

Chaim Gans, *A Political Theory for the Jewish People* (Princeton: Princeton University Press, 2014), pp. 272

by Sam Hayim Brody

Reading Chaim Gans is like having a conversation with a friend who loves intellectual debate and tries to be fair to every opposing view, presenting it in its best light and at its strongest, in order for disagreement to be all the more persuasive. If such a friend is occasionally long-winded, or repetitive, one is inclined to forgive them, since they seem driven by a deep desire simply to *get it right*. As such, Gans's new book *A Political Theory for the Jewish People* can be recommended to anyone who spends a fair amount of time and mental energy on Israel-Palestine questions, where argument in good faith is in woefully short supply. Many of us are familiar with the acrimony that accompanies even the most basic attempts to articulate one's position, as distortions and epithets fly as soon as an interlocutor decides they recognize something they have seen before and rush to the well of worn-out counter-arguments. Perhaps because Gans's own position is so idiosyncratic and unusual, he confronts all comers with more than the ordinary amount of generosity, and I might go so far as to suggest that his book could be used as an educational resource for teachers trying to quickly present the strengths and weaknesses of various arguments.

In *A Political Theory for the Jewish People*, Gans develops the case he began to make in his 2008 book, *A Just Zionism*. He defends a version of Zionism he calls "egalitarian Zionism" against a wide variety of opponents, focusing primarily on what he sees as the two predominant interpretations of Zionism in Israel today, but also including a number of post-Zionist stances. The terrain of the polemic is broad, as Gans systematically interrogates the positions taken by each of these ideological orientations on fundamental issues such as whether and in what way the Jews constitute a nation and on what is necessary for a nation to have self-determination, as well as on practical political questions such as potential reforms of the Law of Return and the Citizenship Law. Historiographical, philosophical, and empirical questions are all woven into the discussion, although for the most part Gans is concerned with theory. The thrust of the book is that theoretical problems in Zionism must be confronted and resolved before the practical problems, which issue from the theoretical ones, can be fixed. As such, he tries to define egalitarian Zionism in such a way that it won't be tripped up by differences on practical questions. The foremost example of this is probably his claim that egalitarian Zionism is compatible with both a two-state

and a bi-national resolution to the conflict with the Palestinians, although he prefers the former for practical reasons based on empirical judgments not required by the general theory (168).

In order to understand Gans's idea of egalitarian Zionism, it helps to examine the positions against which he defines it. Gans argues that egalitarian Zionism is superior to two other forms of Zionism and to three forms of post-Zionism. He calls the other two interpretations of Zionism "proprietary" and "hierarchical." The proprietary interpretation, which Gans associates with the ordinary man on the street and with major Zionist leaders of the past as well as the Israeli governments of the past few decades, is the dominant one. It asserts, plainly and simply, that the Land of Israel belongs to the Jewish nation, and that Jews are defined essentially by their being a nation and owning this land. For Gans, this form of Zionism is not only illiberal, since it sees one's belonging to a nation as a primary fact about oneself that precedes any individual rights, but it is anti-democratic, since it subordinates individuals to the perceived needs of a trans-historical collective. Being illiberal and anti-democratic, it must necessarily and continually violate the rights of non-Jews living under Jewish sovereignty, and Gans therefore assigns it the lion's share of the blame for what he considers "an ongoing and burgeoning catastrophe" (221) caused by Israel's post-1967 settlement policies. This characterization of the proprietary interpretation can be found borne out in many examples, with the most recent perhaps being the statements of Israeli Justice Minister Ayelet Shaked to the Israel Bar Association to the effect that the Supreme Court of Israel wrongly prioritizes individual rights over national needs, and that "Zionism will not continue to bow down to the system of individual rights interpreted in a universal way that divorces them from the history of the Knesset and the history of legislation that we all know" (Revital Hovel, "Justice Minister Slams Israel's Top Court, Says It Disregards Zionism and Upholding Jewish Majority," *Haaretz*, August 29, 2017).

