews criticize Israel for (what they believe is a) lacking in "democratic" values – its treatment of the Bedouin community, for example – while often couching the criticism in "Jewish" terms. When 500 rabbis sent a letter to the government protesting the plan to resettle groups of Bedouins in the Negev, they wrote, "As rabbis, we are moved to take action on this issue because we believe that Israel must live up to the Jewish and democratic values on which the country was founded."<sup>35</sup> Similarly, when the current mayor of Chicago, Rahm Emanuel, sent a letter to Israel's ambassador to Washington, in 2007, protesting Israel's rejection of Sudanese refugees at the border, he referred to Jewish history and

sensitivity, rather than to general liberal values, as his main source of reference: "I am writing today to express my disappointment that Israel would turn away any person fleeing from persecution. ... [I]f any country should understand the special needs of those affected by the genocide in Darfur, it should be Israel."<sup>36</sup>

So in criticizing Israel, Jews at times choose to raise a "democratic" flag over issues related to Israel's Jewish character, and they also choose to use the language of Jewish values and experience to protest what they perceive as lack of democratic sensitivity. Of course, the mixing of such messages is no coincidence. It stems from the tendency of (mostly liberal) Jews to incorporate liberal-democratic values into their interpretation of the meaning of Judaism. It is also aimed – consciously or not – at having maximal persuasive impact on Israelis. It assumes that the Israeli audience of the above-mentioned complaints is more sensitive to "democratic" arguments when it comes to speaking about the treatment of Jewish streams – as most Israelis have little familiarity and understanding of Judaism other than in its Orthodox form. And it assumes that Israelis are more receptive to "Jewish values" arguments when speaking about the rights of the Arab minority than they are to arguments based on democratic values.

Criticism of Israel has become more acceptable and much more common in Jewish circles in recent years, and the areas of criticism are manifold. Yet, in the context of this study they can be divided into five main themes:

1. Israel's democracy is lacking as a result of its control over disenfranchised Palestinians.<sup>37</sup>
2. Israel's democracy is lacking as a result of inequality between Jews and Arabs within Israel.
3. Israel's democracy is lacking because of the enforcement of Orthodox behavioral norms on civil society, which is mostly secular.
4. Israel's Jewish character is lacking as a result of the dominant role of Orthodox Judaism, and, hence, exhibits a deficiency in Jewish variety.
5. Israel's Jewish character is lacking because most Israelis are ignorant of Jewish tradition\values\history etc.

Of these themes, we found 3 and 4 to be the most acceptable to a majority – even a vast majority – of JPPI seminar participants. That is, they all tended to agree in discussing those themes that deal with Israel's established and formal expressions of

Judaism. These include cross-denominational dissatisfaction with Israel's rabbinate, dissatisfaction with the status of non-Orthodox Jewish streams in Israel. Criticism of Israel's marriage laws was expressed, as was unease with attempts to enforce other religiously based behaviors. JPPI seminar participants in almost all locations were reluctant to see any suggestion of "religious legislation" as an acceptable means of expressing Israel's "Jewishness." And they tended to argue that flaws in the ways Israel expresses its connection to Judaism infringe both on its Jewish character – making it a country not of all Jews – and on its democratic character – making it a country that forces religion on its citizens.

The debate became more heated and the criticism more polarized and less consensual when issues related to Israel's defense, foreign and social policies were raised. Many participants think that the occupation of the West Bank is a sign that Israel is not democratic enough. A lesser number of seminar participants pointed to the treatment of the Arab minority within Israel as damaging to Israel's democracy. Others raised issues such as the treatment of foreign workers and refugees in making make an unfavorable assessment of Israel's "Jewish and democratic" nature. Alas, it was clear that much like in Israel itself, when these issues are raised in most communities the room becomes much less unified, more politically partisan in its preferences, and more divided in its assessment of Israel's policies.

