



קבוצת ראות
Reut Group

Cheshvan 578, October 2020

ISRAEL AS THE NATION STATE OF THE JEWISH PEOPLE

A MECHANISM FOR DIRECT CONSULTATION BETWEEN ISRAEL AND WORLD JEWRY



This document aims to establish the need for a direct consultation mechanism between the State of Israel and world Jewry, on matters which directly relate to Jews living outside of Israel and which impact the relationship between world Jewry and Israel. The need to adopt this mechanism has become even more apparent in 2020, a year of significant global shifts that could accelerate the distancing between Israel and world Jewry. The health and economic crisis caused by COVID-19 accompanied by a charged US election campaign and an acute political crisis in Israel, are exacerbating existing tensions between Israel and world Jewry, pushing each community to focus on its internal needs.

On the other hand, **precisely at this moment, 'our power is in our unity', and a strong partnership between Israel and world Jewry can be a source of mutual strength.** The crisis impacts all of us though not with the same force nor at the same time. Consistent dialogue and solidarity between the communities will help us weather this current crisis in the best possible way, as well as future challenges and opportunities.

This document presents the challenge: that **there is a blind spot in the decision-making processes in Israel which fuels the erosion of Israel's status as a home for the entire Jewish people.** Thereafter, **we propose adopting a direct consultation mechanism between the Knesset and the Israeli government and representatives of the Jewish people,** as a response to support the handling of such a challenge. Finally, we shall examine the justifications for adopting a direct consultation mechanism and propose a policy proposal for the agenda.

Table of Contents

Table of Contents	2
Introduction	3
The Need - Realization of Israel's national purpose	3
The Response - Consultation mechanism between Israel and world Jewry	6
A consultation mechanism from an historical, legal and comparative perspective	7
Historical Perspective	7
Legal Perspective	9
Comparative perspective	9
Proposal for a direct consultation mechanism between world Jewry and Israeli institutions	11
Accompanying set of considerations	13

Introduction

1. **Israel was established with the aim of ensuring the self-determination of the Jewish people as the nation state for every Jew wherever he or she may be.** According to the prevailing view, Israel fulfills this role mainly by encouraging immigration and exercising Jewish sovereignty in the Land of Israel, including through the cultivation of a thriving Jewish culture.
2. **Indeed, in previous decades Israel's status among world Jewry was generally taken for granted, and the state was perceived as the central project of the entire Jewish people** and as a significant asset and safe haven for every Jew. **At present, the vast majority of world Jewry live outside of Israel by choice, mostly in security, in thriving and culturally rich communities. This development creates a new challenge for Zionism** and requires that we redefine the relationship between Israel and the Jewish people.¹

The Need - Realization of Israel's national purpose

3. **In recent years, the gap between Israel and large sections of the Jewish people has widened. This requires Israeli leadership to bring fresh and relevant content into Israel's role as home to the Jewish people.** The gap between Israel and world Jewry impairs Israel's ability to fulfill its original purpose, damages Israel's national security, weakens the collective cohesion of Jewish communities around the world and endangers the continued existence of the Jewish people as one nation. The realization of Israel's purpose is a challenge facing civil leadership (in the form of voluntary organic associations) and the national leadership, which must

¹ [The future of the Jewish people's nation state: Between consolidation and rupture](#), March, 2017.

pursue a policy which ensures that the State of Israel continues to be a significant asset to the Jewish people.