The hierarchical interpretation is one that Gans associates with the Israeli academic policy elite, naming such figures as Ruth Gavison and Amnon Rubinstein. This interpretation is less dangerous than the proprietary one, since it bases itself on a liberal conception of justice, and derives from this conception its view that political power ought to be distributed across the globe to national groups, each of which realizes its right to self-determination within a certain territory. As a corollary to this view, however, it maintains that each national group has a right to hegemony within its territory. This hegemony is constrained by considerations of human rights (so that, for example, policies such as forced

sterilization or expulsion are forbidden), but nonetheless allows for the perpetuation of what it views as justified inequalities, especially with regard to the public and symbolic space of the state (flags, national anthems, national languages, etc.). Gans thinks hierarchical Zionists fail to offer sufficient justifications for even this type of hegemony; moreover, their view suffers from other flaws, such as not being able to explain why the Land of Israel specifically should have been chosen as the site for the realization of the Jewish right to national self-determination.

Against both proprietary and hierarchical Zionism, Gans offers his vision of egalitarian Zionism, which he thinks can avoid the theoretical and practical drawbacks suffered by the other forms. Egalitarian Zionism argues that the right of the Jewish nation to self-determination, held in common with all other nations who each possess a similar right, is the fundamental ground of the justice of Zionism, a movement that seeks to actualize this right in reality. It is not, as argued by proprietary Zionism, the special relationship of the Jews either to God or the land of Israel, neither of which can be argued for in liberal terms (which Gans takes for granted are the only terms on which the conversation about the justice of Zionism ought to be conducted; it is unclear whether he also thinks they are the only terms on which rational argument is possible). The historical ties of the Jews to the land of Israel may be brought in secondarily, in order to explain why this particular land should be the site of the realization of the general Jewish right to self-determination, but such ties cannot ground the right itself or the actions taken in order to exercise the right. This right to self-determination must in turn be interpreted and understood in an egalitarian, rather than a hierarchical way. This means that while one national group may be predominant in the state, it has no right to hegemony over other “homeland groups,” i.e. national groups that originate within the country (even if it does have such rights over immigrant groups). Gans argues forcefully that egalitarian Zionism is not only ethically superior to its proprietary and hierarchical rivals, but that it has numerous other advantages, including absolving its adherents of the need to falsify or simplify the history of Zionism.

Gans also hopes to persuade us that egalitarian Zionism, unlike the others, can present the emergence of the Israeli state as historically just, and furthermore that it will not generate persistent violations of Palestinian rights. This is one major reason he sees it as better able than the other types of Zionism to resist the critiques of the three types of *post-Zionism*, which he calls civic, post-colonial,

and neo-diasporic. Civic post-Zionism, as represented by Uri Ram and others, demands, in the name of liberalism, that ethno-national identities be dissolved and replaced with an exclusively civic loyalty; in the case of Israel, that means transforming Israel into “a state of all its citizens” and replacing the Jewish and Arab nationalities with a single, Israeli nationality on the model of the U.S. Post-colonial post-Zionism, as Gans finds it in the work of Yehouda Shenhav and Yossi Yonah, among others, seeks to maintain the recognition of ethno-national groups for the purpose of compensating them for past wrongs; however, it makes the mistake of seeing this project as incompatible with national self-determination for the Jewish people. Finally, neo-Diasporic post-Zionism, as represented by Judith Butler, Daniel and Jonathan Boyarin, and Amnon Raz-Krakotzin, seeks to replace the goal of self-determination with a valorization of classical Jewish diasporic existence and its values, holding that Zionism’s negation of the exile and warrior ethos amount to a built-in rights-violating machine. For Gans, all three of these types of post-Zionism make the mistake of conflating Zionism as a political idea with Zionism as a historical movement. He uses the analogy of the French Revolution and the Terror, arguing that liberals do not throw away the values of freedom and equality just because they led to horrible consequences in one particular historical movement’s interpretation of them. If, as he holds, egalitarian Zionism is able to present the Zionist goal as just, then this goal may not be invalidated by injustices perpetrated by those who hold other interpretations of Zionism, and the post-Zionist critics are sent back to the drawing board to start their arguments over from a more fundamental point.

