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A MORAL JUSTIFICATION FOR ZIONISM AND THE JEWISH NATION STATE: THE CONSEQUENCES OFCONTEMPORARY MANIFESTATIONS OF ANTI-JUDAISM

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DECLARATION

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ABSTRACT

This report investigates and argues for the moral justification around the existence of a Jewish nation state from the perspective of a sustained prevalence of anti-Judaism thought and conduct. The study initially conducts a critical examination of the work of Chaim Gans, a leading thinker on the political philosophy of Zionism and its underlying moral justification. Gans identified two principal justifications for the existence of a national home for the Jewish people being the universal right to self-determination and an historical claim to a specific land. Whilst there was some consideration by Gans of Jewish persecution, there was no clear acceptance that historical and contemporary anti-Judaism represented a further justification. The report goes on to provide substantive arguments in support of the contention that anti-Judaism represents a primary justification in the claim for the preservation of a Jewish nation state. The arguments canvass five concepts namely Identity and Nationalism; Anti-Judaism Uniqueness; International Ethics and anti-Zionism; Dignity, Human Rights and Jewish Sovereignty and finally Memory. The finding in this report is that anti-Judaism, as a perennial, pervasive and existential phenomenon, has a transcending impact on the morality of Zionism as a political philosophy and justifies the preservation of Israel as the singular nation state for the Jewish people.

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1. INTRODUCTION

The controversies, polarization and endemic violence prevalent around the existence and permanence of a Jewish nation state within the Middle East could well be described as symptoms of a deeper malaise or more fundamental moral contestation.

The State of Israel was conceptualized out of the political theory of Zionism with it becoming a reality post the wreckage of the Holocaust and the necessity to deal with the displaced remnants of the surviving Jewish population in Europe. Zionism emerged in the mid to late 19th Century and was defined as a national movement for the return of the Jewish people to their homeland and the resumption of Jewish sovereignty in the land of Israel.

The establishment Resolution passed by the United Nations in November 1947 was marked by aggressive Zionist lobbying and corresponding Arab threat. The Resolution recommended the creation of independent Arab and Jewish States founded upon a detailed, scheduled and monitored four-part Partition Plan. The Partition Plan sought to address the conflicting objectives of the two competing national movements and proposed both economic integration and the protection of religious and minority rights.

A political and moral chasm became apparent with the Zionist lobby justifying a post Holocaust entitlement and the Arab grouping lapsing into an anti-Judaism stereotype with threats of expulsion and genocide. Immediately after the adoption of the Resolution war broke out and the Plan was not implemented.

This impasse would set the scene for the following 70 years of conflict providing enough controversy to ensure ongoing international preoccupation and debate. The period also marked the emergence of Israel as a dominant regional power with its Jewish population eclipsing that of the USA.

Notwithstanding its success and growing recognition of its standing within much of the family of nations, Israel still faces several threats that go to the core of its existence. Large swathes of the Islamic world refuse to recognize Israel's right to exist. These range from benign political standpoints from countries such as Indonesia and Malaysia to belligerents such as Iran calling for the destruction of the "Zionist entity". The founding and formal positions of armed groups (and Israeli neighbors) such as Hamas aver to the killing of "Jews" and the "obliteration" of the State of Israel.

Over the last decade one has seen the development of organized and well-funded non-governmental movements promoting the delegitimization of Israel using boycotts, sanctions and disinvestment strategies to further their agenda. Globalization and the nationalistic reaction to this has seen the emergence of populist right wing political views and organizations in West and Central Europe. Attracting their support under an anti-refugee (ironically anti-Islam) banner there is a neo-Nazi hue to many of these organizations. Revisionist attitudes and anti-Semitic utterances are not dominant but are present amongst leadership figures within these groupings. The USA has also witnessed a resurgence of white supremacist and anti-Semitic activity and violence. There has been a similar increase in anti-Semitic activity in the UK and Europe.

The one consistent feature of all these threats to the Jewish nation state is that it reflects a way of *thinking* that has existed for thousands of years. Both Western and Islamic tradition and thought have had anti-Judaism at its core, and I will argue that the attitudes adopted against Israel and its Zionist foundation are further manifestations of this thinking and approach to Judaism.

It would be appropriate at this juncture to distinguish between anti-Judaism and anti-Semitism and provide some definitional clarity to the two concepts. David Nirenberg in his

book *Anti-Judaism – The History of a Way of Thinking* merges the terms Jew, Hebrew, Israelite and Israel on the basis that these and other words "exist in close proximity to each other and bled together over the long history of thought" (Nirenberg, 2013, p. 2). On this rationale, Nirenberg views the term "anti-Semitism" as only capturing a small portion of the phenomenon of anti-Judaism thought and actions.

This is evidenced by the fact that the term itself was first described by one Wilhelm Marr in 1879 when he founded the *League of Antisemites* and displayed his hostility to Jews in its attendant publications. This term has now become ubiquitous in describing anti-Jewish thought and behavior notwithstanding the fact that it has only been around for some 150 years relative to many centuries of anti-Judaism reality. Further support for the distinction is that historically the word "Semite" attaches to people that speak a Semitic language – Hebrew in the case of Jews and Arabic in respect of Arabs. I would therefore submit that the term "anti-Semitism" is both confusing, limited and etymologically incorrect.

It follows that the term "anti-Judaism" contextualizes my study more accurately and provides the wider reflection required when arguing that anti-Judaism affords a moral justification for Zionism and the existence of a Jewish nation state. The underlying rationale for this is that the term "Judaism" encompasses the religious, cultural, historical, national and ethnic identity of the Jewish people more accurately than any other collective description that is evident. It follows that anti-Judaism provides a wider purview of anti-Jewish/Israeli hostility than anti-Semitism would and provides a relatively more inclusive description of this age-old phenomenon. According to Daniel Boyarin in *A Radical Jew*, the underlying distinction between religion and ethnicity is foreign to Judaism itself and "Jewishness disrupts the very categories of identity, because it is not national, not genealogical, not religious, but all of these, in dialectical tension" (Boyarin, 1994, p.16). For the purpose of this study, I will be using the

terms anti-Judaism; anti-Semitism and anti-Zionism interchangeably, considering the writer I may be referring to or the conceptual point I may be arguing for.

In order to contain the enquiry within reasonable bounds, I will be linking my research to that of a leading thinker and writer on the morality of Zionism, Chaim Gans. I will be analyzing and critiquing Gans's moral justifications for the Zionist State and use these as a point of departure to both contextualize and reinforce my position.

Gans describes the two principal moral justifications for Zionism as firstly the universal right of a nation to self-determination and secondly an historical right that this nation would have over an identifiable territory where this self-determination can be exercised.

My position is that there is a third and distinguishable moral justification for a Jewish nation state and that is anti-Judaism. This phenomenon represents a fundamental threat to the survival of a Jewish nation and more particularly the existence of a Jewish nation state. Anti-Judaism has evolved with the creation of Israel some 70 years ago and the same hostility, hatred and discrimination directed towards Jewish people over many centuries has now progressed to include the Jewish nation state Israel.

Whilst Gans does aver to historical persecution of the Jews, his treatment of this justification is ambivalent and inconsistent. It is for that reason (as indicated above) that I intend using Gans's position as my entry point in this study. Gans's hypothesis provides a good opportunity to distinguish my position from that of Gans and unambiguously include the third justification for Zionism and a Jewish nation state – namely contemporary anti-Judaism.

I will thereafter buttress my argument by appealing to appropriate themes such as Identity and Nationalism; Anti-Judaism Uniqueness; International Ethics and anti-Zionism; Dignity, Human Rights and Jewish Sovereignty and Memory.

2. ZIONISM

It would be appropriate to provide a synopsis of Zionism and its founding rationale, underlying political theory and evolution.

As stated earlier, I broadly define Zionism as the national movement of the Jewish people to re-establish sovereignty in the territory historically connected to Jewish nationhood. This would correspond to the biblical Land of Israel, Canaan, the Holy Land or Palestine.

Universally considered the ideological father of Zionism, Theodor Herzl considered anti-Semitic persecution to be an eternal feature of the Jewish Diaspora and to escape this condition required separation to a land of its own and sovereignty over that land. In setting up his Zionist proposition, Herzl characterizes anti-Judaism as being the underlying, insurmountable malaise facing the Jewish Diaspora whether poor, prosperous or assimilated. To escape this condition required a political solution enabling the establishment of a separate Jewish state.

Herzl captures the point in his seminal book from 1896, *The Jewish State*:

> The oppression we endure does not improve us … Oppression naturally creates hostility against oppressors, and our hostility aggravates the pressure. It is impossible to escape from this eternal circle … We are one people – our enemies have made us one without our consent, as repeatedly happens in history … Yes, we are strong enough to form a State, and indeed a model State (Herzl,1896, p. 91 - 92).

The inaugural Congress of the World Zionist Organization was convened by Herzl in 1897 with the adoption of the Basel Program setting out the goals of the Zionist movement. The fundamental aim as stated was “establishing for the Jewish people a publicly and legally assured home in Palestine” (First Zionist Congress, Basel Program, 1897)

There were however, in the first eight years of the Zionist movement, initiatives and support for the establishment of the Jewish homeland outside of Palestine. Herzl was himself flexible as to the location if it was a self-governing territory. This notwithstanding he did believe that Palestine remained the preferred Jewish homeland and much of his political work was engaging with the then Ottoman rulers of Palestine in promoting the Zionist agenda.

Prior to and during the early Herzl era, German philanthropist Baron Maurice de Hirsch was a significant benefactor for Jewish emigration from Eastern Europe to the Americas and specifically to agricultural settlements in Argentina. Numbering some 7,000 this population provided the kernel of a significant Jewish Community in Argentina into the 19th Century.

A British offer of a Jewish settlement in East Africa was dealt with formally by the World Zionist Organization, and the Sixth Zionist Congress in 1903 formed a Commission to investigate this possibility. The Commission reported back to the Seventh Congress in 1905 that Uganda was unsuitable, and the Congress reaffirmed the Basel Program's view that Palestine was the prospective national home of the Jewish people. There was some dissent, but this had little impact on the Zionist Organization and its ongoing program and activities.

Theodore Herzl passed away in 1905 with the Zionist movement's mantle passing to Chaim Weizmann whose doctrine of synthetic Zionism united organized Zionism from 1911 onward. This doctrine held for a merger of political and practical Zionism with the political agenda coupling that of the practical endeavor within Palestine.

It was on the political level that Zionism had its most significant success with the issuance of the Balfour Declaration by the British Government in 1917. In a clear

endorsement of “Jewish Zionist aspirations”, Foreign Secretary Arthur Balfour confirmed that the British Government “viewed with favor the establishment in Palestine of a national home for the Jewish people”.

What was notable about this political feat was that the British Zionists under Weizmann accomplished the Declaration in the face of a vociferous anti-Zionist Jewish grouping supporting an assimilationist approach to Diaspora and specifically British Jewry. Herzl had identified assimilation as a critical aggravating factor driving anti-Semitism in Europe at the time. Reinforcing the original Herzl proposition of Jewish otherness, isolation and perennial persecution, Weizmann argued ‘that no matter what success or prominence a Jew who attempts to assimilate achieves, he “is felt by the outside world to be something different, still an alien”’ (Schneer, 2010, p.304).

In a personal view on the dangers of assimilation, Lord Balfour, whilst being a steadfast opponent of anti-Semitism, recognized that “Jews were exceedingly clever people who in spite of their oppression achieved a certain success which excited the jealousy and envy of the peoples among whom they lived” (Schneer, 2010, p.307)

In the period after the Balfour Declaration until 1946, the Jewish population of Palestine increased from around 70,000 to over 600,000. This reflected a more widespread acceptance of the Zionist project amongst Eastern European Jewry together with the now legitimized land purchases and development within Palestine itself.

The post-World War II influx of the remnants of European Jewry provided a further impetus and together with the mass expulsions of Jews from the Arab/Muslim states (this description is intended to cover both the Arab and non-Arab jurisdictions in the region) the Jewish population of the newly established Israeli State numbered some 1,500,000 in the early fifties.

The nascent Israeli state survived and advanced from that time to become a regional superpower within the Middle East cauldron both militarily and economically.

3. QUESTIONS ON ZIONISM

It is common cause that Zionism is both contentious and controversial. Since its practical realization in 1948 with the founding of a Zionist State, war and terrorism have been a continuous feature. There is an ongoing debate about the legitimacy of the State of Israel itself, with broad rejection of that legitimacy and its right to exist across the Arab/Muslim world. Much of this hostility centres on the claims for statehood by the Palestinian populace who were displaced and exiled from the original land that Israel now occupies – this as a result of conflicts in 1948 and 1967. The status of Arab Israeli citizens and their relative separation from the Jewish State is another matter of enduring dispute and criticism. It could be argued that the matter of Israel and its legitimacy is a debate that is current, pressing and has global political and economic implications.

I would at this juncture briefly explore the Zionist approach to nationalism and its informing political philosophy. Zionism can be described as an ethnocultural nationalism because the Jewish nation *preceded* the founding of its own nation state. This is opposed to civic nationalism, where the citizenry of an *existing* nation state has an interest in sharing a homogenous national ethos. Here the state precedes the nation and its component parts – the immigrant-rich industrialized democracies would be cases in point. Identifying this distinction between nationalist ideologies, Chaim Gans in *A Just Zionism* ascribes an ethnocultural nationalism to Zionism on the basis that "members of groups sharing a common history and culture have fundamental, morally significant interests in adhering to their culture and in sustaining it" (Gans, 2008, p.9).