4. **The purpose of the State of Israel, as stated in the Declaration of Independence and in the Basic Law: Israel as the Nation-State of the Jewish People, is to be the Jewish people's nation state.** In previous decades, the placement of world Jewry within Israeli institutions was **regulated by a number of representation and coordination mechanisms**, chief among them the Jewish Agency's status as an intermediary body, which was reflected in the Agency Chairman's ready access to the Prime Minister.²
5. **Today, however, national decision-making processes in Israel do not take into account the expected impact on Jewish communities outside of Israel. Therefore, Israeli decisions sometimes hurt world Jewry and are perceived as defiant.** Policy issues related to the Jewish people are perceived in Israel as internal issues, relevant only to the citizens of the State of Israel, but in practice Israeli policy on these issues has a profound effect on world Jewry and their ability to develop meaningful, lasting contact with Israel and Israelis. Among these issues are the management of the holy places for the Jewish people; Return; Conversion; Status of rabbis abroad; and dealing with anti-Semitism.
6. **Against this background, ironically, we observe events in which Israel harms Jewish life outside of its borders, restricts the ability of Jewish leadership to perform its role, and makes it difficult for Jews to identify with Israel as a meaningful national home.**³ Recent events include the

² This document does not concern various representing mechanisms which take part in the management of relations between Israel and the Jewish people, but deals solely with the function of direct consultation of the Israeli governing institutions.

³ See for example [the words of Rabbi Adam Scheier](#), leader of the 'Shaar Hashamaim' Synagogue in Montreal, in the Knesset's Committee on Aliyah, Absorption and Diaspora (with an emphasis on minute 3:00).

cancellation of the Western Wall compromise (2017), the publication of a 'blacklist' of rabbis (2017), delaying Jewish-American-liberal leadership at Ben Gurion Airport for security reasons (2018), the public outrage around the status of minorities in the enactment of the Nation-State Law (2018) and even the tensions that arose between Israel and the US communities following the Pittsburgh attack (2018).⁴ In such events, the decisions, attitudes or statements of elements in the Israeli government only widened the **emotional and mental gap between Israel and broad sections of the Jewish people. In doing so, Israel moved further away from its founding ethos: the realization of the Zionist mission to ensure the continued existence and prosperity of the entire Jewish people.**⁵

7. The damage to Jewish communities in most of the events mentioned above, and in other events, is not intentional, but stems from a perceptual gap. Among the Israeli leadership, there is a widespread working assumption that Israel is intended to serve only the citizens of the state, while ignoring Israel's founding ethos as a home to the entire Jewish people. **As long as Israel has no systematic and ongoing mechanism that will inform decision-makers of the potential consequences of their decisions in relation to world Jewry such disputes will continue to characterize the relationship between Israel and the Jewish world. Direct consultation is a necessary step on the path towards correcting current dynamics.**

⁴ The tensions stemmed from the non-recognition of the 'Tree of Life' synagogue, where the attack took place, as a 'synagogue' by Israeli authorities because it was not Orthodox. For example, in the words of the [Chief Rabbi of Israel David Lau](#).

⁵ Beyond that, the renunciation of world Jewry from the State of Israel as a body that realizes their collective right to national self-determination, will harm Israel's national resilience, Israel's international legitimacy and critical components of soft power. [Lead-up to the surprise of Yom Kippur](#), August 2019.

The Response - Consultation mechanism between Israel and world Jewry

8. **Direct consultation between Israeli decision-makers and relevant representatives from Jewish communities around the world, regarding issues that have a direct impact on Jewish life outside of Israel and the connection between Israel and the Jewish people, will help bridge the gap between Israel and world Jewry.** Such consultation mechanism:

- Will equip Israeli decision-makers with relevant information regarding the effects of policy decisions on world Jewry, will prevent or enable smarter management around tension points, and **lead to smarter and more effective policies on relevant issues.**⁶
- **Will be a declaration by the State of Israel regarding its commitment to the alliance between itself and the Jewish people.** Thus, the consultation mechanism will contribute to a sense of belonging of more Jews to the State of Israel and the Jewish people.
- **Will strengthen Jewish community organizations and moderate the oppositional activism of many Jews** in their countries of origin towards Israel. This activism is fueled by a widespread feeling amongst the younger generation that there is no place for their voice in the Israeli public arena or in Jewish communal organizations. In this sense, the consultation mechanism will strengthen reciprocity, "release pressures" and allow for a direct and healthier dialogue between the two communities.⁷

⁶ These include, for example, the Prime Minister's Office, the Ministry of Foreign Affairs, the Ministry of Immigration and Absorption, the Ministry of Diaspora, the Knesset of Israel on its various committees, the President's House and more.