Finally, there is a type of opponent whose critique is based less on theoretical claims and more on an interpretation of the empirical reality of the present and of recent history. Gans includes Ian Lustick, together with Tony Judt and others, among an “increasing number of prominent Anglo-American Jewish intellectuals who, while not post-Zionists in the terms [just laid out], have over the last decade given up on Zionism...they argue that Zionism is committed *in principle* to inequality between Jews and Arabs and to violations of human rights, and that for this reason it should be discarded. They make this claim, however, on the assumptions that a two-state solution to the Jewish-Palestinian conflict ceased to be a viable option at the beginning of the 2000s and that Jews will not, demographically, constitute a majority in a single state comprising all of historic Palestine. Under these circumstances, Jewish sovereignty will involve ongoing violation of human rights” (136). There is an interesting interplay here between an interpretation of the empirical reality, including different possible understandings of what counts as a plausible vs. an implausible near-term

settlement of the conflict, and the theoretical justice or injustice of Zionism as a political theory *per se*. In other words, according to these thinkers, the two-state solution in the form under discussion in the 1990s and early 2000s was the last gasp for any liberal or egalitarian Zionism; if, as seems the case today, it is no longer possible, then liberal Zionism itself is no longer possible. Zionism and liberalism must go two separate ways, and we are all forced to choose between them. If this is true, then the elaboration of an egalitarian Zionism is an exercise in futility. If one's inclinations are predominantly nationalistic, such a conclusion can then lead us to agree with Shaked that it is better to ignore liberal qualms and take straightforward actions to protect hegemonic national groups. If one's inclinations are predominantly liberal, such a conclusion can then lead on in the direction of civic post-Zionism, suggesting that liberal nationalisms in general are impossible and that we are therefore better off relegating nationalism itself to the nineteenth century where it originated.

Gans's general mode of proceeding suggests that political theory can and should be articulated in a philosophical mode, with rigorous interrogations of first principles. Reference to empirical reality, however, no matter how messy, is necessary as well, in the first place because nationalism requires one to point to the historical existence of a nation in order to justify its claims. The crux comes at the point of asking whether historical developments and contingent empirical facts can actually possess the power to invalidate an otherwise valid political theory. Both Gans and Lustick seem to answer "yes" to this question, but with different prescriptions for the aftermath: Gans thinks that one is merely required to revise the theory and re-articulate it in order to account for the new situation (saving the egalitarian-Zionist baby from the two-state bathwater), whereas Lustick thinks it best to admit that the whole endeavor is a failure even if there is some hypothetical point in the past where it might have had a chance.

This difference can illuminate a number of the most thorny, contested issues in Israel-Palestine discourse, while also raising some difficulties for Gans's arguments, which are at their clearest and most persuasive on the theoretical level, and lose some of their force as they move into empirical territory. For example, it is characteristic of all forms of liberal Zionism, no matter what their differing philosophical grounds may be, to distinguish between the legitimacy of the Israeli state within the borders attained at the time of the 1949 armistice agreement, and those attained following the conclusion of the 1967 Six-Day War. It is just as characteristic of all forms of post-Zionism (and perhaps ironically, of proprietary Zionism as well) to claim that this distinction lacks a fundamental

basis – that there are no premises which can render the former borders just while dismissing the latter, or invalidate the latter without also invalidating the former. As Lustick has pointed out in his article “Making Sense of the Nakba,” this trope has also become an increasingly common weapon in the hands of right-wing settlers and their supporters, who seek to corner their liberal opponents by forcing them to concede the essential similarity between the settlement of Tel Aviv and that of Hebron. For his part, Gans thinks that the 1949 borders are defensible as necessary for the achievement of the just goals of any possible Zionism (N.B. that this is not apparently true of the 1947 borders offered by the UN), whereas the post-1967 settlements are *only possibly interpretable* as illegitimate expressions of proprietary Zionism. Thus, the difference turns on one’s empirical judgments about claims made by Israeli military leaders about defensible borders, with the post-’67 claims being untrue and unnecessary, but the post-’49 claims being true and necessary.

