

JOINING THE JEWISH PEOPLE: NON-JEWISH IMMIGRANTS FROM THE FORMER USSR, ISRAELI IDENTITY AND JEWISH PEOPLEHOOD

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The Law of Return grants every Jew the right to immigrate to Israel; this also applies to non-Jewish relatives of Jews. The Citizenship Law grants every such “returnee” automatic citizenship. The wave of immigration from the former Soviet Union in the 90s brought a large number of immigrants not considered Jewish under the definition accepted in Israel. Is this large group of Israeli citizens—who do not, at least formally, belong to the Jewish people—an emerging second substantial national minority in Israel? This Article argues that regardless of formal definitions based on Orthodox religious law under which a religious conversion is the only way for a non-Jew to become Jewish, these immigrants, through their successful social and cultural integration in the Hebrew-speaking Jewish society in Israel, are joining, de facto, the Jewish people. It is no longer true that religious conversion is the only way to join the Jewish people.

INTRODUCTION

The Israeli Law of Return grants every Jew the right to immigrate to Israel;¹ the Citizenship Law grants every such “returnee” automatic citizenship upon arrival.² The term “Jew” was not defined when the law was adopted in 1950, and various controversies arose as to its meaning in this context. In 1970, under the pressure of religious parties, the law was amended by introducing a restrictive definition, based on Jewish religious law: “a Jew,” for the purpose of the law, is a child of a Jewish mother or a person who has converted to Judaism. At the same time, a wide circle of people related to Jews by family ties were given the same rights as Jewish immigrants: spouses of Jews, children of a Jewish parent, grandchildren of a Jewish grandparent, as well as their spouses.³ Due to the widespread phenomenon of intermarriage

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¹ Law of Return, 1950, S.H. 159.

² Nationality Law, 1952, S.H. 146.

³ For a detailed discussion of the Law of Return, its legislative history and case law, as well as of the normative questions it raises from the viewpoint of liberal theory, see CHRISTIAN JOPPKE, SELECTING BY ORIGIN: ETHNIC MIGRATION IN THE LIBERAL STATE 157-70; 176-81; 192-218 (2005); see

between Jews and non-Jews in many countries, mass immigration of Jews to Israel has always meant that many people not considered Jewish under the *halacha* (Jewish religious law) would be among the immigrants. This has indeed occurred since the establishment of the State in 1948 and even in preceding decades, when many mixed families immigrated to Mandatory Palestine. As a rule, these people were successfully integrated into the Hebrew-speaking Jewish society in the country, which is the main reason why little public attention was focused on the phenomenon. Some of them converted to Judaism—the traditional way for a non-Jew to become Jewish (not necessarily followed by strict religious observance). Others did not convert, but nevertheless became part, both socially and culturally, of the Jewish-Israeli society.

As long as the phenomenon was relatively limited in its scope, and unproblematic in its social and cultural consequences, no debate arose on the potentially vexing question of what this mode of integration without religious conversion implies as for the nature of Jewish peoplehood in a Jewish nation-state (as opposed to diaspora communities). This changed in the 1990s, when a huge wave of immigration from the former USSR brought to the country large numbers of non-Jewish immigrants. The resulting debate on the status of these people and their future in Israeli society touches on fundamental, and often controversial, questions of identity—Jewish and Israeli, national, cultural and civic.

I. “THE RUSSIANS ARE COMING”

In modern times, since the emergence of Jewish secularism, the Jewish people have been perceived as a community that includes, indeed, many secular persons, but which can only be joined by an outsider through adopting the Jewish religion. This view has been widely—though not universally—accepted even by proponents of a

also AMNON RUBINSTEIN & BARAK MEDINA, *THE CONSTITUTIONAL LAW OF THE STATE OF ISRAEL*, 396-413 (6th ed. 2005) [in Hebrew]; NA'AMA CARMEL, *THE LAW OF RETURN: IMMIGRATION RIGHTS AND THEIR LIMITS* (2003) [in Hebrew]; CHAIM GANS, *A JUST ZIONISM: ON THE MORALITY OF THE JEWISH STATE* 111-132 (2008); RUTH GAVISON, *SIXTY YEARS TO THE LAW OF RETURN: HISTORY, IDEOLOGY, JUSTIFICATION* (2009) [in Hebrew]; ALEXANDER YAKOBSON & AMNON RUBINSTEIN, *ISRAEL AND THE FAMILY OF NATIONS: THE JEWISH NATION-STATE AND HUMAN RIGHTS* 125-35; 156-58 (2008) (examining the Law of Return in light of contemporary international and European norms—including those on ties with “kin-minorities” abroad—and compared with some contemporary repatriation laws). *See also* Venice Commission (European Commission for Democracy through Law), Report on the Preferential Treatment of National Minorities by their Kin-State, adopted by the Venice Commission at its 48th Plenary Meeting, (Venice, Oct. 19-20, 2001), available at [http://venice.coe.int/docs/2001/CDL-INF\(2001\)019-e.html](http://venice.coe.int/docs/2001/CDL-INF(2001)019-e.html).