⁷ Citizenship models argue that those who do not have a "voice" within a political system may completely forsake their desire to take part in the political system, or alternatively express their "voice" through socio-political struggle activism. See for example: Exit, Voice, and Loyalty (1970) by Albert O. Hirschman

A consultation mechanism from an historical, legal and comparative perspective

Historical Perspective

9. **The State of Israel was established by the entire Jewish people. Jewish communities all over the world were full partners in its establishment and in maintaining its survival and prosperity.** The value in this partnership between Israel and the Jewish people has been demonstrated in recent decades through the strengthening of Israel's national resilience, leveraging foreign relations and achievements on the international front, initiation of the civic and philanthropic fields and the offering of a unique and lasting contribution to Israel's economy, culture and various communities.

10. **Naturally, direct consultations between the institutional leadership in Israel and leadership from world Jewry have taken place on various occasions from the time of the establishment of the State of Israel to present day.** These consultations took place at key decision points. These include:
 - The 1950 agreement between Ben-Gurion and American Jewish Committee President Jacob Blaustein) that dealt with regulating Israel's relationship with American Jewry.⁸

 - Ben-Gurion's consultation in 1958 with approximately 50 'sages of Israel', a range of Jewish leaders, regarding the question of 'Who is a Jew?' for immigration purposes.⁹

⁸ The Ben-Gurion-Blaustein accords were a milestone in the formalization of the status of American Jewry as an equal community that operates independently of the State of Israel. See more [in research by the Institute for National Security Studies](#).

⁹ See more in Prof. Ofer Schiff's article:

Shiff O, Barak-Gorodetsky D. Pan-Jewish Solidarity and the Jewish Significance of Modern Israel: The 1958 "Who Is a Jew?" Affair Revisited. *Contemporary Review of the Middle East*. 2019;6(3-4):266-279.

- The Ne'eman Committee that dealt with the issue of conversion and included representatives from the various streams (The government adopted the committee's recommendations in 1998).¹⁰
- Creation of the 'Western Wall Compromise', mediated by the Jewish Agency, which dealt with prayer arrangements for various religious streams in the Western Wall platform (which was ultimately revoked in June 2017).¹¹
- Various initiatives by presidents (Ezer Weizmann, Moshe Katsav, Reuven Rivlin) and Knesset members (such as Einat Wilf) who sought to create a direct dialogue between representatives of Jewish communities and representatives of Israeli governing institutions.¹²

11. **The consultation mechanism, consistently and continuously established within Israeli institutions, is the natural development of all these combined efforts.** The global 'emergency' created by the COVID-19 pandemic, alongside the growing level of complexity in the relationship between Israel and world Jewry, are turning the consultation mechanism into the order of the day.

¹⁰ The Ne'eman Committee discussed the issue of conversion with representatives of the various streams of Judaism. The committee was able to overcome deep disagreements regarding the nature of the conversion and questions regarding 'Who is a Jew?', thanks to a consensus regarding the need for a uniform conversion system. For more see [here](#).

¹¹ An outline for a compromise which would include the non-Orthodox streams in the prayer platform of the Western Wall, which began to take shape in 2013 through the mediation of the then chairman of the agency, Natan Sharansky. See more [here](#).

¹² In 1994, President Ezer Weizmann initiated a dialogue conference between Israel and the Diaspora with the aim of strengthening the deteriorating relations between the parties and prevent assimilation. President Katsav's 'Second House' initiative in 2004 was an attempt to establish a body of consultations and discussions on core issues concerning the Jewish people, between Israeli and Jewish leadership. In 2017, President Rivlin added Diaspora Jewry to Israel's "Four Tribes" narrative as the "Fifth Tribe". See more [in research by the Institute for National Security Studies](#).