Formulating a positive understanding of the term "Jewish and democratic" proved more difficult for many participants than expressing their misgivings regarding current interpretations of it. Jews are very comfortable with the term, but they still struggle both with its possible meanings in practice, and with questions related to the legitimacy of deviating from it. For Yoffie, its meaning is "having a secure Jewish majority and being democratic in the commonly accepted meaning of that term. Affirming policies that make it impossible for Israel ever to be Jewish and democratic, and that condemn Israel to being either a bi-national or, God forbid, a non-democratic state, means abandoning classical Zionist values." Yet participants in a JPPI seminar in Canada generally agreed that, "if Jewish values erode democratic values, Jewish values should prevail."<sup>38</sup>

When asked to specify their positive vision for Israel as "Jewish and democratic," participants in JPPI seminars tended almost unanimously to want Israel to express its Jewishness by adhering to a "Jewish calendar." Many of them also supported the idea of having Jewish "symbols" represent the state. In the case of symbols though

(such as the flag, anthem, emblems etc.), there was also an emphasis on the need for "sensitivity to the sentiments of the minority," as one participant in a Miami seminar put it.<sup>39</sup>

Of course, general agreement with respect to the Jewish "calendar" still leaves many questions unanswered. While most participants, in many communities, tended to prefer a Jewish calendar – particularly having a rest day on Shabbat, and state holidays on the Jewish holy days, they also tended to prefer leaving "Jewish" observance of those days "up to the individual," as stated in the summary report of the discussion group in Chicago. If people want to work on Shabbat, said participants in Atlanta, "they should be allowed to." In Cleveland, participants tended to agree that public transportation should also be allowed on Shabbat.<sup>40</sup> Some participants expressed reservations about the "complete withdrawal" of Jewish official expression from the public sphere. But all in all, the views tilted toward leaving all matters of "expression of religion" to the individual. Laws that are perceived as forcing "religion" on people were viewed suspiciously by many participants – examples included laws forbidding the sale of *chametz* during Passover, and those regulating the sale of pork.

What seemed most important to participants in almost all seminars regarding the democratic character of Israel was "equality before the law and equal rights for all its citizens." Participants placed strong emphasis on "socio-economic integration" and on "equality of educational and employment opportunities." In many communities "respect for minority sentiments" was mentioned as a crucial expression of both Israel's Jewishness and its democratic values. Discussants suggested on more than one occasion that a minority that has equal rights will be less likely to be offended or feel excluded over symbolic issues, such as the words of the national anthem. In the communities where the issue of sensitivity was raised, participants reminded one another how they want to be treated by the non-Jewish majority in their own countries. Still, there were also strong voices warning against a level of sensitivity that might lead to an erosion of Israel's Jewishness. In Atlanta, participants "felt that it should be clear that the 'club' was Jewish and everyone who wanted to be a member of the club must accept the Jewishness of the club." A similar sentiment was expressed in Miami by a participant who said, "this is a Jewish state" and that all other matters should be of secondary importance."