These intrinsic interests create an entitlement to political recognition which only a self-determinative nation state could provide. For this to be realized the State would have to support and ensure these interests are protected and sustained. This would imply a Jewish "hegemony"

over the State of Israel with its own moral and ethical implications. I will be dealing with these moral and ethical issues around Jewish hegemony more fully later in this study.

The historical counterpoint to the Zionist movement in the first few decades of the 20th Century was the Bundist Movement based primarily in Russia, Lithuania and Poland. A secular, socialist movement, the Bund distinguished themselves from the Zionists by identifying themselves along cultural lines (Yiddish was the lingua franca) and committing their futures to the countries in which they lived – *here* as opposed to the Zionist *there*. The advent of the Bolshevik revolution in 1917 saw the splitting of the Bund and together with increasing persecution of the Jewish population, the Zionist cause was strengthened.

The question could be posed as to whether this contemporary Zionism in the form of Jewish hegemony enjoys the support of the Jewish electorate in present day Israel? - the answer would be in the affirmative. The political parties representing this electorate are overwhelmingly Zionist in both ethos and policy. Their supporters, through the political spectrum, attach to a party policy that has at its essence the maintenance of the Israeli State. This spectrum traverses a political accommodation towards a two-state solution on the left to a militant and expansionist greater Israel agenda on the right. At both extremes, the sanctity of a Jewish nation state remains intact. However, the ultra-Orthodox Jewish element of the population have a paradoxical relationship with the Israeli state whereby they participate enthusiastically in national elections; participate in coalition governments and are the recipients of generous state subsidization for religious study and social welfare. This while their political influence is utilized to resist the removal of the national service exemption laws instituted in the initial years of the Israeli state.

Regarding the attitude of Diaspora Jewry towards Israel an assessment becomes more complex. Communities differ in size, context and organization across the many countries where

there exist identifiable Jewish populations. Founded in 1936, The World Jewish Council ("WJC") is be regarded as the primary and paramount organization when it comes to the interests of the Jewish Diaspora. It represents Jewish communities and organizations from 100 countries and advocates to governments, parliaments, international organizations and other faith groups.

Other than the main pillars of combating anti-Semitism and preserving Holocaust memory, another notable inclusion from the Mission Statement of the WJC is the recognition of the "centrality of the State of Israel to contemporary Jewish identity and to strengthen the bonds of Jewish communities and Jews in the Diaspora with Israel". Within the context of active programs, the WJC recognizes the persistent question of Israel's right to exist and commits to "actively defend the legitimacy of Israel on all levels".

The profile and scope of the WJC is such that it is a fair assumption that the WJC not only represents the interests of Diaspora Jewry within their own countries, but includes a mandate to support and defend the Jewish nation state.

In canvassing a dissenting view on Zionism, Judith Butler in *Parting Ways: Jewishness and the Critique of Zionism*, refers to "political" Zionism and how that has "instituted" and "maintained" as being a form of state violence perpetrated by Israel on the Palestinian population. This Butler describes as the "colonial subjugation of the Palestinians" and argues that claims by the Zionist community of a unique entitlement to a hegemonic Jewish nation state need to be rejected in favour of a unitary collective underpinned by "fundamental democratic values" (Butler, 2012, p.2).

Butler holds that being Jewish does not in itself imply support for political Zionism and conversely the Israeli State does not "represent" the Jewish people. Butler is representative of

a wider group of Zionist critics described as post Zionists which also includes progressive, liberal Israeli's and Diaspora Jews.

By way of summation, I would maintain that the ethnocultural nationalism embodied by the Jewish nation represents a justifiable entitlement to a self-determinative nation state – a political philosophy overwhelmingly supported by both Israeli and Diaspora Jewish communities. The following Section/s shall explore the significance that anti-Judaism plays in this justification and in the preservation of a Jewish nation state.

4. THE POSITION OF CHAIM GANS

Chaim Gans is a leading academic and writer on Zionism and has explored both its moral justifications and political implications in two books – the 2008 *A Just Zionism: On the Morality of the Jewish State* (noted above) and in 2016, *A Political Theory for the Jewish People*.

The earlier publication describes the two main pillars informing Gans's Zionist morality. These are firstly the universal right of a nation's entitlement to self-determination and secondly, an historical right over an identifiable, ancient homeland where that self-determination could be realized. Emanating from Israel's Declaration of Independence, mainstream Zionist opinion offers these as justifications for a Jewish nation state, and together they constitute what I would describe as the self-determination and proprietary justifications. It should also be noted that Gans also acknowledges a third justification emanating from the Declaration of Independence and that would be the persecutions the Jews suffered and the necessity of a secure nation state where the Jewish people would have dignity and human rights.

In what Gans describes as the mainstream Zionist interpretation of self-determination, it is *hierarchical* (Gans's term) in both structure and practice, giving the Jewish people the right to hegemony within the territory of the Israeli state. A hierarchical structure implies a constitutional dispensation whereby the Jewish majority is acknowledged and institutionalized.

This mainstream opinion of Israeli Jewry has now been reflected within the political arena with the recent passing of the Nation State Bill. This proposed legislation defines Israel as the nation-state of the Jewish people where the right to self-determination within Israel is unique to the Jewish people. This Bill is currently under review by a Panel of the Supreme Court. Gans does contest this issue of Jewish hegemony and questions its practice and moral standing. I will canvass his views and proposals more fully below.

As described previously the self-determination envisaged by the Zionists was intended for a nation that already existed, being bound together by ancient bonds of ethnicity, culture and religion. This is the ethnocultural nationalism that the Zionists were attempting to harness in the late 19th Century and early 20th Century.

In his first book Gans refers extensively to Jewish persecution as providing the original impulse and justification that the Zionist founders based their ideology upon. Citing centuries of persecution and the fact that the emancipation of the Jews in Europe only served to exacerbate this condition, Gans submits that the Zionists saw it as a necessity that the Jewish populations of Eastern Europe be given an opportunity to realize their self-determination in the territory of Palestine. As Gans observes: "The Jews had been persecuted for hundreds of years. The Enlightenment, the Emancipation of the Jews in Europe during the eighteenth and nineteenth centuries, and their willingness to assimilate into the nations among which they were living did not alleviate their plight. At any rate, many of them had good reasons for feeling that their situation had not improved" (Gans, 2008, p.43).

Gans further examines the question of whether Jewish persecution justified the establishment of a nation state and whether, more importantly, "the force of this justification has not waned" (Gans, 2008, p.73). Describing this as the "persecution argument", Gans separates this argument from his core justifications and asks whether this justification is unique to the Jews as a result of anti-Semitism *or* whether it is a generic condition where stateless nations are more vulnerable to persecution and therefore need the sanctuary and dignity of a nation state. Asking the question "is anti-Semitism a cosmic decree or an irreversible law of nature and history?" (Gans, 2008, p.74), does however give an indication of Gans's ambivalent thinking on this matter.

I will now concentrate on Gan's stance in relation to his first observation – namely that Jewish persecution is perennial and justifies the establishment of a secure nation state. This reflection by Gans goes to the essence of my argument and thus warrants further analysis.

Expanding on this theme, Gans acknowledges a body of opinion that holds that the Jews are "predestined to constant persecution" (Gans, 2008, p.76) and that this not only entitles the Jewish people to a nation state but the permanence of the threat entails Jewish hegemony over that state. Gans however counters this justification by making the following observations:

- Anti-Semitism has waned since the impact of the Holocaust, and even though it may still exist is not as overt a tendency as in the Zionist movement's formative periods.
- Minority Jewish populations were historically always exposed to persecution by reason of religion, appearance and customs – these "otherness" criteria are not the "threatening phenomena" (Gans, 2008, p.76) currently as in the past.
- The vulnerabilities that otherness exposed Jewish communities to previously have been ameliorated with the realization of Israel and its secularization and nationalization of Jewish life.
- The normalization of Jewish existence has been spurred by globalization with the actualization of a more inclusive political and cultural disposition across increasing swathes of the globe.

Gans is of the view that these essentially evolutionary features as set out above have reduced the threat of anti-Semitism and "as such contemporary anti-Semitism no longer constitutes as compelling an argument for a statist interpretation of self-determination as it did in the 1930's and 1940's" (Gans, 2008, p.77).

Gans would thus have it that anti-Semitism has indeed abated, no longer giving the Jewish people a convincing and further justification for a state where the Jewish constituency has a hegemonic political status.

It is apparent that whilst Gans acknowledges a body of opinion holding a view of the Jewish people as being "predestined to constant persecution", he personally does not subscribe to that view. It is on this point that I would disagree with Gans's position and will be expanding on this divergence in my critique below.

Addressing the concept of Jewish self-determination, Gans ascribes the "mainstream Zionist interpretation" (Gans, 2016, p.72) of a right to a nation state as justifiably hegemonic both conceptually and in practice. As indicated above, Gans describes this mainstream Zionist viewpoint as a *hierarchical* conception or interpretation of the right to self-determination which is propagated by politicians and academics that support and promote mainstream Zionist policy. He does however argue that it "condemns Israel to enforce inequality on a daily basis. In the name of a constitutional principle whose point of departure is inequality, it denies the Arabs a collective presence in Israel's political, symbolic, and public spheres" (Gans, 2016, p.75).

Gans disputes the conceptual interpretation of self-determination by the hierarchical mainstream where there is an inherent implication that it is the Jewish people specifically that have a right to self-determination. This he argues fails as it is based on an incorrect premise. Noting that international law and political theory recognizes two aspects of self-determination, namely self-rule and secession, Gans holds that neither aspect implies a right to an ethnocultural nation having hegemony over public and political life in a particular territory.

Turning to the practical implementation of a hierarchical system of self-determination, Gans holds that the supporters of Jewish ethnocultural hegemony argue that this occurs in many

jurisdictions around the world and is an acceptable precedent for the Israeli model. Contesting the "everybody does it" disposition, Gans makes the distinction between immigrant groups and homeland peoples living under ethnocultural hegemony. In the Israeli context the immigrant groups would be the waves of Jewish settlement both pre- and post-state. The homeland peoples would be the resident Arab populations within the Palestinian territory at the time of the proposed UN Partition Plan (1947). He argues that while immigrant group ethnocultural dominance may be acceptable in certain circumstances, it has no justification with homeland nations such as the original Arab Palestinian population within Israel.

Gans's solution to this perceived moral failure of hierarchical self-determination as it exists in present day Israel would reside within a political theory, he has termed Egalitarian Zionism. With reference to Israel's Declaration of Independence, Gans reaffirms that the three founding justifications for the Zionist narrative (namely historical ties to their land; universal right to self-determination and the persecution of the Jews) apply not only to the hierarchical Zionist narrative but to the egalitarian alternative as well.

The distinction he makes between the hierarchical and egalitarian systems is based on the principle of equality and of a similar entitlement of the Palestinian homeland population to property and self-determination. Gans writes: "Both groups deserve to be granted the privileges of self-determination within this country because both are homeland groups within it, each in his own way . . .. It may be appropriate to partition the Land of Israel/historic Palestine into two states such that in each of them one of the groups will have greater presence and power" (Gans, 2016, p.87).

From a basis that there would be equity and a principled division of political power, Gans's idea of how the egalitarian model would work in practice can be set out as follows:

- The territorial scope would be based on the post 1967 conflict ceasefire lines.

- Both Jewish and Arab populations of the respective states would exist on both sides of the Jordan River being both in present day Israel and the West Bank.
- It would be anticipated that there would be gradual endorsement initially from the Israeli populace followed by a Palestinian acceptance.

Extending egalitarian parity to the homeland Palestinian populace, Gans believes would rectify the current ethical deficiencies stemming from the reality and perception of the current hierarchical Zionist/Israeli hegemony. To quote: “It enables the Zionist historiography of Judaism and of Zionism to be more faithful to the histories of these two phenomena” (Gans, 2016, p.100).

Gans’s proposition is essentially a more gradual, natural and humanist approach to the rigidity that the proposed Two State Solution would entail. The latter would necessarily involve contentious land swaps and potentially challenging relocations of populations. Whether there is enough goodwill and political gravitas on both sides to accept an egalitarian solution would be the key factors for Gans’s approach.

5. A CRITIQUE OF GANS

An important component of my argument is to critically analyse the approach Gans has adopted in setting out his moral justifications for Zionism and specifically the role that the historical persecution of the Jews and anti-Judaism generally plays in these justifications. In this analysis I have identified three areas where there are grounds for disagreement with Gans's position.

The first critique concerns Gans's vacillating and sometimes obtuse approach to the so-called persecution justification and the role it played in the original Zionist narrative. My second critique concerns Gans's understanding of contemporary manifestations of anti-Judaism and the relevance of these dynamics to the current debate around Zionist morality. The third critique is against Gans's proposal of a system of egalitarian Zionism and his argument that this would assuage the moral challenges the current hegemonic Israeli state faces.

Dealing with the first critique:

In Gans's 2016 publication, the third Chapter is titled 'The Morality of the Zionist Narrative'. In the first paragraph of this Chapter, Gans says that the "justifications that the Zionist narrative provides …. are rooted in the historical link between the Jews and the Land of Israel, in the universal right to self-determination, and in the persecutions of the Jews" (Gans, 2016, p.57).

At the conclusion of this Chapter, Gans summarizes what he calls his "tripartite justification for Zionism" (Gans, 2016, p.100). I set them out as follows:

1. A justification based on an egalitarian distribution of rights to self-government among nations.
2. The justification of realizing these rights in territories with which nations have identity ties.