Legal Perspective

12. **Giving world Jewry the right to consultation ostensibly violates the democratic principle according to which only Israeli citizens may influence its policies through its institutions.** However, the proper balance has since been adopted in Israeli legislation to reflect the special status of the Jewish people in the State of Israel. This includes the Law of Return, the Law of Jerusalem and above all the Basic Law: Israel as the Nation-State of the Jewish People, which anchors Israel's role as a national home for the entire Jewish people on a constitutional level.¹³
13. In light of Israel's commitment to the Jewish people reflected in the various laws, **there is a broad legal basis for granting them a 'public voice' within Israeli governing institutions.** This is the same logic that underlies the war on global anti-Semitism waged by the State of Israel - as part of its national role, Israel deals with external threats to the Jewish people, and not just to its citizens.¹⁴

Comparative perspective

14. **A comparative examination shows that many Kin-State countries balance the democratic principle with the need and importance of establishing consultative relations with their Diaspora.** 'Diaspora' has different meanings from country to country, and what is common to all of them is that the Diaspora is a group of people living outside their homeland, with or without citizenship in the Kin-State.¹⁵

¹³ Similar recommendations were submitted by members of the Government Framework for Safeguarding Jewish Continuity in the Diaspora in July 2020

¹⁴ See more in a policy paper "[Participation of Diaspora Jews in the Israeli Government](#)", December 2013.

¹⁵ For more see here:

Vasilev, G. (2019). The Ethics of Kin State Activism: A Cosmopolitan Defense. *Ethics & International Affairs*, 33(4), 395-410.

15. **Communication mechanisms between states and their diasporas range between a symbolic-minimal engagement (such as a declaratory law), and civil rights, which may also include full or limited voting rights.**

These different models are examined in terms of the level of involvement and influence that the Diaspora has in the home country, with each mechanism having different advantages and disadvantages. These include models of a commissioner or representative on behalf of the Diaspora in the national institutions, allocation of MP seats to members of the Diaspora who have full status or that of observers, and the use of informational tools regarding the Diaspora (surveys, polls, and various technological tools for monitoring attitudes)¹⁶ within the Kin-State's national institutions. In the Israeli context, it is interesting to examine the following examples:

- OSA in Switzerland is a semi-governmental organization representing the Swiss Diaspora ("Fifth Switzerland" as in the fifth Swiss canton; Switzerland has four cantons), in a model combining Congress and Council. The organization offers the Swiss Diaspora access and opportunity to influence Swiss government policy through lobbying processes. For example, lobbying by the Swiss Diaspora led to the addition of the Diaspora issue to the Swiss constitution.¹⁷
- The Irish Constitution anchors the importance of the Diaspora issue in Ireland and encourages significant activity in this area. The Minister of Diaspora requested the participation of the Irish Diaspora in shaping Diaspora policy in 2019. The government holds

¹⁶ This is the manner in which the Jewish People Policy Institute (JPPI) operates, acting as a Think-Tank for the benefit and prosperity of the Jewish people and Jewish civilization.

¹⁷ See more on the [website](#) of a Swiss organization engaged in the strengthening of the Swiss Diaspora through initiatives and access to information regarding their rights.

systematic consultations with the Diaspora, mainly around questions concerning Irish policy towards the Diaspora, through the Ministry of Foreign Affairs.¹⁸

- In France, the Assembly of French Citizens Abroad represents the interests of the French Diaspora and advises the government on foreign policy. The organization elects via a vote three 'silent' representatives to Congress, who have the right to speak in the French parliament with no voting right.¹⁹

Any mechanism examined for Israel and Diaspora Jewry will be effective if it is able to encapsulate the unique relationship between the two, the existing sensitivities and the challenges of the present age.

