

The Nation-State Law: The End of an Era

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[ProQuest document link](#)

ABSTRACT (ENGLISH)

Does the passage of the Nation-State Law demonstrate the continuing power that the nation-state exerts over the Jewish political imagination? Or, on the contrary, does the law portend the end of the period in which the nation-state reigned supreme as the obvious--indeed, the only--solution to the Jewish Question? In what follows, I treat the Nation-State Law as a turning point in the history of Jewish nationalism--an event that reflects fundamental transformations that have reshaped Jewish political debate in recent years. Through the 1940s, supporters of the nation-state had to contend with activists who advocated for alternative regimes--such as local autonomy, federalism and confederalism, and bi-nationalism. To understand how and why the nation-state eventually won out, one must consult the research of historians such as Dmitry Shumsky, whose book *Beyond the Nation-State* (Yale) has just been published.

FULL TEXT

Does the passage of the Nation-State Law demonstrate the continuing power that the nation-state exerts over the Jewish political imagination? Or, on the contrary, does the law portend the end of the period in which the nation-state reigned supreme as the obvious - indeed, the only - solution to the Jewish Question? In what follows, I treat the Nation-State Law as a turning point in the history of Jewish nationalism - an event that reflects fundamental transformations that have reshaped Jewish political debate in recent years. The "Nation-State Law" is so called because it defines the State of Israel as "the nation-state of the Jewish people, in which it realizes its natural, cultural, religious and historical right to self-determination." At first glance, the law appears to reflect a widespread consensus that the nationstate is an ideal political model, the best way to ensure the Jews' right to self-determination. One could easily conclude that the law merely confirms the nation-state's triumph over competing visions for Jewish politics. Yet the law's name is highly misleading. In retrospect, I wager, the law's passage may come to symbolize the end of the nation-state period within the history of Jewish nationalism.

Zionism - Just One Form of Jewish Nationalism

I use the term "Jewish nationalism" to remind readers that, at the moment of its inception, Zionism was merely one brand of Jewish nationalism. In the first half of the twentieth century, there were multiple competing strands within Jewish nationalism - autonomism, myriad forms of Diaspora nationalism and Zionism in all of its variants. Their sharp differences notwithstanding, these movements agreed that the Jews were a nation and, on that basis, they demanded rights to self-determination. This characterization requires two immediate qualifications. First: Throughout the history of Jewish nationalism, the aspiration to political independence met with competing and sometimes contradictory ideals - such as the sanctity of the land of Israel, the promotion of agricultural labor, or the revival of Hebrew and/or Yiddish culture. Second: Prior to World War II, nationalist thinkers repeatedly clashed over the "question of regime," by which I mean the debate surrounding which political model best resolves the political predicaments of modern Jews. Through the 1940s, supporters of the nation-state had to contend with activists who advocated for alternative regimes - such as local autonomy, federalism and confederalism, and binationalism. To understand how and why the nation-state eventually won out, one must consult the research of historians such as Dmitry Shumsky, whose book *Beyond the Nation-State* (Yale) has just been published.

A Transitional Moment, a Fundamental Realignment in the Political Debate

I am concerned with a somewhat different question, which centers on the terms of Jewish political debate and the shaping of the Jewish political imagination. How did the establishment of a sovereign Jewish state reshape the contours of the Jewish political imagination? Which political visions dropped out of the Jewish political lexicon after WWII? I pose these questions about the past to get at similar transformations taking place in the present. For we are currently in the midst of a transitional moment - a moment in which the ideological configurations that have prevailed since WWII are collapsing. On my reading, the Nation-State Law is a symptom of fundamental realignments in the tenor of Israeli (and Jewish) political debate. When viewed in this context, the Nation-State Law actually reflects a broadening of the Jewish political imagination beyond the confines of the nation-state (the law's name notwithstanding).