3. The necessity for a nation state as a result of the persecution of the Jews.

Gans accepts and argues for these justifications and he says the following:

> [The three justifications] provide answers to all the important questions arising from the moral gaps in the Zionist narrative. It provides an account of the institutional aspects of Jewish self-government, of the issue of why self-government was realized precisely in the Land of Israel even though Arabs have been living there, and of the issue of its territorial scope. To be sure, it does not do that in one stroke, as does proprietary Zionism. However, unlike proprietary Zionism, it does so on the basis of justifications one could accept and defend (Gans, 2016, p.100).

As an initial evaluation of Gans's summary of the debate around the Zionist narrative, there is a notable inconsistency, in that he elevates the persecution element to a principle point in his summary but does not give it a similar status in the main body of his arguments.

Gans would have it that the historical persecution of the Jewish people provides a supportive or *reinforcing* role in the establishment of a right to national self-determination. This is apparent when Gans, referring to historical persecution, describes this justification as an "additional argument reinforcing the argument from self-determination" (Gans, 2016, p.72).

Furthermore, Gans refers to the principle founding statement emanating from Israel's 1948 Declaration of Independence. Besides the proprietary argument reflected therein, he identifies *two* additional arguments from the Declaration: "Israel's Declaration of Independence justifies itself by invoking two additional arguments, one based on the persecution suffered by the Jews and the other based on the universal right to national self-determination" (Gans, 2016, p.72). Here Gans explicitly separates the persecution justification as distinct from the nation state or self-governance justification. On the assumption that Gans regards the Declaration of Independence as a founding statement for the Zionist state, the

questions he may have around the Declaration are around interpretation and not around its essence and purpose. This, I will hold, is apparent in his writing and approach.

It could well be argued that Gans seems to retain the freedom to describe the historical persecution of the Jews as providing a supportive role to the self-determination justification, but on the other hand he still references the persecution history as a separate justification in itself - this in his analysis of the Zionist narrative. This is verified in his summation above and in his interpretation of the Declaration.

In his own critique of academics who support the hierarchical conception of the right to self-determination, Gans thinks that notwithstanding their invoking the historical persecution argument, "it is not clear what roles these histories play, or what force they have, in justifying the realization of the Jews' right to self-determination" (Gans, 2016, p.81). We are again exposed to an inconsistency in Gans's approach, and where his treatment of the persecution justification seems to vacillate from being a primary justification to playing this supportive role for the nation state or self-determination justification.

Further support of this critique is where Gans describes the self-determination justification as being ahistorical. This is contradictory as he calls on a supporting historical justification, namely, the historical persecution of the Jews and the vulnerabilities that arose out of this, in reinforcing his proposition. Again, I will argue that there is an inconsistency in approach and a further instance where Gans seems to use what I would describe as the "persecution justification" erratically.

Another instance where Gans minimizes the right to self-determination within the context of Jewish persecution is when describing the escape or relief from persecution as being "remedial - a justification based on the necessity to rescue themselves, and particularly their dignity –to realize their primary right to self-determination and to realize it in their historical

homeland, even if they are not actually present in it" (Gans, 2016, p.93). Here one notes a "lesser" justification similar to where Gans claims that the historical persecution of the Jews provides a supportive or reinforcing role to the primary self-determination or nation state justification. The necessity Gans refers to above is individual or personal in nature - the necessity to that person to save him/herself when facing imminent danger. Whilst Gans's focus is on the necessity as it relates to the individual, the emphasis should really be on the collective or group whose survival is threatened solely because of the identity of its members. I will argue that it is necessary for this group as a collective to have the shield of a nation state.

In the context of a life-threatening environment facing a group of individuals solely because of the collective identity of those individuals, the *necessity* of a remedial solution should recognize and alleviate the emergency facing the collective as opposed to the individual. This is specifically appropriate in the case of the Jewish people who faced deadly persecution consistently over a long history which validated a fundamental impulse of the Zionist movement at the time.

Gans elaborates in his Notes that this remedial justification does not represent a primary right and is subsumed by a set of primary rights where fundamental interests are protected. I would again identify another vacillation when dealing with primary rights and would submit that the issue of Jewish (and Zionist) persecution does in fact represent a primary justification for the existence of a Jewish nation state).

This flows into the second critique of Gans, where I will contest his view that anti-Semitism and its persecutory implications were historical in nature and the founding of the nation state provided the remedial solution to what was an historical, transient period. In Gans' 2008 publication, it is instructive to repeat the extract set out in page 11 above where Gans writes that with the "normalization" of Jewish existence after the establishment of the Jewish

nation state, “contemporary anti-Semitism no longer constitutes as compelling an argument for a statist interpretation of self-determination as it did in the 1930’s and 1940’s” (Gans, 2008, p.77).

I would disagree with this contention and submit that the conventional understanding of anti-Semitism has now transformed and developed into an anti-Zionist, anti-Israel dynamic with the threat now being one of delegitimization and the undermining of the justifications for the existence of a Jewish nation state.

In contrast to what Gans terms “contemporary anti-Semitism”, with his rider that it no longer justifies a statist interpretation of self-determination, I contend that current anti-Judaism in fact reinforces the need for the Jewish nation state. The varying forces, movements and countries that embrace an anti-Zionist agenda have at their core the elimination of Israel and I submit that Gans’s failure to recognize this is a further flaw in his presentation. The more recent resurgence of overt and violent anti-Semitism in the Diaspora is again reinforcing the necessity for a safe haven Jewish state.

The above two reviews of Gans represent my primary critiques by reason of their significance to my principal intention in this study. That is to justify the existence of a Jewish nation state on the grounds of a perennial and existential anti-Judaism. I intend to expand upon and reinforce this proposition later in my research report – this within the various sections under My Position.

I position my final critique of Gans as parallel to that of my primary criticism of Gans where the focus is on his inconsistent treatment of Jewish persecution within his Zionist justification and rationale.

It is in this third element that Gans proposes to replace the current hierarchical model of governance in Israel with an egalitarian version. He proposes this to overcome a perceived

moral deficiency in the exercise of hierarchical governance over the various Arab/Palestinian populations.

I do have some concerns with Gans's egalitarian proposal, as follows:

- There are significant and material distinctions in governance arrangements, democratic rights and access to employment and services between the Israeli Arab citizenry and the Palestinian populations in Gaza and the West Bank. This is the case under the current hierarchical governance model that Gans describes and bemoans. Gans does not seem to recognize these distinctions consistently in setting out his egalitarian alternative.
- The enquiry as to the fulfilment of the rights of Israeli Arab citizens would revolve around equal access to public services. Deficiencies in these rights could well be challenged on moral grounds and test the ethics of hierarchical governance and the way non-Jewish minority groups are treated within the Jewish nation state. The need for an egalitarian approach to facilitate the fulfilment of equal rights within the Israeli state to Israeli Arabs would certainly be applicable.
- In the case of the Palestinians, the principal need would be to advance their political aspirations for their own nation state and to end occupation and blockades (in the case of Gaza). This is something a political settlement would conceivably bring. What I believe Gans has done is to conflate the moral challenges of hierarchical governance *within* the state of Israel with the political imperative of settling the Palestinian – Israeli conflict. I am of the view that these conflicts need political resolution and that an egalitarian approach to this challenge would not be particularly helpful.
- The principal and most pressing issues are resolution of the Palestinian/Israeli conflict. There are various factors that inhibit and prevent this happening, foremost among them being the internecine battle within the Palestinian politic; state actor interventions for

> regional dominance; and an overriding apprehension when some of the key players are of the view that Israel has the no right to exist at all. To apply an egalitarian political solution within this environment would be premature and fanciful.

Having examined the position of Chaim Gans I would submit at having identified deficiencies in his approach to a morally justifiable Jewish nation state. The substance of my critique of Gans was to identify and elaborate on inconsistencies around his recognition of the primary role that historical *and* contemporary anti-Judaism contribute to a discussion on the moral justification of Zionism.

6. MY POSITION

6.1 INTRODUCTION

I will in this Section be providing substantive arguments supporting the contention that anti-Judaism represents a primary pillar upholding the moral justification of Zionism. I will explore five concepts namely Identity and Nationalism; Anti-Judaism Uniqueness; International Ethics and anti-Zionism; Dignity, Human Rights and Jewish Sovereignty and Memory.

6.2 IDENTITY AND NATIONALISM

At the outset, I approach this Sub-Section from a universal perspective before dealing with the Jewish people *per se*.

In "National Self-Determination", Avishai Margalit and Joseph Raz undertake an analysis of the characteristics that collectives or groups would require in order to justify the right to self-determination.

The authors suggest six characteristics that in combination would present a compelling case for self-determination:

- That the group have a common culture and character and that the culture is pervasive with its traditions being binding and inclusive to the members of the group. Margalit and Raz understand a collective culture as being prevalent across the group melded by a membership identity that is largely determined by that culture. The groups "possess cultural traditions that penetrate beyond a single or a few areas of human life and

display themselves in a whole range of areas including many which are of great importance for the well-being of individuals" (Margalit & Raz, 1991, p.444).

- That the culture is transmitted amongst group members as they grow up and that the culture is internalized in a profound and far-reaching way. An important feature of this characteristic is that of a shared history and that "it is through a shared history that cultures develop and are transmitted" (Margalit & Raz, 1990, p.445).
- That there should be an informal mutual recognition between the members of the group and an acknowledgement of a shared belonging to the group.
- That membership of a group is important to one's self-identification. The intersection of self with the group would be a primary indicator of how those group members are identified. These groups are such that "members are aware of their membership and typically regard it as an important clue in understanding who they are" (Margalit & Raz, 1990, p.446).
- That membership of the group is a question of belonging and not achievement. The key to this characteristic is that membership is nonvoluntary and that it plays a central role in the members' own sense of identity that "is particularly important to one's well-being" (Margalit & Raz, 1990, p.447).
- That within the broader collective/group there would exist sub-groups anonymous to other sub-groups who would gain a mutual recognition and association through the possession of ubiquitous general characteristics common across the entire collective.

It is apparent (and this is confirmed by Margalit and Raz) that the two principal attributes groups require to be entitled to self-determination are a pervasive culture and group membership enhancing self-identity and personal well-being.

I am of the view that the Jewish collective meet the criteria of all six characteristics set out by Margalit and Raz. The Jews have a pervasive culture and a shared history that is actively

conveyed, conscientized and memorialized through the generations. Individual Jews have a profound sense of identity with the group which I believe is reinforced by an awareness of personal vulnerability directly attributable to group membership. I will make the proposition that it was this specific culture, and the inescapable association that the collective membership has to that culture, that attracted the opprobrium of numerous other dominant groups over the life of the Jewish people in all its incarnations.

Whilst Margalit and Raz do not see a history of persecution as creating an instrumental justification for self-determination on its own, I would submit that the persecution suffered by the Jews was and remains so pervasive, existential and unique that self-determination is justified. But even conceding to Margalit and Raz's view, there is a generic argument that supports a persecution-grounded justification for self-determination.

Recognizing Margalit and Raz's proposition that group membership is intrinsic to an individual's self-identification and personal well-being, I would argue that personal security, safety and dignity are essential components contributing to the well-being and flourishing of both the individual and group itself. Margalit and Raz do indicate that this well-being "depends, in part, on the public manifestations of respect for the group and its culture and on the absence of ridicule of the group" (Margalit & Raz, 1990, p.451).

Whilst not directly concerned with self-determination, Will Kymlicka, in his book *Multicultural Citizenship: A Liberal Theory of Minority Rights,* endorses the claim that recognition be given to "people's membership of their own societal culture" (Kymlicka, 1995, p.105). Kymlicka provides explicit support for the view that such membership provides a sense of security, freedom of choice and a meaningful, safe sense of identity.

Continuing with the theme of consistent discrimination and violent persecution, the germination and impulse for Jewish self-determination arose out of 19th Century European

nationalist sentiment which exposed the Jews to a more virulent form of racial bigotry. This became particularly evident as Jews became emancipated in Western Europe from the mid-19th Century onward. This unfamiliar and dangerous form of persecution was of particular concern to the newly emancipated urban classes and precipitated a deep sense of insecurity identified by Herzl who in *The Jewish State* said "In those countries in which anti-Semitism is to be found, it itself is a product of Jewish emancipation …. in the ghetto we had already become in an odd way, a middle-class nation, and we emerged from the ghetto as competitors scaring the middle classes …. where we face pressure both from within and from without" (Herzl, 1896, p. 89-90).

In his Chapter in *The Morality of Nationalism*, Avishai Margalit cites 20th Century philosopher Isaiah Berlin extensively. Titled 'The Moral Psychology of Nationalism', this piece by Margalit describes Berlin as being deeply influenced by Romantic thought and that it was Romanticism that formed the basis for Berlin's approach to nationalism.

Berlin's view was that Romantic nationalism had at its core a deeper insight into human psychology than Enlightenment associated political philosophies such as liberalism and socialism. The latter, whilst representing ethical value systems, do not necessarily provide a deep enough psychological consideration when exploring an individual's nationalist ambitions. As Margalit suggests, "any social theory that aspires to relevance – Berlin himself is interested mainly in liberalism – must therefore take into account the psychological needs that were uncovered by the Romantics and are assumed to be fulfilled by nationalism'' (Margalit, 1997, p.76).

It was this Romanticist inspired ''culture of feeling'' (Margalit, 1997, p.77) and the significant influence this had on the culture of nationalism, that Berlin found particularly compelling. Identifying with the cultural nationalism as espoused by Herder in the late 18th

Century, Berlin thought that cultural nationalism has a deeper insight into the psychology of the cultural collective and affirms that this collective "considers the nation an organic entity whose supreme expression is the national culture" and where the ''culture, rather than the manifestations of political will, is the focus of national identity'' (Margalit, 1997, p.77).