Proposal for a direct consultation mechanism between world Jewry and Israeli institutions

16. **In light of the recent political upheavals in Israel, the most appropriate and applicable model today is a direct consultation between the Knesset committees and the Government of Israel, and representative groups of the Jewish people in the Diaspora.** These include:

- **Anchoring the change** – the obligation to consult directly prior to any private, governmental legislation, government decisions and ministry regulations, which will be anchored in the Knesset and the government's rules of procedures. In order to maintain effectiveness in relation to challenges in the relationship, the consultation must take place within the Knesset and the government and not through a third party or an organization external to the government.

¹⁸ See the program and its execution in a government report dated 2015 [here](#).

¹⁹ See more about the French model that allows voting and holds ongoing consultations with government institutions [here](#).

- **The creation of the groups that represent the Jewish people for the purpose of consultation** – these groups can be permanent or alternate and they must represent Israeli decision-makers with Jewish diversity, according to age, geography, community and religious affiliation, etc. It is important to note that although the Jewish people have a variety of representative organizations, each with a different uniqueness, which should be part of the mechanism,²⁰ a significant portion of the Jews in the world are not currently represented in the organizations.

- **Creating a list of issues** – creating a list of issues will be done in cooperation with world Jewry and will constitute a first case of direct consultation. One may begin by consulting in specific and narrow areas, and examine the expansion of the list further down the road, according to need and national maturity. This list may be a preliminary draft for discussion:
 - **The status of the holy places and the arrangements in force therein**
 - **Conversion and receipt of religious services in Israel**
 - **Status of rabbis**
 - **Jewish education in Israel and the Diaspora, including joint curricula in schools**
 - **'Bridge Programs' that enjoy government funding**
 - **Community security**

²⁰ This list includes representative bodies of Jewish communities abroad (Such as the Jewish Federations of North America, the World Jewish Congress, the American Jewish Committee, and the umbrella organizations of Jewish communities in Europe, Australia, of the Israeli Diaspora, and others); and the four national institutions (The Jewish Agency, Keren Hayesod, Keren Kayemet and the World Zionist Organization).

Accompanying set of considerations

Adopting direct consultation in Israel is a complex social and political process. The Israeli leadership that will choose to promote it, will have to take into account a number of challenges:

17. **Israel is in a political crisis** – this document was written at a time when Israel is being repeatedly drawn into an election campaign and is failing to produce a stable coalition. Moreover, even regardless of the current crisis, this will be a significant shift, and the consultation mechanism needs to accommodate this reality.
18. **There is a fear that consultation with world Jewry will be perceived in Israel as 'foreign intervention', which impairs the balance between a Jewish state and a democratic state** – the adoption of the consultation mechanism must not come at the expense of Israel's democratic image and the status of the minorities therein, therefore consultation should be limited to issues that directly affect world Jewry.
19. **The issue of 'double loyalty'** – 'Double loyalty' is a common accusation against Jewish communities. The consultation mechanism does not contradict or challenge every Jew's loyalty to its citizenship state throughout the world, as it is a forum for voicing the positions of world Jewry on a limited number of issues related to Jewish identity and the connection to Israel.
20. **'Who is a Jew' for the purpose of consultation obligation** – In Israel there are several definitions for the question of 'Who is a Jew?' (for the purpose of immigration, for the purpose of receiving religious services, etc.). There are other definitions used by various Jewish organizations, educators and researchers. Israel must adopt a clear definition, one or another, for the purpose of consultation.

"When the railroad era arrived in Europe, there were 'men of profession' who claimed with regards to some of the railways that were due for construction, that it was a folly 'since in these areas there are not enough passengers even for the mail-coach.' At the time they did not know the truth, which everyone knows today, that **it is not the passengers who maketh the track, but the opposite, the track maketh the passengers.**

(Benjamin Zeev Herzl, The State of the Jews: The General Part)²¹

²¹ Originally published in German, Hebrew translation by Asher Brash.