To unpack this admittedly counterintuitive claim, we need to embark upon a brief historical excursus. Our point of departure is the period immediately following WWII. How did the destruction of European Jewry and the establishment of a Jewish state reshape the terms of Jewish political debate? After WWII, state-centered models of politics (i.e., liberalism and statist Zionism) seemed like the default political options, given modern Jewish history. Scholars and activists proclaimed the obsolescence of alternative political visions such as autonomism. Indeed, it became commonplace to assert that movements such as autonomism or bi-nationalism had been decisively "refuted by history." The nation-state reigned unchallenged as the obvious - indeed, the ideal - solution to the Jewish Question. In short, it appeared that the nation-state had scored a conclusive victory over competing visions for Jewish politics. The boundaries of Jewish political discourse narrowed as terms like autonomy, federalism and bi-nationalism were erased from the political lexicon. In the postwar era, liberal individualism, on one hand, and the nation-state, on the other, marked the limits of the politically conceivable.

Oslo Was Guided by the Logic of the Nation-State

This approach to Jewish politics found consummate expression in the Oslo Accords. The Oslo period represents the second stop on our historical excursus. Oslo's architects were guided by the logic of the nation-state.

Convinced that the sovereign state is the optimal vehicle for self-determination, supporters of the peace process were determined to establish two independent states for two discrete nations. Admittedly, the logic of the nation-state is a logic of partition. Yet it is important to recall the democratic impulse behind the recourse to partition. Proponents of the nation-state sought to create the closest possible correspondence between the state and the nation (or demos) in order to enable democratic self-rule. To enfranchise minorities, partisans of the nation-state would carve up the world anew so as to create a state for every nation. To translate this program into the context of the Israeli-Palestinian conflict: Since the occupation violates both Palestinian rights to self-determination and Israel's stated commitment to being "Jewish and democratic," we must end the occupation. And the obvious way to do so is by establishing a sovereign Palestinian state. Space constraints prevent me from addressing the many convincing critiques of the nation-state as a political model - critiques which highlight the ethical and practical drawbacks of partition. On a charitable reading, however, one can say that, at least on paper, the Oslo Accords recognized Palestinian rights to self-determination and honored the basic principles of democracy.

Today, it is generally agreed that the Oslo process is dead. Our historical survey concludes with the collapse of the peace process and the new ideological configurations that have arisen in its wake. It is certainly a historical irony that the demise of the two-state solution - which promised "two states for two peoples" - has coincided with the passage of a law declaring Israel the nation-state of the Jewish people. The irony is only heightened when one realizes that many of the law's proponents are sworn opponents of the two-state solution. I see the law itself as a crystallization of the dominant political trends of recent years - specifically, the retreat from liberal democracy and, by implication, from the nation-state. Of course, there are innumerable reasons for Oslo's collapse - and it is beyond my purview to enumerate them here. But I assume that it is relatively uncontroversial to state that the imperatives of territorial settlement were a contributing factor in scuttling the peace process. For many opponents of the two-state solution, the sanctity of the land of Israel is paramount and trumps democratic self-rule. Strictly defined, self-rule means giving the law to oneself - and, as a result, it is fundamentally opposed to rule over others. Again, the two-state solution aimed to create the closest possible correspondence between the borders of the

state and the borders of the nation in order to facilitate self-determination on both sides of the Green Line. Today, however, we are witnessing the opposite dynamic: the gradual uncoupling of the state from the nation. On the right, activists and politicians exhibit a growing willingness to take radical (and blatantly undemocratic) steps in order to preserve Jewish hegemony in the land of Israel. Here, I am thinking of the move to deny rights of self-determination to non-Jews (in the Nation-State Law), as well as calls to extend Israeli "sovereignty" over parts of the West Bank. Members of the so-called "sovereignty" movement are prepared to incorporate large populations excluded from the "nation" - on the condition that Palestinians remain disenfranchised or, at best, second-class citizens. Determined to expand the state's borders, the right would sever the connection - both practical and theoretical - between nation and state.

Before I conclude, a word of caution is in order. According to opinion polls, the Nation-State Law is widely popular with Israeli Jews. Therefore, I would hesitate before concluding that the law's ultimate aim is to provide a legal framework for annexation, since a not insignificant percentage of the law's supporters oppose annexation (or, at least, do not actively promote annexation). Indeed, a more sober assessment would suggest that the law's real target is the Supreme Court, whose power the right actively seeks to curtail.