Reinforcing Romanticism's link to cultural nationalism, Berlin believed that German Romanticism was in ''itself a response to the national humiliation'' (Margalit, 1997, p.76) the German nation endured after being subjugated by the armies of Richelieu and Louis XIV during the 17th Century. This aligned with Herder's view on the condition of German shame at the time with Herder believing that national redemption could only arise out of a cultural, folk driven expression of selfhood.

Carrying with them the psychological impact of this humiliation, the German collective's response was to identify with a culturally founded nationalism where, according to Margalit, the oppressed can galvanize around a spiritual, humanist and emotional response to their malaise.

The parallels that this notion of national humiliation have with the Jewish people and their nationalistic ideals are discernible. The Jews were being oppressed, ghettoised and slain and it was this need for an emotive, cultural sense of selfhood that inspired the early Zionist intellectuals.

Ahad Haam, one of the original and foremost pre-Zionist thinkers, spoke about the creation of a spiritual home for the Jews in Israel and opposed the political nationalism of Herzl. Haam emphasised the importance of a strong Jewish cultural persona attaching to any future state as opposed to a politically dominant nationalist sanctuary for the Jewish nation. There were however significant leaders in the Zionist movement such as Chaim Weizmann (a

mentor to Berlin) who were greatly influenced by Ahad Haam's cultural Zionism, and who in turn impacted Berlin's awareness of the Zionist version of cultural nationalism.

Herder's view on nationalism was that it fulfils a fundamental human need by providing people with a ''sense of the notion of belonging'' (Margalit, 1997, p.84). According to Margalit, having this sense of belonging enables people to express their selfhood, and a ''person's selfhood is also the clearest expression of his or her humanity'' (Margalit, 1997, p.84).

Berlin attributes the same ideals and thoughts to the Jewish people who were scattered over the Diaspora, who never had a feeling of being at home. In an acknowledgement to Berlin, Margalit quotes a Robert Frost poem ('The Death of the Hired Man') that describes the essence of this association:

> Home is the place where when you have to go there they have to take you in.
> I have called it something you somehow haven't to deserve.

The following paragraph from Margalit captures not only the identity crises afflicting Jews in the period before the establishment of Israel but also has bearing on Jewish and Israeli national identities in the contemporary environment:

> The reason Berlin considered Zionism justified as a national movement of the Jewish people was because it would provide a home for a nation that had lost the feeling of being at home. Many Zionist thinkers described the Jews as a people who were ill, while Berlin considered them "ill at ease" – that is, lacking the feeling of being at home, which is built on unconditional acceptance and the lack of any need to constantly prove oneself through achievement. I believe that Berlin's idea of the human need for belonging …. is derived from his idea of the need for feeling at home, which he projected from the Jewish

> experience onto humanity in general. The rootless Jew has become the metaphor for modern human existence in Western society as a whole (Margalit, 1997, p.85).

These preceding paragraphs have emphasized a profound philosophical aspiration of individuals and their representative collectives to achieve the comfort of a self-determinative homeland. This was particularly acute within the Jewish collective where their homelessness created its own unique instability and threat.

During this period of insecurity and nationalist endeavour, these aspirations for the fulfilment of both political and cultural nationalist identities was apparent amongst the Jewish populations in Europe. Within the realm of traditional communities in the East, a predominantly culturally nationalist identity reflected a latent, emotive need for a spiritual home to ensure the survival of a national culture. The emancipated, secular groupings in Western Europe gravitated towards a politically motivated solution to the segregation and perils facing the Jewish population. Herzl and political Zionism arose out of this malaise with the conviction that it was only through the establishment of a sovereign nation state that the Jewish nation could be preserved and protected. These separate nationalistic identities would continue to evolve and adapt through the years up to the establishment of the Israeli state and throughout the seventy years since.

I will now describe two early Israeli societal dynamics that illustrate how disparate Jewish philosophical aspirations (both cultural and political) clashed, progressed but ultimately merged over the period of establishment and existence of a Jewish nation state.

The first dynamic was to encourage the concept of Diaspora negation to produce a new Jewish national identity. Diaspora negation was a notion whereby the Zionists would differentiate the pioneering emigrants to Palestine as modern, nationalistic Jews distinct from the isolation, poverty and backwardness of the Diaspora, “shtetl” Jew. The realities of

independence, pioneering spirit and Hebraic culture widened the identity gap with the Diaspora generations. This reached its nadir when the realities of the Holocaust became apparent.

This fissure did begin to close in the late 1950's with a general identification with the many exterminated and the few that survived. A law establishing a Holocaust Day was passed in 1959 but it was the capture of Eichmann and subsequent trial that fused the collective memory of Israelis with those of Diaspora Jewry. According to Ruth Shamir Popkin in *Jewish Identity – The Challenge of Peoplehood Today*, the "Eichmann trial marked a turning point at which Zionism renounced its negation of the Diaspora and merged Israeli identity with Europe's exterminated Jewry. In a painful way this trial recreated the collective memory of Israelis' who until then had refused to identify with the Jews of the Diaspora" (Popkin, 2015, p.50). This merging of identity around the Holocaust was a validation to the Jewish nation that the state had justified an underlying Zionist political philosophy – that of being the "guardian of the Jews".

The second progression began in the late 1940's into the early 1950's with the exodus of some 800,000 Mizrahi or Oriental Jews into the new Israeli state – these people emanating from Arab/Muslim states in the Middle East and North Africa. Having no historical identification with Zionism or any direct connection to European Jewry decimated by the Holocaust, this group were absorbed into the new society. This absorption process exposed these immigrants to a proud Zionist national identity and an aversion to Holocaust memory practised by the dominant Ashkenazi political order at the time.

Notwithstanding the widely held belief that the original generation of Mizrachi Jews have a separate Israeli identity and felt disconnected from the persecution and genocide of European Jewry, historian Hanna Yablonka, in 'Oriental Jewry and the Holocaust: A Tri-

Generational Perspective*',* found that the first generation of Mizrachi immigrants had a strong sense of solidarity and identification with the disaster that had befallen European Jewry.

The following generation (1960-1980) felt marginalized from Holocaust memory on the basis that the Ashkenazim had appropriated the Holocaust to themselves, resulting in the Mizrahi group exhibiting "a blend of a painful sense of exclusion and an oppressive need to be part of its remembrance, something that has become an essential and inseparable part of Israeli identity" (Yablonka, 2009).

According to Yablonka the third and current generation have a "profound identification" with the Holocaust, with it having become an integral part of Mizrachi identification with Israeli society.

These illustrations give some insight into how the identities of disparate communities are not fixed and even if constituted by deep features can evolve and merge. Importantly there was recognition of a shared history of persecution and the acceptance of a protective nation state. What occurred was a profound philosophical affirmation between the disparate communities making up the new Israeli state.

Having achieved the right to national self-determination in the form of a Jewish nation state, the Israeli Jewish populace could now be described as having been instilled with a dual identity of cultural and political nationalism, the cultural aspect through language, ethos, memory and a sense of selfhood. The political characteristics would be identification with the achievements, strength and survival of a sovereign Jewish nation state and a loyalty to the state that citizenship would entail.

I will now refer to a contemporary examination of the cultural and national identities of Jewish people in the United States. This is the largest Diaspora community by a very large margin and overwhelmingly secular. Michael Walzer, in *The Anomalies of Jewish Identity*,

analyses the progression of Jewish secularization and contrary to expectation suggests that there has been a major revival in Jewish identity occurring over the past thirty years.

Walzer interprets this resurgence in Jewish identity as follows: “among those Jews touched by the revival, its effects are clearly cultural and national as well as religious …. Considered in all its forms the revival is individualistic and pluralistic in ways that are as much American as they are Jewish …. Whoever we are, and however many we are, we are not about to lose our anomalous national/religious identity” (Walzer, 2010, p.31).

I would submit that this description is an endorsement of the cultural nationalism described by Margalit above and reflects a perennial search for the elusive national “home” that embodies such a deep but inescapable part of Jewish identity. I think that even in secure, secular and prosperous America, the Jewish community lives with a sense of disquiet and as Walzer indicates, ‘’we are not like the other nationalities in the American nation of nationalities. We are not in exile and we are not simply at home” (Walzer, 2010, p.32).

These contradictions and insecurities reflect American Jews’ understanding of the long history of repeated Jewish exile, persecution and most revealingly, an ingrained and elusive feeling that it could all happen again – even in America. These sensitivities have been alarmingly reinforced in recent times with a significant spike in violent anti-Judaism activity occurring on campuses, synagogues, community centres and in public spaces.

Walzer’s view that American Jewry is “not at home” affirms the inescapable link that Diaspora Jewry has to another place both psychologically and geographically. There is an inexorable identity with a people, a nation, and through this modern period of Jewish history this is principally represented by the national home – the state of Israel.

Walzer puts it most succinctly: “For even if Jews are secure in the American homeland, we are still connected to another place - many of us another geographical place, but also, and

perhaps more importantly in the long run, to another cultural place and to another, a non-American history" (Walzer, 2010, p.32).

The reality of a Jewish state has empowered Diaspora Jews with a choice which was never available before. As quoted from an Isaiah Berlin lecture transcript circa 1975: "Today, individual Jews have this choice. They can be passionate supporters of the State of Israel or they can ignore it. They can contribute to it, can live there, can visit it constantly, can regard themselves as its emissaries abroad. They can have a relationship they wish with it which is desirable in a free, open-textured liberal society" (Berlin, 2006, p.10).

The central point of this Sub-Section is the correlation of Jewish conceptions of identity and nationalism with the history and current realities of anti-Judaism. Jewish existence is profoundly impacted by the memory of persecution, genocide and homelessness and even with the comfort of a sanctuary nation state the phenomena of anti-Judaism persists. The existence of the state itself continues to be threatened and Diaspora communities face increasing jeopardy. The recognition of Jewish identity, self-determination and nationalism is an indispensable pillar contributing to the moral justification of Zionism and a Jewish nation state.

6.3 ANTI-JUDAISM UNIQUENESS

The purpose of this section is to show that the animus directed at Judaism over history and into the contemporary milieu holds an unequalled and incomparable place in an account of racism, persecution and genocide. It is my view that anti-Judaism has been so profound, pernicious and perpetual that it justifies its own specific status within the ambit of immoral thought and conduct.

To justify a proposition of uniqueness necessarily requires the presentation of a body evidence or knowledge.

The presentation of a body of evidence/knowledge includes a review of Jewish history and a description of the Jewish collectives' exposure to a unique antipathy. This examination will provide compelling evidence that this phenomenon has at its core a consistent and unique effort in the demonization, dehumanization and destruction of the Jewish people.

It was the advent of organized Christianity that demonized Jews as a deicidal people deserving of isolation and annihilation. This theological hatred played out in different forms over the centuries, from Crusader genocidal murder to the Spanish Inquisition inspired forced conversion (with the inevitable option of death or expulsion).

Over these hundreds of years there were innumerable instances of organized massacres, blood libels, scapegoating, forced conversions, expulsions and ghettoization directed at Jewish people and communities – this across Western and Central Europe. As Robert S Wistrich describes in *A Lethal Obsession*, ''It was not so much empirical Jews who were the issue but rather the symbolic reference to the collective Jew as a *threat* ….. attacking the Jews became an accepted way for Christians to affirm their faith and repudiate their own doubts'' (Wistrich, 2010, p.19).

It must be said that the deicidal antipathy had an influential racial undertone, with Jews regarded as of impure blood and representing an ethnic, contaminating threat to Christian society. As portions of the Jewish population in Europe became emancipated and secularized over the second half of the 19th century, this prompted a decisive transition from religious to racial anti-Semitism. Existing theological hostility was exacerbated by an existential threat to Jewry promoted by state actors and prominent intellectuals. According to Wistrich it was the composer Richard Wagner who was the most influential factor in creating an eliminationist

anti-Semitic mentality and he ‘’represents a crucial link between the Christian Judeophobic tradition and the redemptive anti-Semitism of Nazism. His vision looked toward the future transformation of European man and the salvation of humanity through the radical solution of the ‘Jewish question’’’ (Wistrich, 2010, p.103).

A marker adding another dimension to the anti-Judaism vitriol was the advent of conspiracy theories. The most notorious, impactful and enduring Jewish conspiracy theory was encapsulated in a publication entitled *Protocols of the Elders of Zion* that appeared in 1905. Contrived by the Czarist secret police, this document presented the Jews as instruments of satanism, engaged in a secret plot to overthrow the existing political order and intent on establishing world domination. Again, expanding beyond the individual Jew’s otherness, corruption and inferior race, the Protocols maintained that it was the Jews as an *organized group* that were plotting to take over the world.

Islamist and Jewish cohabitation began from about the 8th Century and the legal status of Jews (and Christians) under Islam from this time until the premodern era was that of *dhimmis.* Conditional on the payment of a poll tax, this standing afforded Jews official recognition of religion, a degree of personal security and some autonomy in running their own communities.

However, from a theological perspective the original Koranic teachings’ view of the Jews was harsh, dehumanizing and mandated debasement and death for the ‘’deceitful and treacherous Jew’’ (Wistrich, 2010, p.788). These literal interpretations were not actualized to any great extent over the many years of Muslim/Jewish coexistence with the *dhimmi* regime holding sway - this until the period of the Zionist/Israel project and its realization. It was over this period that witnessed the transformation of Arab/Muslim anti-Judaism from a mostly

benign cultural interface into the established vitriolic, extreme and destructive racial doctrine favoured by European anti-Semitism.