Or consider another example, pertaining to Gans’s critique of hierarchical Zionism. Maintaining a two-state solution, even if only for practical reasons, seems to require: 1) refusing a Palestinian right of return to the territories allotted to the State of Israel, and 2) maintaining a Jewish demographic majority within the Jewish state territories. Gans alludes in several places to constraints on permissible policies intended to do the latter, which he says are insufficiently respected by hierarchical Zionism and are one reason to prefer egalitarian Zionism. But this is difficult for him to maintain: how can we consider *any* governmental policies intended to exercise demographic control in favor of one population and against another as ever being just, without thereby slipping back into hierarchical Zionism? And does not the rejection of the right of return perpetuate a status quo that his theory attributes to contingency and accident (the historical outcome of the ’48 war) rather than to Zionist theory itself? Gans claims that “Recognition that the Palestinian refugees were expelled does not really risk impairing the justice of Zionism as a whole” (150), because that “atrocious expulsion” (146) was a contingent fact about the conduct of the war and not something fundamentally required by any *possible* Zionist theory. Yet does this position not commit his just, egalitarian Zionism to undoing this injustice, just as it undoes all the others? In other words, the expulsion of the Palestinians was not just a one-time event, but something that is ongoing, as the demand for the right of return insists. A theory that seeks to deny complicity in injustice, and to avoid trafficking in ideas like “tragic necessity,” has to address the contemporary aspect of the refugee issue, rather than confine it to the (not-so) distant past.

There is much, much more that could be said about specific arguments in Gans's book. My own copy is marked up on almost every page, and only space constraints prevent me from discussing many more individual themes. I have tried to confine myself to its central arguments and to highlight the points that will be of widest interest. It deserves to be reviewed many times, to be the subject of academic symposia, and to have its arguments considered in the opinion pages of newspapers around the world. Every critique of liberal Zionism should address itself to Gans as foremost representative of that tendency, however fading it may be, and by the same token those who think of themselves as liberal Zionists should keep their eyes on the fate of Gans's book as predictive of the likely fate of their own arguments. Having said all that, I would like to conclude with a consideration of one of its central ambivalences, simultaneously a strength and a weakness: the issue of religion. The general discourse within which Gans situates his argument is a Rawlsian liberal discourse incorporating theories of justice, rights, etc. He states explicitly that he intends to offer "a theory of the right," not "a theory of the good," and stops short even of arguing that Jews *should* invoke the right that he so strenuously argues they possess: "In the view of this book, people who were born or grew up as Jews are not required to attach central importance to this fact, and people who ascribe to it central importance need not interpret their Jewishness in terms of nationhood" (7). At a stroke, this separates Gans from the vast majority of books on Zionism by Jewish thinkers who seek to persuade Jews to adopt a certain position presented as attendant upon their very identities as Jews, whether that position is a hard-right religious-Zionist position or a far-left neo-Diasporic non-Zionist or anti-Zionist position. It also makes Gans's book more accessible to non-Jews, in the manner of a Rawlsian overlapping consensus. However, it also leaves open several difficult gaps and cruxes in his argument, to which I will briefly turn.