secular version of modern Jewish identity, who emphasize Jewish peoplehood rather than Jewish religion. These have always insisted, in their arguments with Orthodox Jews, that one does not have to be observant, or even a believer, to be Jewish and that the modern (largely secular) Hebrew culture is no less legitimately Jewish than the traditional religious one.⁴ But they, too, have usually accepted, explicitly or implicitly, that a non-Jew can become Jewish only by converting to Judaism (while insisting that non-Orthodox conversions should be accepted alongside the Orthodox ones). The phenomenon of non-Jewish immigrants arriving with their Jewish relatives and blending into Jewish-Israeli society was not, because of its limited scope and prominence, usually regarded as raising any deep questions of Jewish identity, and, in fact, can be said to have gone largely unnoticed.

In the 1990s, approximately one million people immigrated to Israel from the former Soviet Union, where the rate of intermarriage was high; some 300,000 of these are “non-Jewish.”⁵ The sheer numbers drew public attention to the phenomenon. Admittedly, defining all 300,000 as non-Jewish is problematic in itself. Under the *Halacha*, children of mixed couples are considered Jewish by birth if the child’s mother is Jewish. Many of the people in question are children of Jewish fathers and non-Jewish mothers. They often bear distinctly Jewish family names and are quite likely to have suffered from anti-Semitism in the former Soviet Union. Many were officially registered as Jewish and/or regarded themselves as Jewish in their country of origin (where a person’s national affiliation, “nationality,” was officially registered, and Jews were considered as one of the country’s nationalities). The Orthodox definition of Jewishness is clearly too narrow when it comes to these people;⁶ their successful integration into the Jewish-Israeli society should occasion little surprise. But in many other cases, the immigrants in question lacked any significant Jewish identity or awareness when they came to Israel.

By immigrating to Israel and acquiring Israeli citizenship they became Israeli in the civic sense. This, however, does not, in itself, make them share the national and cultural identity of the Jewish majority in the country. Nor do they, clearly, belong

⁴ Similar claims were once made by members of the “Bund” and some other groups supporting a diasporic version of Jewish national identity on behalf of the secular Yiddish culture in Eastern Europe since the nineteenth century.

⁵ See ASHER COHEN, NON-JEWISH JEWS IN ISRAEL 15; 26-27 (2006) [in Hebrew].

⁶ See on this VICTOR MOIN, LUDMILA KRIVOSH, AND MOSHE KENIGSHTEIN, *Ethnically Mixed Russian-Speaking Families in Israel: Problems of Adaptation in ‘RUSSKOYE’ LIZO ISRAILYA: CHERTY SOZIALNOGO PORTRETA* 204-05 (Moshe Kenigshtein ed., 2007) [in Russian].

to the other major component of the Israeli population: the Arab national minority.⁷ The Israeli citizen body has always been perceived as consisting, overwhelmingly, of the Jewish majority and the Arab minority. There are other groups of Israeli citizens, who are neither Jewish nor Arab, such as Armenians or Circassians, but these are very small and are not perceived as affecting the general picture. Both Jews and Arabs in the country have always regarded themselves as belonging to two distinct national groups; whatever else they have argued about, on this point there has been virtually no controversy. Citizenship and national identity are thus clearly distinct in Israel.

This state of affairs is often criticized by those who hold that this distinction is unacceptable, or at least highly undesirable, in a modern civic democracy, since it confers an “ethnic” (and thus, it is argued, inevitably flawed, from the liberal viewpoint) character on the nation-state in question.⁸ But however one regards the Israeli case, a significant distinction between citizenship and national identity necessarily exists in any country with a substantial national minority—i.e., a large group of citizens who aver a national identity that is different from that of the majority. By definition, in a country with a substantial national minority (or minorities) there can be no national

⁷ The European Framework Convention for the Protection of National Minorities, Nov. 1, 1995, ¶12, E.T.S. 157 does not include an official definition of a “national minority,” and its Explanatory Report concedes that no generally-acceptable definition could be found. The Convention does not require an explicit official recognition of a national minority as such; see on this Hans-Joachim Heintze, *Minority Issues in Western Europe and the OSCE High Commissioner on National Minorities*, 7 INT’L J. MIN. & GROUP RTS. 381 (2000). However, in Israel it is highly desirable to include such recognition in the country’s Basic Laws precisely because the state is officially defined as Jewish and because it is undisputed that the national identity of the Arab minority is distinct from that of the Jewish majority. Israel’s Declaration of Independence in fact refers to the state’s future Arab citizens as “members of the Arab people.” Arabic is recognized as the second official language (See HCJ 4112/99 Adalah, The Legal Center for Arab Minority Rights in Israel v. The Municipality of Tel-Aviv/Jaffa [2002] IsrSC 56 (5) 393 for a major Supreme Court ruling underpinning this status) and Arab pupils attend state schools in which Arabic is the language of instruction. Cf. *infra* note 10.