Later in the 19th Century a definitive expansion of the Zionist movement occurred in response to rising anti-Semitism in Europe. Pogroms in Russia, Poland and Ukraine were becoming endemic and anti-Semitic racial baiting, disinformation and discrimination was pervasive across the more advanced societies in Western Europe.

The resultant Jewish emigration to Palestine quadrupled from the early 1900s to 1940 and there was a concurrent Arab response over this period. Before analysing the reaction, mention needs to be made of the residual Jewish population in Palestine prior to the waves of Zionist inspired immigration. Living as second-class citizens under the *dhimmi* status afforded all non-Muslims in the Arab world, the Jews of Palestine were mostly urban, pious, desperately poor and suffered ‘’humiliating oppression at the hands of Christian and Muslim Arabs’’ (Wistrich, 2010, p.690). The Arab reaction to Zionism was deeply influenced by their Islamic conception of Jews as being inferior and weak and that it was incomprehensible that Jews be entitled to any form of self-determination. It was therefore not surprising that the Arab response to the Jewish incursion into Palestine was overwhelmingly anti-Jewish in both form and substance. What was however prescient was the Arab reaction being heavily influenced by lethal European Christian anti-Semitism, Jewish conspiracy theories and myths of unlimited Jewish capital supporting the Zionist project. Whilst there was widespread resentment to Jewish settlement in the last years of Ottoman rule, it was the Balfour Declaration in 1917 (coinciding with the British mandate over Palestine) that advanced the reality of a vociferous and aggressive anti-Judaism emanating from the Arab majority.

Whilst the British were also the targets of Arab antipathy it was the Jews who were attacked and killed. The early pogroms in the 1920’s resulted in the murder of hundreds of

Orthodox Jews of the old religious community. Revealingly, no distinction was made between these traditional anti-Zionist Jews and the recently immigrated Zionist disciples of whom few were killed. As the Zionist project in Palestine gained traction in the 1930's, it was the Arab/Palestinian leadership that incited and harnessed the Arab population in what was portrayed as a struggle against Zionism but was a deadly campaign against the *Jewish* population of Palestine.

It is notable and relevant that the predominant Palestinian leader at the time was the grand mufti of Jerusalem, Haj Amin al-Husseini, who established a close, working relationship with the Nazi regime. Identifying with the Nazi formulation of *Jews* (and not Zionists) as the primary enemy, Haj Amin disseminated the view of ''the ideological proximity of Islam and Nazism, pointing to the common battle against the 'Jewish world enemy''' (Wistrich, 2010, p.699).

The road to the Nazi genocide of European Jewry was not inevitable, but a toxic mix of deicidal hatred, fantastical conspiracy theories and modern political ideologies of nationalism, socialism and racism combined into making the threat real and present. An institutionalized tradition of anti-Jewish thought and practice gave the Nazis the ideal platform to mobilize the masses in endorsing an ethos of hatred and extermination.

Certainly, social and political conditions in Germany aggravated the malaise but it was the exclusive situation of Jewish powerlessness, vulnerability and otherness that made them the ideal scapegoats to be exploited in the interests of a greater political project. Daniel Goldhagen, in his book, *Hitler's Willing Executioners*, summarized anti-Semitism in Nazi Germany: ''Genocide was immanent in the conversation of German society. It was immanent in its language and emotion. It was immanent in the structure of cognition. And it was immanent in the society's proto-genocidal practice of the 1930s" (Goldhagen, 1996, p.449).

These attitudes were pervasive not only within Germany but across swathes of Europe. The centuries of consistent, ubiquitous and violent racism, specifically aimed at Jews, had conditioned European minds to such an extent that it became morally acceptable to endorse and participate in a genocidal program of extinction. It is my submission that this inculcated, anti-Jewish phenomenon represented a uniquely immoral conviction that served to tolerate and support the Nazi program.

This was further evidenced by the fact that millions of Europeans were either active or passive participants in the Holocaust. The active participants were the perpetrators (Germans, local nationalists and in many cases neighbours), with the passive accomplices being the facilitators of deportation in the occupied countries or betrayers of hidden Jews and beneficiaries of stolen Jewish property. There were many individuals who saved Jewish lives but in the context of the greater slaughter it was not material.

The silent majority were indeed silent and watched on with a malign indifference. The Jews were always regarded with suspicion and disdain and the characterization by the Nazis of the Jews as a world enemy (‘’Weldfiend’’) and a racial threat to German existence resonated with the mainstream views and subdued any abhorrence to the unfolding calamity.

Regrettably even the so-called haven states were infected by anti-Semitic social and political pressures when Jews were attempting to escape pre-war Nazi Germany. Countries such as the USA, Britain and Canada rejected any large-scale acceptance of Jewish refugees notwithstanding the extreme menace of the message emanating out of Germany. The perennial notion of Jewish otherness and a resistance to further Jewish intrusion into these societies had an influence on governments at the time.

The Nazi Holocaust was unquestionably unique in the context of human genocides. The intensity, brutality and scale of the Final Solution has no parallel over the millennia of recorded

human history. The fanaticism and murderous efficiency wielded by the Nazis and their collaborators in the extermination of the Jews can also be regarded as exceptional.

Support for this assertion of uniqueness comes from historian and Holocaust scholar Yehuda Bauer, who sets out five facets associated with the Holocaust that he argues are without precedent in any other genocides:

- The perpetrators intended to find, register, signify, humiliate, dispossess, concentrate and murder all people that happened to be born Jewish. This is unprecedented.
- The intention of this extermination was that it should happen on a global scale – the first time in history there was an attempt to universalize a genocide.
- This was an ideologically driven genocide without any political, economic or military factors playing a role. An ideological fear of Jewish world domination (out of the *Protocols of the Elders of Zion* forgery) and an unflinching adoption of medieval anti-Semitic satanic tropes drove the extermination. This again without precedent.
- The Jews were regarded as racially impure and had to be purged from the Nazi inspired ethnically pure global hierarchy the Third Reich promised.
- The Jews were regarded as the last surviving custodians of the original values embodied in European civilization – liberalism, socialism, democracy and humanitarianism. These values were anathema to the Nazis and the destruction of its remaining human symbols was inherent in the genocidal plan.

As set out above the Holocaust was unparalleled at various levels which singly or collectively have no precedent in any other genocides before or since World War II.

The Holocaust represented an apex of a people's history that is uniquely distinguishable, providing a clear continuum of dehumanisation and destruction – this specifically directed towards an identifiable ethnic group.

Alice and Roy Eckardt in ‘The Holocaust and the enigma of Uniqueness’ say: “In significant respects Hitler and his cohorts were heirs of a special East European antisemitic tradition that had reigned for centuries, as well as being heirs of the Christian anti-Jewish tradition as a whole” (Eckardts’, 1980, p.174). They further say: “The singularity of the Holocaust is measured by the specific identity of its victims. It is from within the context of historic and abiding Jewish victimization that the moral peculiarity and challenge of the Holocaust may be said to emerge” (Eckardts’, 1980, p.177).

The Eckardts’ proposition is an acknowledgement of my position that it was this historical and enduring anti-Judaism that both precipitated and facilitated the destruction of European Jewry – a uniquely immoral cultural and ideological obsession with Jews that did not abate with the end of Hitlerism and the symbolic liberation of Auschwitz.

Avishai Margalit and Gabriel Motzkin observe in a discussion on Holocaust uniqueness, that the Germans embodied this “denial of humanity in the way in which they fused humiliation and extermination in their ridding the world of the Jews” (Margalit & Motzkin, 1996, p.83). This powerfully illustrates the distinct uniqueness that this radical and unprecedented German denial of Jewish humanity embodied.

Margalit and Motzkin’s concluding point is accurate, that the Holocaust “has become a constitutive story” (Margalit & Motzkin, 1996, p.83), creating a new historical narrative. A significant element of this constitutive story is how the Holocaust, as a catastrophic culmination of centuries of hate and persecution, provided the realization for the Jewish people that it was the Zionist philosophy on culture, nationhood and identity that offered any hope of salvation. I would submit that the security and survival of a national home for the Jewish people is central to a post Holocaust reflection.

Building on the body of evidence testifying to anti-Judaism uniqueness, I will now turn to the period post establishment of the Israeli state and illustrate how traditional anti-Semitism has mutated into an anti-Zionist/anti-Israel campaign of delegitimization and destruction. I will show how anti-Judaism has shifted from its traditional theological and racial roots and is now clothed in a political, ideological and eschatological anti-Judaism with a focus on the only Jewish nation state – Israel.

I set out five features of contemporary anti-Judaism that support this proposition:

- The 1947 United Nations Partition Plan was rejected by both Palestinian Arabs and the surrounding Arab nation states. An absolute denunciation of any form of Jewish statehood in Palestine was inherent in the political and violent opposition to the increasing Jewish settlement facilitated by the Zionist movement in the decades preceding the proposed partition. What however informed this thinking was less the traditional but more moderate anti-Semitism incipient in the inferior status of Jews in Arab lands, and more the recent virulent and eliminationist anti-Semitism as espoused by the Nazis. It was this latter animosity that Arab nationalists embraced when confronting the reality of a Jewish state in Palestine.
- The expulsion of the 900,000 strong resident Jewish population from Arab/Muslim countries (I use this description in order to incorporate non-Arab jurisdictions in the region) between 1940 and 1970 was a further feature where existing, latent and adopted anti-Semitic methods were implemented to facilitate this exodus. In a piece published by the *Jerusalem Centre for Public Affairs*, Prof Shmuel Trigano sets out six measures that were applied by Arab/Muslim states over this period namely: “denationalization; legal discrimination; isolation and sequestration; economic despoilment; socioeconomic discrimination; pogroms and other acts” (Trigano, 2010). These repressive and persecutory actions were a replication and extension of anti-Jewish

discrimination that had occurred throughout Europe and the Muslim world over many centuries. Emulating much of what was instituted by Nazi Germany, the Arab/Muslim countries enclosed their Jewish populations in a suffocating net of regulations, separation and fear as a precursor to confiscation and expulsion. Notwithstanding a background without any material Zionist identification and activity amongst the Jewish populations within the Arab/Muslim countries, the weight of these anti-Jewish measures occurred *after* the founding of the Israeli state. This new Arab/Muslim anti-Zionism contained classic anti-Semitic policies where the Arab leadership merged their Jewish populations' loyalties and identities with that of the new Jewish nation state. The Jewish collective was regarded as being co-responsible with Israel for the Arab military defeats, with a Zionist affiliation being ascribed to the Jewish communities, both secular and religious. Regardless of any individual ideological persuasion, *all* and *only* Jews were subjected to these special laws and perceived Israeli culpability was imputed to the Jewish populations' residence within the Arab/Muslim states.

- There is a need to address the competing narrative of Jewish expulsion of Arab communities during the 1948 Arab-Israeli War. Known as the Nakba within the Arab world, some 700,000 refugees left villages and cities during and consequent to the conflict and the Israeli victory. Benny Morris in *1948:The First Arab-Israeli War,* is of the view that this occurred as a result "of the expulsionist elements in the ideologies of both sides in the conflict" (Morris, 2008, p.407). Holding the explicitly violent and expulsionist ideology espoused by the Palestinian leadership for the preceding two decades primarily responsible, Morris holds that the Zionist leadership was largely responsive in dealing with this dynamic. This was evidenced by the Israeli authorities denying a right to return of these refugees to their original homes. Morris would also state that "transfer or expulsion was never adopted by the Zionist movement …. as

official policy at any stage of the movements evolution – not even in the 1948 War" (Morris, 2008, p.407).

- Arab/Muslim hostility towards Israel over the contemporary period is inseparable from an abiding and deep-seated antipathy towards Jews and Judaism. In both formal and informal manifestations, Arab/Muslim states, Palestinian resistance movements and other Islamic formations adopted and continue to exhibit explicit anti-Semitic sentiment when confronting the Israeli state. A vociferous anti-Judaic characterization of a merged Jews/Zionism/Israel conception finds its expression across academia, theological sermons, the media, within educational syllabi and pervades the public dialogue across the Arab/Muslim world. There is the consistent theme that Israel has no right to exist as a nation state, converging with the conviction that Jews as a people are not entitled to any form of self-determination. "The imagined depravity of the Jews is grafted onto the negative perception of Israel and vice-versa in a vicious circle of self-reinforcing and self-fulfilling prophecies" (Wistrich, 2010, p.64).
- Over recent decades Arab/Muslim anti-Judaism has become Islamicized and the conflict with Israel has now been escalated to that of an eliminationist Holy War (jihad). This conviction has been embraced by both state and non-state actors in the region and a political philosophy calling for the destruction of the Zionist state is explicit in both rhetoric and policy. It is however an underlying anti-Semitic faith-based belief system that informs the thinking of these adherents. The main state player in this conflict is the Iranian theocracy founded in 1979 where statist existential threats to the "Zionist entity" are exacerbated by "Holocaust denial, growing Shiite messianism, and the export of Islamist-populist anti-Semitism" (Wistrich, 2010, p.68). The Palestinian Hamas movement is formulated under an avowedly anti-Semitic Charter where jihad against the *Jews* wherever they may be is considered a duty. The Charter makes specific

reference to *Jewish* perfidy and purposefully fuses the struggle against Zionism with that of the Jewish people. The Lebanese based resistance group Hezbollah openly espouse anti-Jewish views in addressing their conflict with the Israeli state.

