

Zionism's Compatriots

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For many years it has been taken for granted that Zionism, as a nationalist movement, is something of an anomaly. And indeed, when Theodor Herzl declared that the Jews were a nation with the right to a state of its own, there were many who thought he had taken leave of his senses. Herzl himself recognized the audacity of his position, writing in his diary, “In Basel I founded the Jewish state,” but then adding that he dare not say it aloud for fear of being ridiculed. His concern was not unwarranted: When he returned from the first Zionist Congress to his office at the *Neue Freie Presse*, his friends and colleagues mocked him, dubbing him the “future head of state.”¹ Herzl’s vision—that the Jews, dispersed throughout the nations without a culture, language, or land in common, would be accepted as a nation deserving of a state—was revolutionary at the time.

Nevertheless, despite Zionism’s anomalous nature, or perhaps because of it, one of the movement’s central objectives was to make the Jews into a nation like any other. This goal was uppermost in the minds of Zionist leaders and thinkers from a variety of political perspectives, and it resonated in the writings of Herzl, David Ben-Gurion, Ze’ev Jabotinsky, and others. From this perspective, even the appearance of the first Jewish thief in Tel

Aviv was considered an encouraging sign of a new “normalcy.” So we are left with a certain paradox in Zionist thinking: The extraordinary transformation of the Jews into a unified, sovereign nation was in fact intended to achieve “normalcy”—that is, the opposite of the extraordinary.

Today, after more than a hundred years of Zionism, we can declare the effort a success. Unfortunately, however, we have still not freed ourselves of the perception that the State of Israel and the idea on which it was founded are politically, legally, and morally anomalous. This way of thinking, which has taken root both in Israel and abroad, does continuous harm to Israel’s image, turning it into the black sheep of the family of enlightened nations.

This attitude, however, is in fact almost completely without foundation. For in truth, some of the most important aspects of Jewish nationalism, which at first glance appear unique, are in fact shared by many countries around the world. Moreover, Israel’s similarity to other countries is only increasing with time, as the nations of the West, and particularly Europe, are taking a more positive approach to elements of nationalism that not long ago were a source of dissent and suspicion. Thus, for example, it is increasingly accepted that the connections some states maintain with their ethnic or ancestral brethren abroad are legitimate—connections that bear a striking resemblance to Israel’s relations with the Jewish diaspora. Comparisons of this sort are now not only possible, but even necessary and beneficial. They confirm, both in our own eyes and in those of the world, that Israel deserves an uncontested place among the democratic nations, one that justifies neither delusions of grandeur nor gratuitous feelings of inferiority.

Until just a few years ago, many people considered nationalism outdated, a party at which the Zionists had arrived too late. In the new Western world of multi- and supra-national states, immigrant states with a dominant Christian culture and an official language but no dominant nationality, the nation state appeared to be irrelevant. The United States,

for example, is not a nation state. Its citizens are of different nationalities, and enjoy complete constitutional equality. Europe, too, has undergone a process of great historical importance: Countries that once made much of the fact that they were independent nation states have moved towards unification with others, and the borders between them have become increasingly blurred. Thus we saw France, which had no concept of an “unconstitutional” law, and the British Parliament, which had never agreed to put its laws to a constitutional test, suddenly required to defend themselves before the European Court of Human Rights in Strasbourg. Such developments were simply unimaginable at the beginning of the twentieth century.

Two very recent developments, however, have changed matters significantly. First, new national entities have appeared on the Western European scene. The blurring of the border between France and Spain, for example, strengthened immensely the national spirit of the Basques, who boast not only their own language and culture, but also their own region. In a similar fashion do the Catalans and the Corsicans, and now even the Scots, see themselves as separate nations. Of course, this kind of nationalist sentiment, which was born in Europe and long flourished there, has also rekindled old animosities. In Belgium, for instance, an emerging divide between the French- and Flemish-speaking populations threatens to end a long period of relative tranquility. It seems that eliminating the borders between old national entities has not only failed to suppress nationalism, but has actually given it new life.

