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ISRAEL AND THE DIASPORA A UNIQUE RELATIONSHIP

Forty years ago I wrote¹ that the oneness of the Jewish people — both inside and outside — is not merely a dogma of the Jewish faith but also a tenet of political Zionism. Even those Zionists committed to an altogether secularist conception of their movement, including many whose views are Marxist in character, agree on this point. The State of Israel, therefore, is regarded by virtually every Jew residing in Israel as partly responsible for the welfare and future of Jewish communities throughout the world. Moreover, the State of Israel is in need of the moral and financial support of Jews all over the world, and cannot altogether ignore their will. Thus, there arise some limitations on its autonomy which are at least *de facto*, if not *de jure*. For that reason Dr. Trude Weiss Rosmarin expressed herself as follows: “Autonomy is not the proper term of reference for defining Israel’s status vis-a-vis the Diaspora and the Diaspora’s relationship to Israel.”² This comment can explain why the relationship between Israel and the Diaspora differs from that pertaining between other countries and their former citizens who have left their native lands for more promising shores.

Scores of years ago, when the Zionist program was first projected, the major problem in the relationship was that of dual loyalty. Would Jews be divided between their loyalty to a Jewish state and their loyalty to the countries of which they were citizens? The renowned United States Supreme Court Justice Louis D. Brandeis made an enormous contribution to the resolution of this problem. However, with the passage of time, the problem

1 See E. Rackman, “Israel’s Emerging Constitution” (New York: Columbia University Press, 1955), p. 154.

2 “Israel and the Diaspora”, *Jewish Spectator*, XIV, No. 11 (October 1949), 5.

can be seen in its proper perspective; while it precipitated few waves, more practical problems emerged.

That particular problem precipitated few waves because people living in democratic countries finally realized that everyone lives with many loyalties which often come into conflict with each other, and, as in the case of all moral decisions, sometimes one decides in favor of one loyalty, and, at other times, in favor of another. In almost every moral decision there are many loyalties that come into conflict — and most of life consists of choosing between conflicting loyalties.

Only in a dictatorship is one expected to serve the State exclusively and to obey the commands of its ruler. But in democratic states the citizen must often choose, in his commitment to many values, between family, community, country, and humanity. And there need be no consistency the choice will depend upon the facts and pressures of the situation in which the decision must be made.

There is no democratic doctrine that mandates support of national policy simply because a majority has willed it. To dissent in a democracy is one of the greatest privileges we enjoy, and if one does not have the right to dissent, then one no longer lives in a democracy.

The unique relationship between Israel and the Diaspora precipitated one problem which surfaced virtually as the State was established in 1948. It was assumed that every Jew in the world would have the right to emigrate to Israel. The proposals ranged from an unlimited right, including the granting of citizenship to stateless Jews wherever they might be and whenever they might become such, to the granting of the right only to those who indicated their readiness to emigrate immediately. All those proposals contained what Professor M.R. Konvitz called the “open-door-for-Jews policy,” and he questioned both its wisdom and its discretion.³

Since such a law would not be self-enforcing, Konvitz felt that no Jew living outside of Israel should be able to win enforcement of his right of admission if the government of Israel refused him entry, “for no constitution vests rights in a foreigner outside of the state’s territory.” Since he cited no authorities, one has reason to wonder why a Jewish immigrant, at a point of debarkation in Israel should not be able to avail himself of such an article in the constitution to challenge his exclusion. However, what really troubled Professor Konvitz was the uncomplimentary comparison with Nazi Germany, which claimed the right of intervention on behalf of Germans in

3 M. Konvits, “The Bill of Rights in the Draft Constitution for Israel”, *The Reconstructionist*, XIV, No. 20 (February 4, 1949), 11-12.

the Sudetenland. Furthermore, he felt that the article embodied a principle of exclusion which constitutes religious discrimination. Jews will enjoy the right; non-Jews will not enjoy it. Until the displaced persons' camps had been liquidated this was reasonable, but thereafter it would be inconsistent with democratic policy: "It may be difficult to explain, after the DP's are provided for, that a policy for Jews is justifiable by the tests of a broad democratic philosophy, while a policy of America for white Protestants is not justifiable."⁴

The 1st Knesset finally approved a law⁵ which gave Jews everywhere the unlimited right to emigrate to Israel, unless they were enemies of the Jewish People or would endanger health or security.

In the State's first forty years, the problems most often encountered in the application of this law pertained to the question of "Who is a Jew?" The involvement of Diaspora Jewry in the search for replies to this question is well known. However, in the forty years to come, there is a likelihood that this problem will become even more complex.

The State will soon assume responsibility for many religious and cultural activities not only within its borders but also in the Diaspora. Heretofore, it was the Jewish Agency that did so. Now, however, even as the debate continues as to whether Israel is a state for Jews or a Jewish state, the Diaspora will want to share in the decision-making process with regard to the State's role in Jewish religious and cultural activity in countries outside of Israel. And the disputes will multiply far in excess of the number precipitated by the "Who is a Jew?" issue.

There are those who feel that as a democratic state, with Arabs, Christians, and Jews, as citizens, the State should not engage in any such program because it would be tantamount to endorsing one faith alone. Yet, as Professor H.L.A. Hart, of Oxford, wrote, "For some Israel wouldn't be a Jewish state if the possibility of preferential allocation of resources or rights to Jews were to be rejected."

Yet, by which Jews, and through which stream of Judaism in the Diaspora would the activity be conducted? One can foresee that the tensions will mount.

4 Ibid.

5 See *Divrei ha-Knesset*. VI 2d Sess. 160th meeting. 2035-40 and 2041-48; 162nd meeting. 2088 and 2094-1207; and *Sefer ha-Hugim*, 5710, p. 159.