- In the post Holocaust era, and with the risks of being viewed as overtly anti-Semitic, a shift to a politically acceptable anti-Zionist agenda emerged within political groupings across the developed world and emerging nations. These formations shared in a conspiratorial vision of Zionism that reinforced the "similarities and continuities between the old anti-Semitism and the new anti-Zionism" (Wistrich, 2010, p.496). The libels and negative tropes aimed at Jews long preceded political Zionism and the establishment of Israel. It is however these legacies and *Protocols of the Elders of Zion* inspired conspiracy theories that are consistently employed to delegitimize the Israeli state and denounce Diaspora Jews' identification with and support for a Jewish state. Zionism and the existence of a Jewish nation state exacerbated by an unresolved political conflict with the Palestinians has provided the contemporary anti-Judaism cohorts with a pretext and alibi to describe the existence of Israel itself as the new "Jewish question".

I conclude that the uniqueness thesis I have set out above provides a body of evidence revealing a relentless, intersecting progression of anti-Judaism from the enforcement of religious dogma and prejudice; racial-biological victimization and genocide; conspiracy theory fabrication; Holocaust denial; historical revisionism; and ultimately the stigmatization and denunciation of a Jewish nation state. The Jewish people identified either by religion, race or nationhood have been subjected to a consistent and exclusive form of prejudice and existential violence over hundreds of years. There are no comparative ethnic groups over history who have confronted such a perennial threat to survival either as individual human beings or as a collective within a self-determinative nation state.

The uniqueness premise described above provides a further pillar to my claim that Zionism has moral legitimacy in having conceptualised and created the sanctuary of a Jewish nation state. In contrast to the Gans position, this proposition provides an appropriate and comprehensive argument that historical and contemporary anti-Judaism is a core tenet within a moral justification for Zionism.

6.4 INTERNATIONAL ETHICS AND ANTI-ZIONISM

The advent of the Israeli state in 1948 and over the 72 years since has been dominated by wars, enduring conflict, intractable political contestation, global terrorism and international interventions – I would term this the "Israeli question" for the purposes of this Sub-Section. This matter has inevitably drawn the attention of multilateral institutions such as the United Nations, national governments and non-state actors and what I will illustrate in this Sub-Section is how the advent of a Jewish state has precipitated another dimension of anti-Judaism conduct where the focus of is on the only Jewish nation state – Israel.

The United Nations through its plenums and agencies that deal with human rights and international law offer some compelling indicators of unethical conduct and bias in their pronouncements on the Israeli question:

- The UN General Assembly has passed 146 condemnatory Resolutions since 2015. Fully 101 of these Resolutions were against Israel. The balance was shared amongst nation states such as Iran, North Korea, Syria and Myanmar.
- The United Nations Human Rights Council (UNHCR) has passed 148 condemnatory Resolutions since 2006. 85 Resolutions were against Israel with Syria (32) and North Korea (12) sharing in most of the balance. Israel is the only country in the world whose

human rights record is subject to a permanent agenda item. Of the 15 Commissions of Enquiry mandated by the UNHCR, 8 have been on Israel.

- The UN Commission on the Status of Woman has passed 4 condemnatory Resolutions since 2015 – all against Israel.

(Source – UN Watch, 2021. Accredited NGO with special consultative status at the UN)

The disproportionality, irrationality and bias revealed by these numbers point not only to dysfunctionality within the United Nations constituent system but a profound ethical failure in dealing with the Israeli question. The application of double standards, political expediency and selective denunciation points to an anti-Zionist pathology that has infused the forums of the United Nations.

There is an obvious and consistent pattern in selectively condemning Israel for perceived human rights abuses in a clearly discriminable manner. There is a comparative paucity in Resolutions and interventions in several serious conflicts across many regions and where violations of human rights eclipse what is occurring in the greater Israeli/Palestinian scenario – this by any measure such as loss of life; conduct of conflict; individual freedoms; gender equality and democratic norms. The question would therefore arise as to what informs the underlying pathology within the international community that gives rise to the distortions, duplicity and selective morality in the treatment of the Israeli state in multilateral forums.

I am of the view that there exists an institutional, inherited and entrenched anti-Judaism across international politics that empowers governments to comfortably embrace or default to an anti-Israeli position in multilateral forums such as the United Nations.

The pronouncements and policies of certain countries, national leaders and political formations operating internationally and within states have over recent times blurred the distinction between anti-Semitism and anti-Zionism.

An intergovernmental organization, The International Holocaust Remembrance Alliance ("IHRA") was formed in 1998. This to strengthen, advance and promote Holocaust education and remembrance worldwide. The IHRA expanded its remit in 2016 by introducing a "Working Definition of Antisemitism" (IHRA, 2016). This was done in response to a continuous rise in anti-Semitism and the ascribing of both traditional and new themes/tropes to the Jewish state. This is the only multilateral institution to have taken an advocacy role in promoting Holocaust and anti-Judaism awareness.

Giving credence to the proposition that Israel is conceived as a Jewish collective, the IHRA saw fit to include in its working definition of anti-Semitism the following instances of where Israel is accorded anti-Semitic characterizations:

- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Denying the Jewish people their right to self-determination and claiming that the existence of Israel is a racist endeavour.
- Applying double standards to Israel by requiring behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.

Although the IHRA definition is not legally binding it has gained recognition and traction within the international community. There has been criticism that the definition effectively muzzles any condemnation of Israel. This is incorrect and the definition explicitly notes that a "criticism of Israel similar to that levelled against any other country cannot be regarded as anti-Semitic" (IHRA, 2016).

Whilst some policies of the Israeli state could validly attract the opprobrium of sections of the international community, the preponderance of the criticism is fraught with inconsistency, double standards and its inherent anti-Judaism. This amounts to a failure of equal, consistent and ethical conduct in the treatment of Israel in international relations.

In summation, the inherent bias, hypocrisy and inconsistency that multilateral forums apply to the Israeli state is of such consequence that it warrants a description of unethical conduct. The weight of anti-Israel pronouncement effectively endorses an anti-Judaism predisposition and reinforces existing insecurities of whether a Jewish self-determinative nation state has the right to exist. Not identified by Gans as a factor in Zionist morality, I would contend that this irrational disinclination to treat Israel ethically has the effect of fortifying a Zionist justification when seen thru the lens of a perennially threatened nation.

6.5 DIGNITY, HUMAN RIGHTS AND JEWISH SOVEREIGNTY

I will be approaching this Section by initially applying classic philosophical theory to Jewish entitlement to dignity and autonomy, and then provide a contemporary assessment of the Jewish self-determinative reality by evaluating its continued justification, human rights regime and democratic institutional practice. Immanuel Kant is generally considered the forerunner in initiating a transition of political systems based on honour to those based on dignity. Honour is aligned to a hierarchical measure of one's social substance or standing whereas dignity is more expressive of an individual's inherent worth and a moral entitlement to equality.

An essay by Rachel Bayefsky describes Kant's contribution to the "politics of equal dignity" (Bayefsky, 2013, p.811) and examines Kant's understanding of the interaction between dignity and honour. Acknowledging the complexity of Kant's views on these

concepts, Bayefsky remarks that there is no clear indication as to whether Kant rejected honour in favour of dignity in his conception of equality. I will however, for the purpose of this exposition, concentrate on Kant's conception of individual dignity and its application to the Jewish collective.

It is worth noting that in identifying dignity, Kant anticipated the central role dignity would have in the contemporary theory and practice of human rights. The Universal Declaration of Human Rights established through the United Nations in 1948 states that "recognition of the inherent dignity and of the equal treatment and of the inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world".

Bayefsky identifies various contemporary commentators that endorse her view that "Kant is often identified as a crucial (if not *the* crucial) progenitor of the form of human dignity that grounds human rights" (Bayefsky, 2013, p.811). It is common cause amongst these commentators that Kant allied dignity to his conception of each human being morally equaland having an unconditional worth based on an intrinsic moral autonomy.

According to Bayefsky, Kant's views on dignity that are referenced most often in human rights literature can be found in two passages from *Groundwork to a Metaphysics of Morals* and the *Metaphysics of Morals.* In the *Groundwork* passage Kant differentiates between a material exchange mechanism such as "price" and the concept of "dignity" ("wurde" or worth), with the latter being superior and not transactional. Behind this distinction is Kant's belief that there is an inherent non-material value attributable to the human condition. Kant regarded dignity as the moral benefit one obtains with the adherence to universal laws that one ascribes to oneself through the exercise of personal autonomy. Bayefsky points to Kant's concluding words in the *Groundwork*, that "autonomy (giving oneself a law) "is the ground of the dignity of human nature and of every rational creature" (cited in Bayefsky, 2013, p.815).

Kant regards the human being as both a natural being, subject to natural laws, and as a free being that is valued as an "end it itself" and possesses dignity or "absolute inner worth". It is personal dignity that provides the agency to be able to set one's own moral standards or laws which creates a valid expectation of equality within the "human family".

It is noteworthy that during Kant's lifetime (latter part of the 18th Century) the Jewish population in Europe was isolated, victimized, disenfranchised and deprived of the dignity and autonomy that Kant had referenced in his writings.

With a gradual emancipation of Jewish communities in Western Europe into the 19th Century the expectation amongst Jews was that they would be able to reclaim a measure of acceptance, equality and dignity within broader society. The reality was that the traditional theological antipathy was exacerbated by a racial animosity as Jews secularized and assimilated into the Christian mainstream.

Recognizing this dynamic and the increasingly evident dangers to Jews' emancipation, the early Zionist theorists in the mid-19th Century were convinced that the only route to reclaiming dignity, security and true liberation for the Jewish collective would be by way of national self-determination in the historical homeland of the Jewish nation.

I would at this juncture note that notwithstanding the Kantian view that autonomy and dignity have applicability to individuals per se there is a clear implication that this could by natural extension apply to a collective. I would submit that an individual's moral entitlement to dignity and autonomy coincides with the same entitlement fellow members of an identifiable group would also possess. This is particularly relevant where the exercise of group autonomy and dignity would facilitate a *collective* aspiration such as national self-determination. Kymlicka gives further endorsement to these group ideals with the comment that "cultural membership provides us with an intelligible context of choice, and a secure sense of identity

and belonging, that we call upon in confronting questions about personal values and projects" (Kymlicka, 1995, p.105).

Taking the consequent step in aligning this formulation with the Kantian conception of dignity and inner worth there is a valid assumption that a Jewish nation has the collective autonomy and dignity to adopt and pursue moral self-legislation. The assumption therefore applies a group entitlement that aligns with Kant's moral vision of an identifiable group of humans embracing a morally autonomous set of laws that is both justifiable and legitimate. It would in addition validate Kant's suggestion from *Groundwork* that giving oneself a law "is the ground of the dignity of human nature and of every rational creature" (cited in Bayefsky, 2013, p. 815).

From a Kantian theoretical perspective and fortified with the Universal Declaration of Human Rights recognition of "inherent dignity", I would claim that the Zionist ideal would have support from the pre-eminent Enlightenment philosopher that pronounced extensively on matters of human dignity. This would add substantial philosophical support to a foundational tenet of Zionism's political philosophy, namely self-determination. This precept is grounded in the rational and moral entitlement of the Jewish people to reclaim a dignity dispossessed by anti-Judaism thought and practice over many centuries.

I would argue that individual Jews can only regain and realize autonomy and dignity through the agency of a collective movement with the resolve to afford the space, equality and protection that only a sovereign self-determinative entity could provide.

The dispossession and degradation of individual Jews' autonomy and dignity was directly attributable to their ethnicity which makes the argument for a collective intervention plausible and appropriate. The Jewish condition at the time of the Zionist conception was that of a collective malaise that no individual, however assimilated, could escape.

Whilst Kant ascribes dignity to all rational creatures however oppressed and persecuted, I would submit that the Jews present a special and unique category that does not fully align with Kant's view. When you have a group that for centuries were isolated, maligned and harmed there is a contradiction in ascribing a worth to the individual when the group to which the individual belongs is regarded as non-worthy.

Citing Kant's *Metaphysics of Morals,* Bayefsky points to a requirement that dignity holders be entitled to equal respect from others and "that a human being with dignity" 'exacts respect for himself from all other rational beings'" and can "'value himself on a footing of equality with them" (cited in Bayefsky, 2013, p.823). The contradiction mentioned above is amplified when considering that the Jewish collective were not afforded a reciprocal respect and recognition of dignity from others. It is difficult to understand how the individual members of that collective could be afforded any reciprocal respect when they are tainted by a denial of any reciprocity and recognition on account of their group membership.

Bayefsky indicates a consensus amongst contemporary commentators such as Waldron, Rawls and Taylor that recognition and respect have important ethical and political considerations in the conception of individual *and collective* (my emphasis) pursuit of dignity and human rights. To achieve social respect and political recognition the Zionist conception was that the Jewish people were obliged to extricate themselves from their undignified existence in Europe and establish their own regime to regain political recognition and human dignity.

It is now appropriate to extend our discussion around individual and national self-determining aspirations but within the legal and political sphere. Kant's' profound influence on contemporary legal and political philosophy emerges out of his conception of political rights, state coercion and freedom. It is therefore appropriate that we apply a Kantian

perspective to the question of how the Jewish individual or his representative collective can accomplish meaningful legal and political gravitas.