⁸ See, e.g., Sammy Smooha, *The Regime of the State of Israel: Civil Democracy, Non-Democracy or Ethnic Democracy*, 2 ISR. SOC. 565-630 (2000) [in Hebrew]. Smooha defines Israel as an “ethnic,” and thus, essentially flawed, democracy, rather than a “non-democracy” or “ethnocracy,” as do some more radical critics. The specific flaws of the Israeli democracy regarding the status of the Arab minority largely follow, in his view, from the ethnic concept of national identity on which the Jewish state is based (though he also notes the negative impact of the ongoing national conflict). For more radical criticism, see, e.g., As’ad Ghanem, Nadim Rouhana, & Oren Yiftachel, *Questioning ‘Ethnic Democracy’: A Response to Sammy Smooha*, 3 ISR. STUD. 253-67 (1998); Oren Yiftachel, *Ethnocracy: the Politics of Judaizing Israel/Palestine*, 6 CONSTELLATIONS 364-390 (1999). For a different view, see, e.g., RUTH GAVISON, ISRAEL AS A JEWISH AND DEMOCRATIC STATE: TENSIONS AND CHANCES (1999) [in Hebrew]; Yakobson & Rubinstein, *supra* note 3.

identity shared by all citizens. Both the national identity of the majority and that of the minority are, in such a case, inevitably “ethnic” in the sense that they don’t comprise, and don’t pretend to comprise, the entire citizen body of the state.⁹

There is, in any case, nothing new in the fact that one can be Israeli, in the civic sense, without being Jewish. This statement is in no way meant to present an idealized picture of the actual degree of the Arab minority’s civic inclusion, but merely to point out that Israeli citizenship is clearly distinct from Jewish-Israeli national identity.¹⁰ If, then, the large community in question—of Russian-speakers who immigrated to Israel under the Law of Return without being Jewish—does not belong to the Jewish people while it lives in the country and holds Israeli citizenship, are we witnessing the emergence of a second substantial national minority in Israel? This would be a rather paradoxical effect of the Law of Return, which has always been considered as the ideological flagship of Zionism.

Since the start of this wave of immigration, some observers have actually suggested that some such thing was about to happen, or actually happening.¹¹ The Jewish identity in

⁹ For a classic exposition of the traditional dichotomy between ethnic and civic nationalism, see HANS KOHN, *THE IDEA OF NATIONALISM* (1944); *see also* ERIC HOBBSBAWM, *NATIONS AND NATIONALISM SINCE 1780* (1990). This dichotomy has been subjected to repeated criticisms that question the assumption that civic nationalism is inherently more liberal and inclusive and challenge the very notion of a national identity that is purely civic, or culturally neutral. *See, e.g.*, Rogers Brubaker, *The Manichean Myth: Rethinking the Distinction Between ‘Civic’ and ‘Ethnic’ Nationalism*, in *NATION AND NATIONAL IDENTITY: THE EUROPEAN EXPERIENCE IN PERSPECTIVE* 55-71 (H. Kriesi eds., et al., 1999); Will Kymlicka, *Modernity and National Identity*, in *ETHNIC CHALLENGES TO A MODERN NATION STATE* 17 (Shlomo Ben-Ami, Yoav Peled, & Alberto Spektorowski eds. 2000); *see also* DAVID BROWN, *CONTEMPORARY NATIONALISM: CIVIC, ETHNOCULTURAL AND MULTICULTURAL POLITICS* (2000). For the different legal and constitutional concepts of national identity (both congruous and not congruous with citizenship) in contemporary Europe, see Council of Europe, Parliamentary Assembly, Recommendation 1735, “The concept of a nation”, *Assembly Debate* Jan, 26, 2006 (7th Sitting), available at <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta06/erec1735.htm>.