The second development occurred as a result of the collapse of Communism. The Soviet bloc was replaced by some thirty new states or regimes, which adopted—at least as far as the outside world was concerned—most of the trappings of democracy. These countries, the most prominent of which is the Russian Federation, are nation states in every sense of the term. Moreover, most of them are members of the Council of Europe, and some will soon become members of the European Union. Thus while Europe may have believed that it succeeded in ridding itself of nationalism, it has

nonetheless had to accept a large number of new members that are not only democracies, but also nation states.

One of the clearest signs of the change in attitude towards nationalism is a growing recognition of the existence of national minorities. There was very little real debate on the subject before the Eastern European countries joined the Council of Europe, although Western Europe itself is home to several known national minorities (such as the Basques, Catalans, and Corsicans mentioned above). Yet in the 1990s, the Council of Europe enacted two treaties: The Framework Convention for the Protection of National Minorities, which took effect on February 1, 1998, and granted national minorities collective rights for the first time; and the European Charter for Regional and Minority Languages, which took effect one month later. France, the longtime champion of civic nationalism, rejected the Framework Convention, but was one of just three dissenters.² All the other European countries—including Great Britain, which has a long tradition of denying collective rights—signed both of these agreements, and in so doing gave recognition to the principles on which they were based.

These new sentiments in Europe have also meant an increased willingness to re-evaluate the idea of a diaspora. As Israelis, we have a special stake in this re-evaluation, since the word “diaspora” tends to be associated with the Jewish people. The most authoritative dictionaries offer ample proof of this fact: One prominent dictionary, for example, gives three definitions of “diaspora,” the first of which is “the dispersal of Jews outside Palestine since the sixth century A.D.” In fact, at the end of the nineteenth century, when the Zionist movement was still in its infancy, the term “diaspora” was identified almost exclusively with the Jewish dispersion. Yet there are obviously other diasporas. The Irish are an outstanding example: There are about 70 million people of Irish descent in the world today, the great majority of whom live outside Ireland. Indeed, when Ireland gained its independence in 1937, its prime minister was Eamon de Valera, an

American citizen born in New York. The link between a diaspora and its members' country of origin has therefore long been recognized, and while this issue did not attract much attention in the twentieth century, it has now become a focus of increased interest around the world, particularly with regard to the vital role diasporas have played in the development of modern nationalism.

The British scholar Anthony D. Smith has identified three nations whose nationhood was deeply influenced by a diaspora: The Israelis, the Armenians, and the Greeks.³ It is worth noting that historically, only the Jews had no territorial base for their resurgent nationalism; most Greeks continued to live in Greece, and most Armenians in Armenia. Nevertheless, the responsibility of the Greek and Armenian diasporas for the emergence of their national movements was immeasurably greater than that of the indigenous population. Similarly, it was actually the diasporas of the Baltic peoples—the Lithuanians, Latvians, and Estonians—who continued to maintain “virtual” embassies while their homelands were under Soviet domination. During the entire period, these diasporas exerted enormous political and diplomatic pressure on the Soviet Union, demanding independence for their homelands. Clearly, then, the Jewish example is far from the only case of nationalism developing in the diaspora, and of a nation's struggle being waged outside the borders of its ancestral land.

These special links between a nation state and its kinsmen living abroad are of increasing concern to the European community and its new members. National minorities are generally protected by either international agreements or treaties between states, but recently their status has also been discussed by their countries of origin as an internal legal matter.⁴ Nine European countries—Austria, Bulgaria, Greece, Hungary, Italy, Romania, Russia, Slovakia, and Slovenia—have even passed laws granting official status to the connection between the nation and its ethnic or national brethren living abroad. Section 108 of the Greek constitution, for example, states that Greece will take responsibility for the “care for emigrant Greeks