Arthur Ripstein in *Force and Freedom* claims that the doctrine that guides Kant's political philosophy is his Universal Principle of Rights as set out in *The Doctrine of Right*, the first part of *The Metaphysics of Morals.* This Kantian doctrine says that "an action is right if it can coexist with everyone's freedom in accordance with universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with universal law" (cited in Ripstein, 2009, p.35). Kant captures the essence of this universal principle by describing it as generating an "innate right" which "is the only original right belonging to every human being by virtue of his humanity" (Ripstein, 2009, p.35).

Taking these notional innate rights into the realm of the Jewish condition, I would hold that these rights were denied in most of the jurisdictions that Jewish collectives found themselves in. The only option a Jew could have in claiming these innate rights was through the intervention and support of a credible representative movement that had as its political philosophy the establishment of a society where its constituents obtained the freedoms as defined under Kant's universal law.

It was the Zionist movement that emerged as the vanguard in recognizing, restoring and ultimately protecting this innate right to freedom to which the Jewish people were deprived for so long. At the core of this political philosophy was the recognition that this was only achievable through the establishment of a sovereign, self-determinative nation state.

Ripstein observes that arising from Kant's conception of personal and public rights, the notion of national independence is a core justification in that it empowers the individual to pursue a purpose and that "you are independent if you are the one who decides which purposes you will pursue" (Ripstein, 2009, p.14). I would submit that this concept of independence

would also be valid where individuals gather in voluntary association and cooperative purpose to achieve a justifiable political objective. This would describe the Zionist Project where an identifiable, cohesive group joined in common purpose to restore innate political rights of security and self-determination.

It would be appropriate to distinguish Kant's account of independence as opposed to his conception of autonomy. The key differential is that "*independence* requires that one person not be subject to another person's choice" (Ripstein, 2009, p.15). Autonomy is the apolitical capacity for an individual to act on his own volition even if controlled or instructed by another. It is important to note that the distinction is made to emphasize the inherently political nature of Kant's conception of independence.

It was however the condition of European Jewry that their independence was in fact subject to another authority's choice, with Theodore Herzl describing their situation as being a collective of individuals trapped in a subjugated group without their consent and exposed to an "eternal circle" (Herzl, 1896, p.91) of oppression. Autonomy, personal security and dignity was continually under threat whilst any form of political independence was either denied or emasculated.

Recognizing that political independence and securing a self-determinative future was the only realistic option facing the Jewish collective, the Zionist political philosophy was to propagate an ideal of ethno-cultural political independence and national self-determination where all the primary human entitlements such as autonomy and dignity could be regained and secured.

Whilst all these basic human rights enjoy Kantian support as illustrated above, a further right that gains Kant's conditional support is that of revolution. Whilst not typically applicable to minority communities with no means or intent to overthrow an oppressive state/s, I would

submit that a revolutionary political solution was justified in ameliorating the Jewish condition. In most territories across Europe Jewish rights were violated to such an extent that it amounted to egregious conduct by states and other powerful institutions. Ripstein indicates that such wrongfulness violates what Kant calls "the rights of human beings as such" which coincides with the *Universal Principle of Right* allowing individuals to unite with "others in a rightful condition" (Ripstein, 2009, p.337).

Ripstein points to the example of Nazi Germany where the "political power conducts themselves so egregiously are thought to give rise to a right to revolution" (Ripstein, 2009, p.337). Whilst Ripstein says Kant does not refer to egregious regimes explicitly "his account of the public nature of right that holding a near monopoly of force …. does not satisfy the postulate of public right" (Ripstein, 2009, p.337).

I would argue that Zionism is a revolutionary political theory with the ideal to unify a small, fragmented but identifiable ethno-cultural collective into a refuge that a nation state could provide. This in response to a uniquely egregious and wrongful threat to survival that anti-Judaism embodied at the time.

In describing the Zionist intervention as being revolutionary, I do so in a wider non-violent context where a political concept has as its objective a complete and dramatic change to the lives and circumstances of a threatened group. The implications of galvanizing, uplifting, conveying and ultimately settling thousands of people in a foreign land can validly be described as revolutionary. This was not a revolution in the sense of a violent, localised uprising with the intention of usurping political power, but the conditions the Jewish collective found themselves in called for an unprecedented response that was revolutionary in scope and theory.

The existential threat that anti-Semitism represented to the Jews of Europe necessarily required this revolutionary response. With the political ideal of gathering in and providing

sanctuary to the exiled, dispersed members of an ethno-cultural minority having no precedent, it was Zionism that conceptualized and ultimately actualized a justifiable nationalist revolution.

These considerations provide reasons to claim that in the case of the Jewish people the Kantian concept of achieving individual dignity is justifiably connected to a notion of national self-determination. This linkage proved to be successful and a self-determinative, sovereign state emerged in 1948.

I would at this juncture make some brief comment on the 1947 United Nations Partition Plan.

As Alexander Yakobson & Amnon Rubinstein observe in *Israel and the Family of Nations*, the supportive countries "viewed the establishment of this state as an act of historic justice for the Jewish people and a humanitarian solution to the problem of the displaced Jews of Europe … and also, in a broader sense, as a solution for the ancient problem of the Jews as a homeless people" (Yakobson & Rubinstein, 2009, p. 15).

This decision in 1947 held within it great moral and political significance for the Zionist project. The international community recognized the reality created by the Zionist movement in Palestine itself; understood the plight and homelessness of the Jewish people and ultimately conceded a justification of the Jewish people to self-determination.

It was however at the same forum that the denial of Jewish nationhood was also given official expression with the detractor countries generally holding the view that the Jews were not a race, people or nation but a religious grouping with no entitlement to self-determination. This renunciation of Israel's right to exist as a Jewish state continues to be a commonly held position amongst the cohort of anti-Zionist protagonists and as I have stated previously would amount to a recurrent expression of anti-Judaism thought and conduct.

Notwithstanding the denial of nationhood to the Jewish people, Israel will only endure as a Jewish state if it can be defended from a moral perspective. It is therefore apposite that the justification and moral entitlement to a Jewish nation state be reasoned appropriately and compellingly.

Ruth Gavison in an Essay 'The Jews' Right to Statehood: A Defence' argues that within a "discourse of human rights" (Gavison, 2003, p.72) there are certain universal moral principles that would accord with the right of a people's entitlement to self-determination. In the case of the Jewish people these would be:

- Right to safety, security and the "continuation of Jewish civilization"
- Right to preserve the Jewish character of the nation state.
- Recognition of a particular people's uniqueness and the right to conserve and develop that uniqueness.
- A democratic duty to respect and reflect the wishes of the majority.

A justification based on "universal moral grounds" (Gavison, 2003, p.73) would have an appeal to a spectrum of beliefs amongst Israeli Jews, non-Jews and Palestinians. As Gavison points out, "locating an argument within the discourse of universal rights is, therefore, the best way to avoid a pointless clash of dogmas that leaves no room for dialogue or compromise" (Gavison, 2003, p.73).

Gavison presents a compelling case in arguing for the legitimacy of the Zionist claim to self-determination and in showing how changing conditions over the various periods of the modern Jewish settlement in Palestine/Israel influenced this legitimacy.

Over the period when the Zionist movement was still articulating its political vision and Jewish settlement in Palestine was in its formative stages, there was a significant Arab majority within the Palestinian territory notwithstanding the Zionist attempts to establish and populate

settlements within these territories. The Jewish population of Palestine did not constitute a majority in all, or part of the territory and this reality ostensibly disqualified them of any *right* to establish a form of sovereign government.

However, the proposition advanced by Gavison is to distinguish a *right* to Jewish sovereignty with that of a *liberty* to create a settlement infrastructure as an enabling mechanism for those now permanent residents to establish a Jewish state sometime into the future. Gavison cites the American jurist Wesley Newcombe Hohfeld as having initiated the conceptual distinction between *rights* and *liberties*. According to Hohfeld "we may speak of a *liberty* when there is no obligation to act or refrain from acting in a certain manner" (cited by Gavison, 2003, p. 80).

Hohfeld further specifies that conversely a *right* would mean "that others have an obligation not to interfere with or to grant the possibility of acting in a certain manner" (cited by Gavison, 2003, p.80).

On this interpretation the original Zionist settlers in Palestine had the *liberty* to expand their numbers, acquire land and create infrastructure. However, this freedom to act was conditional on the settlers' actions being legal and non-violent. Gaviscon claims that "the Jewish settlers were at liberty to enlarge their numbers among the local population, even with the declared and specific intent of establishing the infrastructure for a future Jewish state" (Gavison, 2003, p.80). It should be noted that this *liberty* exercised by the Zionist settlers to settle the land did not breach any obligations in acting in a certain manner – this aligning with the Hohfeld proposition.

The Zionist-inspired settlement of Palestine is often criticised as being an immoral colonial endeavour and one would concede that if this were the case the *liberty* justification argued above would be compromised. I however contend that the organised migration of Jews

to Palestine bears no comparison to colonialism by reason of the Jews' situation in their countries of origin and their affiliation with the land itself. I note the following divergences:

- Unlike the populace of colonial powers, Jews were an exiled, dispersed minority scattered across numerous nation states.
- The Jews were a national collective that had never possessed sovereignty other than in the land of Israel.
- A unique and historical connection to the land of Israel had imbued the Jewish people with a profound cultural, religious and nationalist sense of homecoming.
- The necessity for a safe and secure homeland for an ethnic group enduring consistent discrimination and, in many instances, relentless and violent persecution can in no way be described as a typical colonial aspiration.

By the same standard as illustrated by Hohfeld above, the Arab population of Palestine had the *liberty* to resist the Jewish settlement so long as their actions were legal and non-violent. Without infringing on the Jews basic human rights, the Arabs did exercise their liberty and persuaded the British authority to limit immigration and land sales.

These steps were only marginally successful and organised violent resistance to Jewish settlement emerged as a parallel strategy (the other being the *liberty* of diplomacy) to reverse the progress of Jewish immigration and settlement in Palestine.

Under the Hohfeldian conception, this was a clear violation of the *right* that the Jewish settlers had to exercise their liberties and legally compliant activities. Occurring in the years prior to the UN Partition Mandate where there were intense efforts to facilitate an acceptable division of territory between Arabs and Jews, the Arab violence "ultimately lent significant weight to the Jewish claim to a sovereign state" (Gavison, 2003, p.81).

The internationally mandated establishment of the Israeli state in 1948 and the subsequent War of Independence marked a critical transition for Zionism from the moral *liberty* of immigration and settlement to the moral *right* of self-determination within a sovereign nation state. Within this right to exist as a Jewish state there is "the right to promote and strengthen its Jewish character" (Gavison, 2003, p.78).

However, a concurrent Arab refusal to recognize any Jewish right to self-determination and the legitimacy of the Jewish national movement was the precursor of decades of Arab/Israeli conflict. This violent, nihilistic reaction to Jewish statehood lent substantial credence to the Zionist claim that it was only a sovereign state that could provide the protective shield "that the security of Jews as individuals and as a collective cannot be secured without it" (Gavison, 2003, p.81).

I contend that this denial of self-determination and statehood to the Jewish people is an intrinsic and underlying feature of anti-Judaism and has served to dominate the politics, conflicts and life of the Israeli state over the more that seventy years of its existence. Events over this time have served to reinforce the necessity of Jewish self-determination and the claim that "Israel has not only the right to exist but also the right to promote and strengthen its Jewish character" (Gavison, 2003, p.78).

Having provided a justification for the principle of a Jewish nation state and reaffirmed the continued threat to its existence, it is also crucial that the Israeli state functions according to the accepted moralities of good and civilized governance "including the maintenance of a democratic regime and the protection of human rights" (Gavison, 2003, p.73).

The customary standard is that liberal democracies are required to be impartial within the constitutional or statutory treatment of varying cultural, ethnic or religious identities. This custom would be neither practical or popular in the context of the contending identities within

Israel and the region. There is and will continue to be a natural gravitation of the various peoples to their core identities and although imperfect, Israel is firmly liberal-democratic in nature whilst staying committed to the preservation and continuation of its Jewish culture. According to Gavison, the Israeli "state does uphold the principles considered essential to any civilized government, including the maintenance of a democratic regime and the protection of human rights" (Gavison, 2003, p.73).

There is general acknowledgement that Israel provides strong procedural elements of democracy in that all citizens have civil and political rights; it has regular and free elections; possesses an independent judiciary and enjoys freedom of speech and association.

Whilst majoritarian Jewish hegemony in the Israeli nation state may not be in complete alignment with a purist liberal conception of a neutral democratic state, I submit that the preservation of Israel's Jewish character is of overriding importance. It is common cause that a foundational political philosophy of the Zionist movement was to provide safety and security for a persecuted Jewish nation through the establishment of a sovereign state. It however could be questioned whether the protective-shield justification should still endure, and whether the nation state has stood the test of time over its seventy-year existence.

I argue for the following reasons that the justification for a Jewish nation state has in fact been strengthened over its existence:

- Whilst diaspora Jewry may well have enjoyed unprecedented security and freedom particularly in Western countries, the success and durability of Israel has a compelling corelation to "the sense of belonging Jews feel towards Israel, and the knowledge that there exists in the world a country committed to their safety" (Gavison, 2003, p.75).
- The ever-present psychological burdens of the Holocaust and fears around the resurgence of anti-Semitism become less acute when one recognizes the

inconceivability of any form of Jewish persecution and oppression within the borders of a Jewish state.