¹⁰ On the different levels of civic inclusion in Israel, *see, e.g.*, GERSHON SHAFIR & YOAV PELED, *BEING ISRAELI: THE DYNAMICS OF MULTIPLE CITIZENSHIP* (2002). Shafir and Peled distinguish between liberal citizenship, which the Arab minority possesses to a considerable, though imperfect, degree (including the ability to combat discrimination by activating the judicial system), and republican citizenship, which, according to them, it lacks. The latter is defined by them as sharing in the dominant concept of the common good, which, they argue, is identified with the good of the Jewish majority. It might be argued that the concept of “republican” Israeli citizenship is sufficient to describe the status of the group of people with whom we are dealing here; but in my view the level of their social and cultural integration in the Hebrew-speaking majority indicates that it should be regarded as defining their national identity; *cf.* Cohen, *supra* note 5, at 36-37. On the civic status of Israel’s Arab minority in Israel, with reference to international and European norms on civil equality and the rights of national minorities, *see also* Yakobson & Rubinstein, *supra* note 3, at 104-23.

¹¹ *See, e.g.*, Yifat Weiss, *The Golem and its Creator, or How the Law of Return turned Israel into a Multi-Ethnic State*, 19 *TEORIA U-VIKORET* 45-69 (2001) [in Hebrew].

Israel, it has been argued, is too narrowly “ethno-religious” to be able to accommodate and integrate large numbers of immigrants, Israeli citizens, who are Jewish neither by ethnic descent nor by religion (even though most of them, it should be noted, do not have a non-Jewish religious affiliation either—because of the Soviet tradition of secularism and atheism).¹² Only an inclusive “civic nationalism” would, according to this logic, be capable of successfully integrating these people. On the other hand, no immigration policy based on civic nationalism as usually understood would have allowed, in the first place, this group to immigrate to Israel en masse and receive citizenship upon arrival (without any restriction or selection based on the country’s needs in the ordinary non-ideological sense). Historically, the same was true for Holocaust survivors, Jews from Middle-Eastern countries, and Ethiopian Jews who have settled in Israel. It appears that “ethnic” and “civic” nationalism refuse, in this case, to play the respective roles customarily assigned to them.

II. CULTURAL AND SOCIAL INTEGRATION

But what has actually happened to these people since they arrived in Israel? Where do they find themselves vis-à-vis the Hebrew-speaking Israeli majority? Most of the Russian-speaking immigrants, both Jews and non-Jews (“Russians,” as they are usually referred to) arrived in Israel in the early 1990s. Today, they are no longer newcomers. It is widely accepted that their integration has been, on the whole, an impressive success story. Of course, integration of such a huge wave of immigrants is, in any case, an enormously challenging task, inevitably involving manifold difficulties, tensions, and disappointments on a personal and a group level. Moreover, it should be noted that Israel of the 1990s was very different from Israel that had received the massive immigration of the 1950s (mostly Jews from Arab countries and Holocaust survivors from Europe). Instead of the “melting pot” ideology dominant in the first years of the Jewish State, a significant degree of cultural diversity—often

¹² In 2005, 27,000 of the newcomers had declared their religious affiliation to be Christian, see Cohen, *supra* note 5, at 28-29. Though it is undoubtedly true that the cultural gap between them and the majority society is significantly wider than in the case of secular immigrants of non-Jewish origin, it seems to me far from obvious that, as Cohen holds, the notion of sociological conversion is ‘irrelevant at this stage’ in the case of such people (*Id.* at 71). At any rate, it is highly relevant as far as the adoption of Hebrew is concerned (all the more so in the next generation). The fact that the children of today’s Christian immigrants will be native Hebrew-speakers looks more certain than that all of them will be Christians, but it is also quite possible that a substantial Christian Hebrew-speaking community will emerge. *Cf. Infra* note 37 and text.

defined as multiculturalism—had, by the 1990s, become accepted, and even positively celebrated by some.¹³ The Russian-speaking community preserves a substantial measure of cultural distinctiveness. In principle, this is not considered incompatible with successful integration in today's Israeli society; in practice, the border-line between “distinctiveness” and “ghettoization” is sometimes blurred and disputed.

Both the difficulties and the fact that this is, overall, a success story are reflected in the findings of Majid Al-Haj, a Professor of Sociology at the Haifa University. His study of what he describes as “ethnic formation in a deeply divided society” in the case of Russian-speaking immigrants, based on a comprehensive survey of the immigrants' attitudes conducted in 1999, emphasises, perhaps more than any other study on the subject, the ethnic tensions and frictions within the Jewish-Israeli society, and, in particular, the ethno-cultural distinctiveness of the “Russians.” He nevertheless concludes that in “the younger generation [of immigrants] ... the Israeli component [of their identity] seems to be gaining the upper hand”; and as far as mainly the older generation is concerned, “support for the existence of Russian-ethnic institutions is not the outcome of the immigrants' despair with and alienation from Israeli society,” but rather fits well into, and strengthens, the currently prevailing pattern of what he defines as “ethnocratic [i.e., Jewish-dominated] multiculturalism” in the country.¹⁴ As for the future of this group, he holds that