and for the maintenance of their ties with the fatherland.” Greece is now advancing an initiative to grant dual citizenship to Albanians of Greek extraction, a group of around 300,000 people, and is involved in negotiations with both the Albanian government and other European states on this issue. The situation is slightly more complicated in Russia: Although it is a nation state, its national identity is somewhat ambiguous. For this reason, Russia calls its kinsmen, and, in fact, anyone connected to Russian culture, “compatriots.” While not a complete definition, the term nonetheless carries practical legal implications: A law passed by the Russian Federation in March 1999 states that any compatriot who returns to the Federation immediately becomes a Russian citizen, with all the attendant rights and obligations.⁵ So many states have already adopted policies of this kind that they have earned themselves a place in the scholarly lexicon, where they are referred to as “kin states.”

Last year, a dispute on the issue of kin states that arose in Eastern Europe forced the Council of Europe to formulate an official position on the matter. The source of the trouble was the Magyar Law, passed by the Hungarian Parliament in June 2001, which granted certain rights to Hungarians living abroad. Most of these Hungarians live in adjacent countries, including Slovakia, Romania, Serbia, Slovenia, Croatia, and the Ukraine, as the result of the 1920 Treaty of Trianon, in which Hungary was forced to cede a considerable part of its territory, and with it much of its population. The Magyar Law gave descendants of these nationals the right to a Hungarian identity card, which offers privileges such as the right to work in Hungary on a temporary basis, to enjoy reduced fares on public transport, and to qualify for medical insurance. But Hungary did not stop there. It went so far as to offer to finance the education of Hungarian-born residents of neighboring countries, on condition that they study in schools where Hungarian is the language of instruction. Perhaps not surprisingly, Romania vigorously opposed the Magyar Law on the grounds that it fostered discrimination among Romanian citizens, on Romanian territory. Similarly,

Slovakia accused Hungary of interfering in its internal affairs and threatening its sovereignty.

The dispute was finally taken to the Council of Europe, which passed it on to a committee of jurists known as the Venice Commission. In October 2001, the commission published its findings in the “Report on the Preferential Treatment of National Minorities by Their Kin State,” which stated that relationships between a homeland and its diaspora kinsmen do not contravene international law so long as they do not undermine the territorial sovereignty of the countries involved. Accordingly, the commission outlined several guidelines for policies of kin states towards nationals living outside their borders. For example, states are required to refrain from discriminating among citizens of other states and infringing on basic human rights; to respect existing bilateral agreements; and to restrict their efforts primarily to preserving ties of culture and identity. More importantly, for our purposes, the commission stipulated that nothing in these policies invalidates either citizenship or immigration laws that express a certain preference for kinsmen returning to their homeland—thereby tacitly recognizing the legitimacy of a policy of repatriation.⁶ The commission’s findings were eventually adopted by the Council of Europe, which decided to welcome “assistance given by kin states to their kin-minorities in other states in order to help these kin-minorities to preserve their cultural, linguistic, and ethnic identity.” The resolution adds, however, that the assistance given must also be “accepted by the states of which the members of the kin-minorities are citizens....”⁷

The importance of these developments cannot be over-emphasized. They have far-reaching implications for the future of Europe and for the many national minorities living within its borders. What we are seeing, in fact, is an attempt, or at least a multilateral effort, to re-establish the legitimacy of nationalism within the framework of international jurisprudence.

The change in European attitudes towards national identity is of particular interest to Israel, which defines itself as a “Jewish and democratic” nation state. True, Israeli society is sharply divided on how this phrase, which was enshrined in the form of two Basic Laws in 1992, is to be interpreted; but almost no one questions its centrality to Israel’s self-definition. For this reason, Israel has struggled since its founding to find a legal formula that would strike the correct balance between its Jewish and democratic aspects. Today, however, many of the new European states are grappling with a similar problem, as they, too, try to express their national identity without compromising their democracy. This is a wholly new type of nationalism, not the kind that nurtures fanatical, insular, or patronizing tribalism, but one that recognizes human, civil, and minority rights.