Atalia Omer has argued that "Liberal discourse enables delinking the discussion of Judaism as 'belief' from the framing of Jewish identity as 'ethnicity,' 'nationality,' and 'history.' Because these identity constructs reside at the root of the Israeli-Palestinian conflict," liberal discourse "precludes the possibility of a substantive transformation of the Palestinian-Israeli conflict."¹ In other words, liberalism is based upon a strict categorical distinction between "religion" and "ethnicity," and as a result it has trouble accounting for Judaism, which

¹ Atalia Omer, *When Peace is Not Enough: How the Israeli Peace Camp Thinks about Religion, Nationalism, and Justice* (Chicago: University of Chicago Press, 2013), 19.

traditionally resisted interpreting itself in terms of this distinction. Cynthia Baker has recently taken the argument beyond liberalism, rooting the categories themselves in a long and specifically Christian history: “our modern sociological/anthropological dualism *ethnic* versus *religious*, which is commonly presented as objective, neutral, and rationally secular description when invoked in social-scientific analyses, may nonetheless be as deeply rooted in a Christian Western worldview as are the more theologically explicit dualisms to which it so closely conforms.”² In chapter 2 of his book, Gans addresses concerns related to these, which he calls “ontological” and reads primarily in terms of “the assumptions concerning the unity and nationhood of the Jewish collective” as it functions as the protagonist of a historical narrative adopted by Zionism (21). His move here is an interesting one, which parallels the later Rawls of *Political Liberalism*, who sought to deflect critiques that his liberalism was itself a “comprehensive conception of the good” by arguing that in fact it was only “political, not metaphysical.”³ Gans argues that the “essence of the Jewish collective,” even including the assumption that it must have an essence, is not necessary to establish before assuming its unity. Rather, its unity can be assumed as the very starting point that makes questions about its essence possible. He argues further that anti-essentialism, for example of the type purveyed by the civic post-Zionists, does not furnish grounds for treating nations as easily dismissible or replaceable “both practically and morally,” and concludes with a pragmatic flourish that “the claim that the Jewish collective is in essence a nation, an ancient collective that never ceased to be a nation, is superfluous from the point of view of Zionist ideology, which can manage without it” (28).

Thus Gans is able to acknowledge the fact that both Orthodox and Reform Jews initially opposed the Zionist definition of Jews as essentially a nation, and that ultra-Orthodox Jews still do, while simultaneously claiming that “it was *desirable* and *justified*, and that it still is desirable and justified, for the Jewish collective *to view itself, or to interpret itself as a nation, even if it was not and is not a nation in the full sense of the word*” (29). This is how Gans can argue that he is not prescribing to Jews how they should live, offering a comprehensive conception of the good, but instead merely a liberal theory of right, should they choose to exercise it along the lines he describes. But this stops short, I suspect, of confronting the issue raised by Omer and Baker, namely that the social ontology that distinguishes “religion” from “ethnicity” or “nation” is inherited from

² Cynthia Baker, *Jew* (New Brunswick, NJ: Rutgers University Press, 2017), 25.

³ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), xiv, 10.

Christianity via liberalism, and potentially still carries this baggage along with it. I lack space here to explore all the ways this issue bubbles up throughout Gans's argument, but one may wonder, given his pragmatism and skepticism regarding the essentialist interpretation of Jewish identity, what work the romantic phraseology of nationalism does for him, especially when he discusses nebulous issues of how Jews and Arabs "experience their identity" or "give expression to [their ethno-national] belonging" (158).

To conclude, Gans has written a good book to think with. Although almost no one will agree with everything in it, it deserves to be treated as generously as it treats its own interlocutors. I offer no prediction about its possible effects or impact, although given the temper of our times it would not surprise me if it were found unconvincing by the left and altogether ignored (if not vilified) by the right. Nonetheless, it stands as an example of honest humanism in a moment of widespread division, and an effort at rigorous thinking on a difficult political conflict at a moment when many find it hard to assume their opponents argue in good faith. If nothing else, *A Political Theory for the Jewish People* can model these virtues for us, now and in the times to come.

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