¹³ Cultural pluralism within the Jewish-Israeli society can, arguably, be defined as multiculturalism in a non-radical sense of the term that assumes, alongside diversity, strong common ground between the different groups (including the centrality of Hebrew as the national language). See Menachem Mautner, Avi Sagi, & Ronen Shamir, *MULTICULTURALISM IN A DEMOCRATIC AND JEWISH STATE* (1998) [in Hebrew]. On Russian-speaking immigrants and multiculturalism, see Cohen, *supra* note 5, at 29-31; Tamar Horowitz, *Four Scenarios for the Integration of Former USSR Citizens in Israel*, in *ISRAEL AND MODERNITY: IN HONOR OF MOSHE LISSAK* 488-490 (Uri Cohen, Eliezer Ben-Refael, Avi Bareli, & Ephraim Yaar eds., 2006) [in Hebrew]. According to SHAFIR & PELED (*supra* note 10, at 309, 320), the incorporation of the Russian-speaking immigrants, accompanied by an acceptance of a considerable degree of cultural distinctiveness on their part, points (among other factors) “in the direction of greater pluralism, even multiculturalism” (*id.* at 309). They mention, in this context, the fact that “the demand for recognizing Russian as a third official language, alongside Hebrew and Arabic, has already been voiced” (*id.* at 320). This, however, is a wholly marginal phenomenon. On multiculturalism and the Arab minority, see *infra* note 14.

¹⁴ MAJID AL-HAJ, *IMMIGRATION AND ETHNIC FORMATION IN A DEEPLY DIVIDED SOCIETY: THE CASE OF THE 1990s IMMIGRANTS FROM THE FORMER SOVIET UNION IN ISRAEL* 105, 108, 216 (2004). The “ethnocratic multiculturalism,” according to Majid Al-Haj, applies only to the Jewish-Israeli society and excludes the country's Arab citizens; cf. Baruch Kimmerling, *The New Israelis: Multiple Cultures without Multiculturalism*, 16 *ALPAYIM* 263-308 (1998) [in Hebrew]. According to Kimmerling, a Jewish state is essentially incompatible with genuine multiculturalism, chiefly as regards the status of the Arab minority (but also because of the ties between Jewish religion and state). However, the cultural and language rights of the Arab minority in Israel are in fact very considerable, *supra* note 7; Samooha,

[e]ventually, the ‘multifaceted type’ of identity may be expected to prevail, with two core components: the Israeli component and the Russian-ethnic component. Russian Israelis can be expected to form an ‘ethnic community’ that is an integral part of Israeli society, rather than an ‘ethnic minority’ which is usually the result of denial and rejection by the host society.¹⁵

In a 2009 survey (whose authors note that the picture they present on the degree of success of the immigrants’ integration is less optimistic than the prevalent one), 76% of Russian-speaking immigrants answered that they were “proud to be Israeli”; the figure for the Jewish population (minus the “Russians”) was 88% and for Arab citizens, 38%.¹⁶ The Russian-speaking interviewees include both Jews and non-Jews. Indeed, the latter group forms such a large part of the whole Russian-speaking community that the overall picture of a (gradually) successful integration could hardly have emerged had this group not been, to a large degree, part of it.

There is, of course, no doubt that non-Jewish immigrants do encounter special problems. Ethnic prejudice and negative stereotypes, far from rare among the various Jewish-Israeli communities, certainly affect them more than the Jewish-origin immigrants from the former USSR. The influence of the Orthodox establishment is detrimental to their standing and to their rights, above all in the field of personal status (as is noted below). In a survey conducted in 2003, 75% of Russian-speaking immigrants of non-Jewish origin complained of discrimination. Interestingly, the

supra note 8, at 593-94; Yakobson & Rubinstein, *supra* note 3, at 188-121. Full civic integration, rather than the right to preserve the community’s cultural distinctiveness, is clearly the main problem.