Israel can learn, and even take encouragement, from the European nation states’ experience of giving proper expression to relationships with their diaspora brethren. For Israel, the very fact that such an effort is being made is a welcome development. Zionism’s detractors have often pointed to the problem of “dual loyalty” unique to Jews living outside Israel. American Jews, for example, have been prone to charges of this kind. Now, however, the extension of the term “diaspora” to minorities other than Jews living outside their homeland has resolved the problem of dual loyalty once and for all: The modern, democratic, multicultural state not only acknowledges dual allegiances, but encourages them: You can be African-American, Italian-American, or Irish-American, just as you can be Jewish-American, Jewish-British, Jewish-French, and even Jewish-Zionist.

For Israel, the most significant development in this context is the European Council’s legal recognition of the relationship between states and their kin who live outside their borders. In the past, Israel was portrayed as an “ethnic democracy” or “ethnocracy” because of the responsibility it assumed for the welfare and interests of the Jewish people around the world.⁸ Yet the Venice Commission has now not only accepted the right of

countries to maintain a connection with their diasporas, but has even confirmed the legitimacy of the principle of repatriation.⁹ The determination that a country's majority has the right to defend its demographic dominance by controlling citizenship and immigration provides a certain justification for Israel's Law of Return, and for other laws espousing the same principle, such as the law that grants semi-official status to the World Zionist Organization and the Jewish Agency.

Europe's recognition of homeland-diaspora relations is of enormous importance for Israel precisely because its ability to remain a Jewish and democratic nation state depends on its ability to preserve a Jewish majority within its borders. Ze'ev Jabotinsky understood this when, in 1936, in response to the Peel Commission's question, "What is a Jewish state?" he replied that it is a state in which there is a Jewish majority. A State of Israel that does not maintain a Jewish majority can be either Jewish or democratic, but not both.

Of course, it is difficult to address Israel's status as both democracy and nation state without also discussing the problem of national minorities living within its borders. In this, Israel should follow Europe's example of setting standards for the protection of such minorities. Precisely because Israel is the Jewish nation state, it must recognize its Arab citizens as a national minority with collective, and not merely individual, equality, despite all the difficulties this recognition inevitably brings. For instance, when the state was founded, Israel acknowledged the collective rights of Arabs in the realm of education. Israeli Arabs thus have the right to educate their children in a separate framework, according to their own culture and language. This is undoubtedly an important achievement—in other countries, national minorities like the Kurds and the Macedonians are risking a great deal in their struggle to obtain the same right—but it is not enough. We should be grateful, therefore, that the Israeli legislature and judiciary have recently taken significant steps towards correcting the current situation. The Knesset passed three laws in the year 2000 recognizing Israeli Arabs as a group with collective rights: The first, an amendment to the State

Education Law, defines the Arab population as a group, deserving to be treated as such, for the first time. The second is the Amendment to the Government Companies Law, which states that “in the composition of the Board of Directors of a government company, appropriate expression will be given to representation for the Arab population.” The third, an amendment to the Civil Service Law, institutes the principle of affirmative action for Arabs in government jobs.

The Supreme Court has also handed down several decisions that make significant progress towards recognition of Israeli Arabs’ collective rights. The court determined, for example, that there should be equality in budgetary allocations for Jewish and Arab municipalities;¹⁰ that the Arab population should have appropriate representation on the board of the Israel Lands Authority;¹¹ and that in towns with a mixed population, public signs should include Arabic.¹²

These legal and jurisprudential developments bring Israel closer to the standards set by Europe in the Framework Convention for the Protection of National Minorities. There still remains one point, however, on which we have failed to keep pace: The convention recognizes both the collective rights of minorities, and the individual rights of minority members. Therefore, a national group has the right to be educated in its own language and to work to preserve its culture, but individual members of that group may choose not to belong to it. This is not yet the case in Israel, which still does not recognize the right of an individual Arab to study, if he so wishes, in the Jewish school system, or to serve in the army. These barriers create an unnecessary divide between the majority and minority populations. They also make it extremely difficult for individuals to live according to their individual preferences, as is the case in every fully democratic country.