- The presence of a Jewish nation state which in a relatively short period has become the largest and strongest Jewish community in the world provides an institutionalised and rich public culture to both observant and secular Jews. This environment affords a validation and reinforcement of a cultural and national identity that resonates with many Jews across the diaspora.
- The convergence of these influences sketched above has provided the primary impulse for Jewish immigration into Israel and the concomitant decrease in diaspora communities worldwide. The wellbeing and security a sovereign Jewish state provides to the global Jewish community is a compelling justification for its survival as the only Jewish state. As Gavison says "From the 1920's until today, one of the strongest arguments for Jewish statehood has been the fact that the security of Jews as individuals and as a collective cannot be secured without it" (Gavison, 2003, p.81).

Whilst the reality of a self-determinative Jewish state has been of immense benefit to the security and cultural preservation of the Jewish collective, there is intense debate about the continued justification and moral legitimacy of a hegemonic Jewish state. Its democratic credentials are challenged in the context of relative discrimination against the minority Israeli Arab citizenry with the added complexity of the related but unresolved matter of a settlement of the Palestinian conflict.

Chaim Gans describes the hegemonic state espoused by Gavison as representing a "hierarchical interpretation" (Gans, 2016, p.4) of the Zionist narrative. This deriving from a distinct interpretation of the universal right to self-determination. Gans proposes an "egalitarian interpretation" (Gans, 2016, p.5) of Zionism where the differing homeland ethno-cultural

groups have a right to national self-determination in their homeland. This is discussed on pages 16 and 17 above.

6.6 MEMORY

In his book *The Ethics of Memory*, Avishai Margalit describes the distinction between the ethics of memory and the morality of memory. According to Margalit, ethical memory is anchored within the scope of human relations, is more prevalent and of a "thick" relational nature. This he contrasts with the morality of memory which is less pervasive and is of a "thin" relational character.

The overriding distinction is that thick ethical memory is grounded in characteristics such as family and a common nationhood whilst thin moral memory applies to the broader attribute of a shared humanity. Margalit defines this relational distinction as follows: "Thick relations are anchored in a shared past or moored in shared memory. Thin relations, on the other hand, are backed by the attribute of being human" (Margalit, 2002, p.7).

It is important to note that in Margalit's characterization of thick personal ethical memory he expressly extends its scope to that of "fellow-countryman" and "to the near and dear" (Margalit, 2002, p.7). I interpret this description as Margalit acknowledging both the validity of a common nationhood (as described above) and the capacity of that nation to be ascribed a collective memory. It is my view that the concept of a collective memory has particular and unique relevance to the Jewish nation, and I give the following reasons for this proposition:

- The establishment of diaspora Jewish communities was over history instigated by expulsion, persecution, exclusion and genocide. This heritage is preserved as a defining remembrance within the collective memory of these communities.
- Jewish communities are insular in both form and substance, tending to live in the same locations and congregate socially and culturally. The consequent existence of collective educational and cultural institutions serves to reinforce a shared memory of Jewish history.
- The Holocaust has a dominant and pervasive presence within the collective memory of the Jewish people. An awareness of the singularity of the victims of this unique genocide has created a particular consciousness within the Jewish collective.
- Contemporary anti-Judaism continues to be a real and increasing threat - a phenomenon that reinforces the Jewish collective's awareness of how their ethnicity persists in attracting peril and insecurity.

In the milieu of the Judaic experience there exists a relevant, pervasive and thick communally shared history, a history that has been dominated by isolation, prejudice and mortal threat to an identifiable ethnic group. I would suggest that under Margalit's distinction between thick and thin memory, these memories would qualify as the thick ethical memories of a common nationhood. There is a consequent moral obligation to memorialize gross crimes against humanity and as Margalit says: "especially where those crimes are an attack on the very notion of shared humanity" (Margalit, 2002, p.9). With specific reference to Nazi crimes, Margalit points out that these represent "a glaring example of what morality requires us to remember" (Margalit, 2002, p.9).

Margalit observes that humanity cannot be a "community of memory" as a matter of "significant fact" even though it "may evolve into one" (Margalit, 2002, p.9) in the future. This

in turn raises the question as to who or what could be the custodians of memory in instances of gross moral crimes against humanity.

Margalit identifies a risk where traditional vehicles such as religions and/or political institutions become the custodians of memory leading to autocratic or theological regimes controlling collective memory to legitimize their authority. Extending this proposition, Margalit proffers a further question as to whether certain political philosophies, collective aspirations and democratic regimes can attain a future looking legitimacy whilst simultaneously being inextricably connected with the ethics and morality of memory.

I am of the view that Zionist political philosophy crystalized the memories of the Jewish collective informed by centuries of a fragile, persecuted and sometimes lethal homelessness, profoundly informing and motivating the self-determinative protective necessity that the Zionist political philosophy provided.

As noted in my Section on Zionism above it was the collective memory and ongoing reality of violent and existential anti-Semitism that were the principal influences upon the Zionist theorists and on Herzl in particular. Zionism was in effect a visionary political doctrine concerned with the security and preservation of a national collective.

When presented with constitutive documents that refer to historical connection and national tragedy informing the ethical memorialization of a national collective, Margalit does acknowledge that constitutional democracies are able to "anchor the source of their legitimacy ... in a document from the past. A constitution is a constitutive part of the community's shared memory" (Margalit, 2002, p.12).

The Declaration of the Establishment of the State of Israel acknowledges in its text Jewish history and experience. The opening paragraph confirms that "the Land of Israel, Palestine was the birthplace of the Jewish people. Here their spiritual, religious and political

identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books." The sixth paragraph speaks to "[t]he catastrophe which recently befell the Jewish people – the massacre of millions of Jews …. was a clear demonstration of the urgency of solving the problem of homelessness by re-establishing in Israel the Jewish State …." (The Declaration of the Establishment of the State of Israel, 1948).

The Holocaust and its memorialization are deserving of more detailed analysis. Borrowing an expression from Kant, Margalit describes the Holocaust as "radical evil" which "served to undermine the very foundations of morality itself" (Margalit, 2002, p.79). Margalit would have it that this manifestation of radical evil is deserving of a shared memory. He however goes further in making the important distinction in what humanity *ought* to memorialize in these instances as opposed to doing something *good* to remember. The instruction "ought" implies an obligation on humanity to protect morality itself and to resist "the effort of radical evil forces to undermine morality itself by, among other means, rewriting the past and controlling the collective memory" (Margalit, 2002, p.83).

There is certainly substance to this comment when witnessing the extent of Holocaust denialism, historical revisionism and related anti-Israel propaganda that requires to be confronted continuously and on several levels.

This obligation to remember has its most powerful representation in the Yad Vashem Holocaust Memorial in Jerusalem. Established by Statute in 1953, the central mandate of this institution was to perpetuate the memory of the Jewish people, their communities, organizations and institutions that were destroyed because they were Jewish.

Within the mandate there are some commemorations, functions and powers that have relevance to the role that the Jewish nation state has in the memorialization of the Holocaust. These are as follows:

- To commemorate the struggle of the masses of the House of Israel for their human dignity and Jewish culture.
- To commemorate the efforts of the besieged to reach Eretz Israel.
- To establish in Israel and among the whole people a Memorial Day and to promote a custom of remembrance.
- To confer upon the Jewish people who perished commemorative citizenship of the State of Israel.
- To represent Israel on international projects aimed at perpetuating the memory of the victims of the Nazis.

The establishment of Yad Vashem was a commemoration conceived by the Israeli state. The nascent Israeli state took it upon itself to be the custodian of Holocaust remembrance, perceiving itself as the only legitimate agency to articulate the memorialization of the most profound event to occur in Jewish history.

It was however prior to the establishment of Yad Vashem that the Zionist leadership took control of Holocaust memorialization events curtailing the role of the rabbinate. As Tom Segev notes in *The Seventh Million - The Israelis and the Holocaust*, "from the very start, Holocaust memorial culture was meant to be an integral part of the secular national symbolism of the Zionist movement and the state of Israel" (Segev, 1991, p.427).

This notion is perfectly understandable when one considers that the principal Zionist rationale was the necessity to shield the Jewish people from escalating anti-Semitism in Europe through the establishment of a protective nation state. It was Herzl who foresaw the existential

dangers facing Europe's Jews, but without predicting the scale of destruction the Holocaust would bring.

Having been stripped of any protective citizenship those who perished in the Holocaust were acknowledged by the Zionist state with the granting of a legislative, posthumous Memorial Citizenship. Without any legal significance this honorary status is heavy with both ethical and moral remembrance. Under Margalit's definition it recognizes the thick national collective ethical memorialization as well as the thin humanitarian moral obligation to commemorate.

It is however the nexus between the Holocaust and the State of Israel that is profound, and I quote Segev in this instance: "Everyone agrees that the Holocaust teaches what awaits a nation in exile that has no state of its own; had Israel been established before the Nazis came to power, the murder of the Jews could not have been possible. Everyone agrees that the Holocaust led to the establishment of the state and that its survivors were at the centre of the struggle for its independence" (Segev, 1991, p.444).

In Chapter 5 of his book Margalit talks of "agents or agencies that are entrusted with preserving and diffusing collective memory" (Margalit, 2002, p.147). This agent he describes as being a *moral witness* – a phenomenon that requires various stipulations that are broadly listed as follows:

- That the witness "should experience suffering inflicted by an unmitigated evil regime" (Margalit, 2002, p.148).
- That observers of suffering of evil can by kinship serve as moral witnesses.
- That the witness is at risk either personally or collectively.
- That the witness acts with a moral purpose.

- That the moral witness acts with hope and a belief that "there exists, or will exist, a moral community that will listen to their testimony" (Margalit, 2002, p. 155).
- That there is a role for a political witness who can give factual testimony as to the structure and system of evil.

Given the distinction Margalit makes between thick ethical and thin moral relations the question arises whether the moral witness referred to above should perhaps be an ethical witness. Margalit thinks that in the case of both ethical and moral considerations the moral witness serves "as a witness to the common lot …. and that a moral witness may well give voice to an ethical community that is endangered by an evil force" (Margalit, 2002, p.182).

It is my proposition that in addition to being the legitimate custodians of the symbols of Holocaust memorialization (Yad Vashem; commemorative days and symbolic citizenships), the Israeli state stands as the principal moral witness to not only the Holocaust but also the unique hatred and immorality that anti-Judaism embodies. Anti-Semitism/Judaism is an "evil force" that has existed for centuries and continues to endanger the Jewish Collective (Diaspora and nation state) in the contemporary period.

For memory to be actively sustained, a credible custodian of this memory must not only provide and protect the symbols of national memory but also act as the bulwark against the forces and sentiment that continue to assail those memories by word and deed.

Margalit identifies the special agent that "conveys the sensibility of events from the past that should be landmarks in our collective moral consciousness …. such an agent needs to be invested with special moral authority" (Margalit, 2002, p.17).

I claim that in the case of Jewish nationhood it is the state of Israel that stands as the credible, moral agent that will sustain the memory of Jewish anguish and will defend that memory against those evil forces that would threaten it.

There are some further points that support this contention:

- The Jewish people were and still are victimized because of their religion, race or nationality and it is only the nation state that stands competent to stand witness to this immorality and provide the necessary memorialization, comfort and protection for the "common lot".
- The Israeli nation state is the collective expression of a kinship and the appropriate custodian of heritage and remembrance. It must be noted that the Zionist political philosophy arose out of its original theorists witnessing the mortal danger and permanence that anti-Semitism represented to the Jewish people.
- It is common cause that the nation state has been exposed to an existential risk since its inception and that communities and individuals suffer increasing incidents of anti-Semitism across the Diaspora. Israel and its institutions are the only credible political vehicles that can intervene, document and give testament to the unique irrationality that drives this anti-Judaism phenomenon.

7. CONCLUSION

The discourse around Jewish entitlement to a national home was largely centred around the concepts of a universal right to self-determination and an historical claim to a specific land. These notions were consistently advanced as principal justifications for the existence of a Jewish nation state on the land of Israel.

There was some reflection and acknowledgement on the impact Jewish persecution had in this debate but there has been no clear acceptance that anti-Judaism in all its manifestations represents a further pillar in justifying the establishment and preservation of a Jewish state.

I have shown in this Report that anti-Judaism, as a perennial, pervasive and existential phenomenon, has a transcending impact and influence on the morality of Zionism as a political philosophy and the justification to preserve Israel as the singular nation state for the Jewish people.

The Jewish collective represents an ancient religion, culture and nationhood that over hundreds of years has been subject to a unique antipathy that found its expression in expulsion, dispersion, ghettoization, forced conversions, deadly persecution and genocide.

This has created a separate history for a nationhood that was until recently scattered across the globe. The founding of a Jewish nation state gave voice to a people longing for a home be it in the form of a physical refuge or providing personal well-being and connection to that distinct history now represented and memorialized by a sovereign homeland.

I have enlisted the support of the preeminent influence on human rights, dignity, autonomy and political independence in ascribing and restoring these innate entitlements to the Jewish collective thereby justifying the reclamation of a self-determinative nation state.

The establishment of Israel ensured a state that provided a Jewish character and a sense of belonging to a collective deprived of these entitlements for thousands of years. The security of Jews whether Israeli or in the Diaspora cannot be ensured without it.

Certainly, the Holocaust provides the stark and emotive reality of what existential anti-Judaism entailed. It also gave a rationale for the necessity of the protective shield that Israel provides. But the truth is that the Holocaust was a brutal, concentrated and inevitable culmination of centuries of violence and consistent anti-Judaism.

A further truth is that notwithstanding political ebbs and flows in the Middle East and the freedoms and protection Jews now enjoy in the Diaspora, anti-Judaism in the form of state denialism and personal insecurity, will remain. In the flow of time, while appreciating the Jewish journey, no predictions can be made of Jewish national survival.

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