¹⁵ AL HAJ, *supra* note 14, at 210-11. Most studies of the Russian immigration put, in varying degrees, greater emphasis on successful integration. See, e.g., MOSHE LISSAK & ELIEZER LESHEM, *FROM RUSSIA TO ISRAEL: IDENTITY AND CULTURE IN TRANSITION* (2001) [in Hebrew]; Vladimir Khanin, *Russian-Jewish Ethnicity: Israel and Russia Compared*, in *CONTEMPORARY JEWRIES: CONVERGENCE AND DIVERGENCE* 216-34 (Eliezer Ben-Rafael, Yosef Gorny & Yaacov Ro’i eds., 2003); Vladimir (Ze’ev) Khanin and Alek Epstein, *Cultural Continuity, Renewal and Immigration: Consciousness and Identity Conformations of Russian-speaking Jews*, in *ISRAEL AND MODERNITY: IN HONOR OF MOSHE LISSAK* 505-520 (Uri Cohen, Eliezer Ben-Rafael, Avi Bareli, & Ephraim Yaar eds., 2006) [in Hebrew]; MOSHE KENIGSHTEIN, ‘RUSSKOYE’ LIZO ISRAILYA: CHERTY SOZIALNOGO PORTRETA(2007) [in Russian]; Sammy Samooaha, *The Mass Immigration to Israel: A Comparison of the Failure of the Mizrachi Immigrants of the 1950s with the Success of the Russian Immigrants of the 1990s*, 27 J. ISR. HIST. 1 (2008).

¹⁶ ASHER ARIAN, MICHAEL PHILIPPOV & ANNA KNAPFELMAN, *AUDITING ISRAELI DEMOCRACY* 65, 74-75 (2009) [in Hebrew]. The numbers of Israeli Arabs giving positive answers to questions on Israeli patriotism, while much lower than in the case of the Jewish majority or the immigrants, are far from negligible. Another 2009 survey has 45% of Arab citizens aver pride in being Israeli; in 2008 the figure was 53%, see Nano Geva and Eppie Ya’ar, *Patriotism Survey 2009*, Herzliya Conference (2009), available at http://www.herzliyaconference.org/_Uploads/2997ManoGeva.ppt.

percentage of Jewish immigrants complaining of discrimination is significantly higher: 89% (perhaps due to higher expectations). But 85% of the non-Jewish immigrants answered that they were “satisfied with their life in Israel” (compared with 89% of the Jewish immigrants); 75% (compared with 91%) affirmed that they “feel at home” in the country, and 89% (compared with 96%) declared they were “sure that they will stay in Israel.” The authors of the survey point out that the immigrants’ identification with Israel increases with the passage of time and depends on their “seniority” in the country more than on their ethnic origin; on average, Jewish immigrants arrived earlier in Israel than the non-Jewish ones, whose numbers rose after the first several years of this wave of immigration. As regards those who have spent an equal number of years in Israel, the differences between Jews and non-Jews that appear in the survey become statistically insignificant.¹⁷

Moreover, whereas among the non-Jewish immigrants who have spent less than two years in Israel only 17% regard themselves as belonging to the Jewish culture alongside the Russian one, among those who have lived in Israel for more than ten years the figure grows to 67%.¹⁸ This figure seems surprisingly high because the term “Jewish culture” is clearly felt by many to have a religious or at least traditional flavor; the Hebrew language would probably be often defined as an element of “Israeli culture” rather than “Jewish culture.” Nevertheless, two-thirds of veteran immigrants of non-Jewish origin aver, in this poll, a connection to Jewish culture, and not just to Israel.

Asher Cohen, Professor of Sociology at the Bar-Ilan University who has studied the non-Jewish Russian-speaking immigrants, has coined the term “sociological conversion” (on an analogy with, and as distinct from, traditional religious conversion) in order to describe the immigrants’ integration process in the Jewish society in Israel that is not dependent on adopting the Jewish religion. Cohen’s conclusion is that this process “already characterizes, and will characterize in the future, gradually but consistently, the great majority” of the people in question. Many of them exhibit self-identification of belonging to the Jewish society; “they are adopting—gradually, at varying paces and in varying degrees—the behaviour patterns, culture and identity

¹⁷ Moin, Krivosh, & Kenigshtein, *supra* note 6, at 206, 213. The survey conducted by Arian, Philippov and Knafelman, (*supra* note 14, at 60-61 by age groups), gives, in response to a slightly differently formulated question on the immigrants’ wish to remain in Israel, a significantly lower percentage of positive answers, though it is still close, overall, to the general Jewish-Israeli figure of 78%.

¹⁸ Moin, Krivosh, & Kenigshtein, *supra* note 6, at 205.

of the Jewish society,” including, “in certain cases, aspects of Jewish tradition as practised by non-religious Jews in Israel.”¹⁹

Writing from a very different and highly critical perspective, Al-Haj reaches a basically similar conclusion: Non-Jews among the Russian-speaking immigrants are becoming—as a sub-division of the entire Russian-speaking community—an integral part of the Jewish-Israeli society; this society, and the very concept of the Jewish state, are being redefined in the process. In his words,

Taking into consideration the immigrants’ social structure (with the admixture of a sizable non-Jewish contingent) and their cultural and political orientation, we may conclude that the immigrants will reinforce the current ethnocentric multiculturalism while fuelling a redefinition of the borders of legitimacy of Israeli society to include non-Jewish immigrants within the new borders. In this sense, for most immigrants the unifying factor is not the Jewish character of the state, which is concomitant with the Orthodox perception of Jewishness, but rather a Jewish state with a secular ethno-national meaning of Jewishness.²⁰