There is certainly room for improvement in Israel where liberalism and democracy are concerned. Yet as a modern nation state, Israel is not all that exceptional when compared with other countries, especially those in Europe. In fact, one might even say that Israel is in good company. What has happened in Europe since the collapse of Communism has led to a positive

reappraisal of nationalism, and has granted greater political and legal legitimacy to policies that express the special relationship between a country and its diaspora. It is still too early to tell just how much Israel will benefit from this reappraisal, but it will certainly give new strength to the country's ongoing efforts on behalf of the Jewish people throughout the world.

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Notes

1. Cited in Ernst Pawel, *The Labyrinth of Exile: A Life of Theodor Herzl* (New York: Farrar, Strauss and Giroux, 1989), p. 343.

2. Apart from France, only Turkey and Andorra refused to sign the treaty, and Belgium signed with reservations.

3. Anthony D. Smith, *Myths and Memories of the Nation* (New York: Oxford, 1999), pp. 212-215.

4. There are several examples of this: The 1969 agreement between Italy and Austria that guaranteed the rights of the German-speaking minority in south Tyrol; the compromise reached between Germany and Denmark in the 1955 Bonn-Copenhagen Declarations that guaranteed the language and cultural rights of Danes in northern Germany and of Germans in the south of Denmark; and the 1995 agreement between Hungary and Slovakia that guaranteed the rights of the Hungarian minority in Slovakia and of the Slovakian minority in Hungary.

5. In the countries we have already mentioned, the laws concerning kinsmen who are not citizens are generally somewhat vague in defining national identity. Bulgaria is the exception; a Bulgarian law passed in 2001 stipulates three conditions that must be fulfilled by anyone wishing to receive the special rights accorded

to a Bulgarian who is not a citizen of the country: First, at least one of his parents must be Bulgarian; second, he himself may not be a resident of Bulgaria; and third, he must consider himself Bulgarian.

6. European Commission for Democracy Through Law (Venice Commission), *Report on the Preferential Treatment of National Minorities by Their Kin State*, Strasbourg, October 16, 2001.

7. Council of Europe Parliamentary Assembly, Resolution 1335 (2003): Preferential Treatment of National Minorities by Their Kin State: The Case of the Hungarian Law on Hungarians Living in Neighboring Countries (“Magyars”), of June 19, 2001.

8. The name “ethnic democracy” was given to Israel by the sociologist Sammy Smooha in articles he published in the 1990s. See, for example, his article, “The State of Israel’s Government: Civil Democracy, Non-Democracy, or Ethnic Democracy?” *Israeli Sociology* 2:2 (2000), pp. 565-630. [Hebrew]

9. Several countries have nevertheless adopted this principle, and based their immigration and citizenship policies on it. Germany, for example, accepted millions of German refugees who found themselves on the other side of the Iron Curtain after World War II. In 1996, Finland passed a law allowing it to repatriate the descendants of Karelian Finns who came under Soviet rule during the reign of Stalin. Furthermore, Article 52 of the Polish constitution states that anyone the law determines to be of Polish extraction is entitled to settle permanently in Poland, and Clause 16 of the Irish Law of Citizenship empowers the minister of the interior to exempt anyone of Irish descent from fulfilling the normal conditions for citizenship.

10. *Committee of Heads of Arab Local Councils in Israel v. Minister of Construction and Housing* (HCJ 727/00), in *Decisions of the Israel Supreme Court*, vol. 56, section 2, pp. 79-96. [Hebrew]

11. *Association for Civil Rights in Israel v. Government of Israel* (HCJ 6924/98), in *Decisions*, vol. 55, section 5, pp. 15-42. [Hebrew]

12. *Adala v. City of Tel Aviv-Jaffa* (HCJ 4112/99), in *Decisions*, vol. 56, section 5, pp. 393-480. [Hebrew]