I would nevertheless insist that the Nation-State Law, the sovereignty movement, and attacks on judicial independence are all products of the same political climate. In Israel today, the number of citizens who declaim the slogan "two states for two peoples" is dwindling. The dominant political aspiration is not democratic self-determination (whether Jewish, Palestinian or civic Israeli), but settlement and/or "sovereignty" (in its current acceptance). Thus, it is scarcely surprising that many of the most vocal proponents of the Nation-State Law endorse "one-state" solutions of various kinds. Again, there is a fundamental difference between a nationstate and the "one-state" solutions proposed by both the right and the left. The "one state" of the one-state solution is not a nation-state on the classical definition; it is either a civil state (a state of all its citizens) or an apartheid state.

The End of an Era - a Potential for Political Renewal?

For all of these reasons, the name "Nation-State Law" is misleading and risks diverting attention from the trends that are actively reshaping the terms of Israeli political debate (and Jewish political debate more generally). Although the law's architects frame their justifications using the rhetoric of the nation-state, they are not faithful to the original political vision of the nation-state. Thus, what looks like the moment of the nation-state's triumph may in fact augur the nation-state's imminent demise. In retrospect, the law may signal the end of an era - the end of the nation-state phase within Jewish history. At the very least, the law and the broader political climate of which it is a product signal the weakening of the nation-state's grip on the Jewish political imagination.

This transitional moment is undoubtedly fraught with peril. Admittedly, the prospect that Israelis and Palestinians will arrive at a democratic political settlement recedes with every passing day. Hence the need to contest the bait and switch that cloaks the gradual progression toward an apartheid state in the more palatable idioms of the nation-state. But I will try to conclude on a slightly more optimistic note. I have proposed that we examine the law as one chapter in the unfolding of a longer story, the story of the contest surrounding the "question of regime" within the annals of Jewish nationalism. Viewed from this perspective, the current situation harbors the potential for political renewal. After a long period of contraction, the terms of Jewish political debate have expanded. The nation-state no longer reigns unchallenged, and once forgotten terms (e.g., autonomy, federalism, bi-nationalism) have returned to the Jewish political lexicon. In other words, the "question of regime" - once thought closed - has now been reopened. In many respects, this expansion of political horizons bodes ill - for blatantly undemocratic regimes are no longer taboo.

Yet the expansion of Jewish political thought beyond the nationstate frame also harbors democratic potential, if we can mobilize the new political possibilities that it opens up. Today, we may be more willing to entertain alternatives to the nation-state - to investigate political models that could do a better job of reconciling the aspiration to national self-determination with the values of equality. At this challenging juncture, we must revive an old-new insight: There is more than one way to realize the aspiration to Jewish self-determination. To put it another way: It is imperative to exploit this moment of relative openness for democratic purposes. As old

ideological configurations crumble, we may be able to imagine more just forms of self-determination - forms which are more capacious than the nation-state. The pressing challenge, for those invested in maintaining a collective Jewish political identity, is to envision and defend political regimes that secure rights of self-determination for all of the region's inhabitants.

Sidebar

At first glance, the law appears to reflect a widespread consensus that the nation-state is an ideal political model, the best way to ensure the Jews' right to self-determination.

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DETAILS

Subject:	History; Federalism; Debate; Political activism; State; Political power; Imagination; Nationalism; Historians; State power; Equal rights; Law; Jews; Activism; Supporters; Power; Autonomy; Nation states; Warranties
Business indexing term:	Subject: Nation states Warranties; Industry: 81394 : Political Organizations
Location:	Israel
Classification:	81394: Political Organizations
Ethnicity:	Arab/Middle Eastern
Publication title:	Palestine - Israel Journal of Politics, Economics, and Culture; East Jerusalem
Volume:	23
Issue:	4
Pages:	79-84
Publication year:	2018
Publication date:	2018
Publisher:	Middle East Publications
Place of publication:	East Jerusalem
Country of publication:	Israel, East Jerusalem
Publication subject:	Arab/Middle Eastern, Political Science, History--History Of The Near East

ISSN: 07931395

Source type: Scholarly Journals

Language of publication: English

Document type: Journal Article

ProQuest document ID: 2184995413

Document URL: <https://search.proquest.com/scholarly-journals/nation-state-law-end-era/docview/2184995413/se-2?accountid=14765>

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Last updated: 2020-11-17

Database: ProQuest Central

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