The great majority of the Russian-speaking immigrants of non-Jewish origin clearly wish to integrate, both socially and culturally, in the Jewish-Israeli society, and are doing so successfully. They are an integral part of the society in which they live and work. They speak Hebrew; their children go to Hebrew-speaking public schools and on to military service in the Israel Defense Force; Saturday is their day of rest, the calendar by which they live and work is punctuated by Jewish holidays; they have adopted various aspects of the Israeli majority culture—both secular and influenced by Jewish tradition (including the non-Orthodox celebration of Jewish holidays). Israel’s Independence Day is their national holiday. The overwhelming majority of them are,

¹⁹ See Cohen, *supra* note 5, at 21; a survey of the scholarly and public debate on this issue (*id.* at 24, 43). Cohen’s firm conclusion that the “sociological conversion” is the predominant tendency seems to me to be the correct one. However, even if this is doubted, it is not really disputed that a substantial part of the people in question (even if not necessarily a large majority, as argued by Cohen) are integrating in the Jewish-Israeli society, and this seems to be sufficient for the main argument presented in this Article: i.e., the ability to join the Jewish people without religious conversion; *cf.* MAJID AL-HAJ & ELAZAR LESHEM, IMMIGRANTS FROM THE FORMER SOVIET UNION IN ISRAEL: TEN YEARS LATER 25-27, 126-30 (2000) and Cohen, *supra* note 3.

²⁰ AL-HAJ, *supra* note 14, at 216 (“At the same time, such character is clearly ‘non-Arab’ in the sense that it places Arabs outside of its legitimate borders, while other groups, even the non-Jewish immigrants, are included in its borders.”). Unlike Ian Lustick, (*infra* note 27), whose term “non-Arab state” he adopts, Al-Haj believes that the integration of non-Jewish immigrants doesn’t make Israel any less of a Jewish state, though it does redefine the meaning of this term.

without question, patriotic. In not a few cases “nationalistic” would perhaps be a better term; but what national group, or national identity, would this term refer to?

They are, after all, officially “non-Jewish”; the same Law of Return, which guarantees them Israeli citizenship, includes a definition of Jewishness that formally leaves them out. De facto, however, they belong—and their descendants will even more indisputably belong²¹—socially and culturally to the Hebrew-speaking, Jewish-Israeli society. This, I suggest, is the only realistic way to describe their cultural and hence national—not merely civic—affiliation. Of course, the Jewish-Israeli society is itself culturally pluralistic to a considerable degree, and includes significant subdivisions, one of which is Russian-speaking and includes all those who came from the former Soviet Union. In the second and the third generation such sub-identities weaken (among other reasons because many marriages are between people from different countries of origin), although they do not disappear completely; the common ground is even more clearly predominant. Hebrew becomes the overwhelmingly predominant language, often the only one.

It can be safely assumed that there will be no Russian-speaking national minority (or ethnic minority outside the nation’s mainstream) in Israel. In a nation-state, the natural “default option” of a citizen, in the absence of a strong distinct identity different from that of the majority, is belonging to the majority people. Discussion of official “recognition” or “non-recognition” of these people as Jewish tends to obscure the fact that they have already received, upon arrival, the main thing that a nation-state can confer on a person wishing to join a modern sovereign nation (as opposed to a diaspora community)—its citizenship. In their case, unlike that of the “classical” immigrants, legal naturalization preceded—and greatly facilitated—cultural and social integration rather than being a “reward” for it. However, the end result is, in principle, the same in both cases: citizenship coupled with a high degree of integration.²² The only “people” to which these persons can realistically be described as belonging is

²¹ Cf. Larissa Remennick, *From Russian to Hebrew via HebRush: Intergenerational Patterns of Language Use among Former Soviet Immigrants in Israel*, 24 J. MULTILINGUAL & MULTICULTURAL DEVELOPMENT 431 (2003).