## Endnotes

- 1 JPPI's Project co-Heads: Shmuel Rosner and Avi Gil; Participants: Dr. Shlomo Fischer and Inbal Hakman.
- 2 See, for example: New 'Jewish identity' bill will cause chaos in Israel, Shlomo Avineri (<http://www.haaretz.com/print-edition/opinion/new-jewish-identity-bill-will-cause-chaos-in-israel-1.396724>).
- 3 See, for example: A Jewish and Undemocratic State, Prof. Yedidia Stern, IDI (<http://en.idi.org.il/analysis/articles/a-jewish-and-undemocratic-state>)
- 4 Yariv Levin, Likud MK. See (Hebrew): <http://pelephoneportal.invokemobile.com/nana/iarticle.aspx?ServiceID=126&ArticleID=987073>.
- 5 Affirming Israel's Jewish Character does not Negate Civil Equality, Joel H. Golovensky, *Haaretz*, April 7, 2013.
- 6 Former Kadima Minister Avi Dichter, initiator of previous drafts of the proposed legislation. See (Hebrew): <http://www.ynet.co.il/articles/0,7340,L-4103660,00.html>.
- 7 Livni says that in the current proposals "each political side attempts to force its worldview on the others". See (Hebrew): <http://www.globes.co.il/news/article.aspx?did=1000873524>
- 8 Livni to oppose Bill Meant to Bolster Israel's Jewish Character, *Israel Hayom*, June 27, 2013.
- 9 Ruth Gavison, A Jewish and Democratic State (Hebrew) in: "Multiculturalism in a Jewish and Democratic State," p. 217.
- 10 Gavison, p. 123.
- 11 See: Israel and the Family of Nations: The Jewish Nation-State and Human Rights, Alexander Yakobson, Amnon Rubinstein, Routledge, 2009.
- 12 See: JPPI Background Paper for: Jewish and Democratic: Perspectives from World Jewry.
- 13 For example of such criticism, see: Diaspora Jews Must Speak Out Against the Israeli Law of Return, Sam Barbour, April 23, 2013 (<http://mondoweiss.net/2013/04/diaspora-against-return.html>).
- 14 See: Declaration of Establishment of the State of Israel. (<http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/declaration%20of%20establishment%20of%20state%20of%20israel.aspx>).
- 15 See: The Curious Case of Jewish Democracy, by Amnon Rubinstein, *Azure*, Summer 2010.
- 16 See, for example: Ruth Gavison, "Thoughts on the Meaning and the Implications of 'Jewish' in the Expression 'Jewish and Democratic,'" in: "On the Jewishness of a Democratic State" (editors: Ravitzki and Stern), p. 127.
- 17 The Kaadan case is one of the most controversial rulings of recent years, and it is the case that convinced many Israelis of the need to bolster Israel's legal "Jewish" character. Example that can help understand the points made by critics of the court ruling, see: Is This Land Still Our Land? The Expropriation of Zionism, *Azure*, Spring 2009 (<http://azure.org.il/include/print.php?id=492>).
- 18 "Israel today", wrote Jewish-French historian Diana Pinto, "has abandoned the old postwar references to espouse a new national identity... ever more Orthodox religious identity, and its ever more ethnic nationalistic outlook," see: Israel Poses a Serious Dilemma for Europe's Jews, Diana Pinto, *Haaretz*, Feb. 2013 (<http://www.haaretz.com/opinion/israel-poses-a-serious-dilemma-for-europe-s-jews.premium-1.503489>).



19 The New Realism: American Jews' Views about Israel, Theodore Sasson, American Jewish Committee (AJC), June 2009.

20 Pew: "Jews are among the most strongly liberal, Democratic groups in U.S. politics. There are more than twice as many self-identified Jewish liberals as conservatives, while among the general public, this balance is nearly reversed".

21 For more about why Jews are liberals see, for example, the symposium in *Tablet Magazine*, 2009 (<http://www.tabletmag.com/jewish-news-and-politics/15445/why-are-jews-liberals>). There were many such symposia following the publication of "Why Jews are Liberals" by conservative Norman Podhoretz. Morris Dickstein said in the above mentioned symposium: "Most Jews have remained liberals because they are, well, Jews. Their social conscience dates back to the laws of Moses and the moral injunctions of the Hebrew prophets. Their word for charity, *tsedakah*, is virtually the same as their word justice, *tsedek*, and their word for a righteous man, *tsadik*. Their fathers and grandfathers grew up poor. Strangely, they remember where they came from, and even more strangely, they empathize with others who are still struggling. Their subliminal memories go back not only to the ghetto and the tenement but to the condition of being despised outsiders, humiliated, persecuted, even killed".

22 Cleveland JPPI seminar, Feb. 19, 2014, quote from notes taken by Shmuel Rosner.

23 The most notable example of these characteristics were made clear by the 2013 Pew study of Jewish Americans, and with the valuable differentiation between Jews by religion and Jews not by religion. More about this: Who are the "Jews by Religion" in the Pew Report?, Shlomo Fischer, JPPI. 'Jews Not by Religion': How to Respond to American Jewry's New Challenge, Shmuel Rosner, JPPI, 2013 ([http://jppi.org.il/uploads/Jews\\_Not\\_by\\_Religion.pdf](http://jppi.org.il/uploads/Jews_Not_by_Religion.pdf)).

24 Pew: "Older Jews are more likely than younger Jews to see caring about Israel as an essential part of what being Jewish means to them. More than half of Jews 65 and older say caring about Israel is essential for their Jewish identity (53%), as do 47% of Jews ages 50-64. By comparison, 38% of Jews in their 30s and 40s and 32% of Jewish adults under age 30 say caring about Israel is central to what being Jewish means to them".

25 The numbers here are from the 2011 survey (<http://www.ajc.org/site/apps/nlnet/content3.aspx?c=7oJlLSPwFfjSG&b=8479755&ct=12476755>).

26 Pew: "About four-in-ten American Jews (38%) think the current Israeli government is making a sincere effort to bring about a peace settlement with the Palestinians, while 48% say this is not the case".

27 The New Realism. Thirty focus groups of Jews from all denominations were moderated in 2005-2006 and summed by Sasson both at his study and in his book: *The New American Zionism*, NYU Press, 2013.

28 In the recent Pew study of American Jews it was found that about 70% of Jews feel strong or some emotional attachment to Israel. Another recent study found that 70% of American Jews strongly or somewhat agree with the statement: "Caring about Israel is a very important part of my being a Jew." 49% of French Jews feel very close to Israel, while 37% more feel fairly close to it (47% in this poll said it would have been better for them had they been born in Israel). In Britain, 72% of Jews define themselves as Zionists, and 82% said that Israel has an important part in their lives as Jews. In Sweden, 61% of Jews see "feeling of solidarity with Israel" as "very important" to having a "sense of Jewishness, and 31.7% more see a "certain importance" to having such solidarity (7.4% see no importance).

29 In the Boston area focus groups, the question was: "Today, Arab citizens of Israel comprise roughly one-fifth of Israel's population within the 1967 borders. Advocates for equal rights for the Arab minority contend that, as a democracy, Israel must become a "state of all of its citizens." Others

respond that Israel is first and foremost a state of the Jewish people, and that too much emphasis on equality will undermine the Jewish character of the state. What do you think? Can Israel be both a democratic state of all of its citizens and at the same time a state of the Jewish people?"

30 See: The New Realism. Thirty focus groups of Jews from all denominations were moderated in 2005-2006 and summed by Sasson both at his study and in his book: *The New American Zionism*, NYU Press, 2013 (from p. 114).

31 See: Thin-Ice: Criticism vs. Loyalty in Israel-Diaspora Relations, Presentation by Rabbi Eric H. Yoffie, President, Union for Reform Judaism, The Israeli Presidential Conference, June 2011.

32 In rare occasions, an alternative is presented to this formulation. Such was the case in a London seminar when a participant proposed to use the term "Zionist-liberal state", by way of keeping the focus on the nationalistic expression of Judaism that is Israel (and not Judaism is general), and on the liberal values rather than the technical "democratic" system. But that suggestion didn't find many supporters in the room, and it wasn't a challenge to the need for Israel to retain Jewishness as part of its self-definition.

33 America's Jewish Vote, Jeremy Ben Ami, *New York Times*, Nov. 2012 ([http://www.nytimes.com/2012/11/13/opinion/americas-jewish-vote.html?\\_r=0](http://www.nytimes.com/2012/11/13/opinion/americas-jewish-vote.html?_r=0)).

34 Jacobs spoke at a meeting with Knesset members. See: Rabbi Stav Lashes Out at Reform Jews, *Ynet*, Nov. 2013 (<http://www.ynetnews.com/articles/0,7340,L-4452898,00.html>).

35 See: U.S. Jews see the Bedouin Issues as a Test for Jewish Values - and Donations, Rabbi Jill Jacobs, *Haaretz*, Sep. 2013 (<http://www.haaretz.com/opinion/.premium-1.545133>).

36 See: Action-Oriented Morality, Shmuel Rosner, *Slate*, August 2007.

37 As we've shown above, the "democratic" arguments are often presented with "Jewish" language and vice versa. In this part of the analysis we place complaints and criticisms of Israel where we think they belong.

38 From the concluding report of a JPPI webinar by the Jewish Federations of Canada.

39 The Miami seminar was relatively short, and via Skype. Participants were also encouraged to submit written views to JPPI.

40 Source: notes taken during the seminar by Shmuel Rosner.