²² In the case of immigration to Western countries, what is debated is the extent to which naturalisation should be conditional on adopting various aspects of the host culture; the prevailing tendency in recent years is to make cultural conditions for naturalisation (and in some cases, for immigration) more demanding. See, e.g., Joppke, *supra* note 3; Christian Joppke, *The Retreat of Multiculturalism in the Liberal State: Theory and Policy*, 55 BRIT. J. SOC. 237 (2004); Liav Orgad, *Illiberal Liberalism: Cultural Restrictions on Migration and Access to Citizenship in Europe*, 58 AM. J. COM. L. 53 (2010).

the same people to which their Jewish relatives—close or distant—and most of their Israeli compatriots belong.²³

Arguing that the integration of the immigrants in question is overall a success story does not in any way imply making light of the difficulties involved in the process even for those who can be considered as well integrated, or denying that there are also not a few failures—people who are deeply alienated from the Israeli society (including some among the immigrant youth). This applies to immigrants of both Jewish and non-Jewish origin—though probably in greater measure to the latter. There seems to be little doubt, however, that the great majority should be regarded either as already belonging to the Jewish-Israeli society or as going through the process of becoming an integral part of it. Naturally, belonging to this society does not preclude considerable social tensions—in the case of “veteran” Israelis no less than in the case of immigrants.

III. ISRAELI NATIONAL IDENTITY?

Should we then speak of Israeli, rather than Jewish, national identity? Such a term—Israeli national identity—can be used in two distinct senses: First, it can imply the idea that all Israeli citizens should be considered as sharing the same national identity—according to the model of inclusive civic nationalism. The most consistent example of this model is the French Republic in which, at least officially, there are no national (or ethnic) minorities. This model is sometimes adopted—at any rate, for polemical purposes—by left-liberal critics of Israel as a Jewish state (those often labeled “post-Zionists”). However, it is clearly inapplicable to Israeli conditions. Israel’s Arab minority—a large native national minority situated in the heart of the Arab-majority Middle East, with strong cross-border ties (especially with Palestinians in the territories and the diaspora, but also, culturally, with the Arab world at large)—regards itself as belonging to a different national group than the majority. According to a definition which has become widely accepted among Arab citizens, they belong to the Palestinian people. No semantic self-definition that the majority may choose to adopt—whether Jewish, Jewish-Israeli, Hebrew (once strongly favored by many in the Zionist movement) or “simply” Israeli—is likely to cause the Arab minority to renounce its own national identity. The Israeli label can be accepted by Arab citizens,

²³ According to Cohen, *supra* note 5, at 40 ff, the people in question have joined the Jewish *leom* (a Hebrew word used to denote a “nationality,” in the sense of national community) in Israel.

and is in fact accepted by many of them, according to polls²⁴ as signifying their civic affiliation, but not their national identity. The aim of a properly inclusive policy should be to enhance the Arab citizens' civic integration and thus their Israeli identity in the sense of belonging to the civic nation, while taking for granted—and, moreover, officially recognizing—their status as a national minority.²⁵

Second, the term “Israeli national identity” can be used in the politically-incorrect and officially-unsanctioned, but nevertheless often employed, sense of equating “Israeli” with “Jewish-Israeli.” Israeli Jews do indeed tend to use the terms “Jewish” (for Israeli citizens) and “Israeli” interchangeably. This is natural for a majority and unexceptional in most contexts, but problematic in the context of Arab-Jewish relations since it implies that Arab citizens of Israel are not Israelis.

For the Russian-speaking immigrants of non-Jewish origin the most natural self-definition is Israeli—meaning not merely civic—but cultural, linguistic, social, and hence, I argue, national affiliation. For Israeli Jews, who often, in other contexts, tend to treat the terms “Israeli” and “Jewish” as virtually synonymous, there is no difficulty at all in defining the people in question as Israelis. Adopting Israeli as the main label of the Hebrew-speaking society's national identity, instead of Jewish or Jewish-Israeli, as is suggested by some, would indeed make things easier for this group of people—not dramatically easier, for they are successfully integrating in any case, as is argued here, but somewhat easier nevertheless. However, as far as the Arab minority is concerned, such a change could actually be damaging. A national identity purporting to comprise the whole body of Israeli citizens would naturally have had to be “Israeli.” If, however, there are, indisputably, two distinct national identities within the citizen body, one of which appropriates the term “Israeli,” this will inevitably be taken to imply that those who do not share this identity, and aver another one, are not Israelis. At present a group of Israeli citizens that includes people from both

²⁴ See *supra* note 16.

²⁵ It is clear that the Arabs in Israel, as a community, do not wish to assimilate into the Jewish majority (as opposed to civic integration, which, naturally, includes cultural elements, including the use of Hebrew). This is entirely to be expected in the case of a large native minority; in this respect, Israeli Arabs should be compared to the German-speakers of South Tyrol in Italy, or to the Hungarian minorities in Slovakia and Romania—rather than to immigrant communities in Western countries and the dilemmas of their integration, as is sometimes mistakenly done. Nevertheless, belonging to a national minority or assimilating into the majority people should be a matter of free choice expressed by cultural and social affiliation. (See Europe Framework Convention, *supra* note 7, art. 3). The application of this principle to Israel's realities raises important and complicated questions (doubly so, of course, because of the national conflict) that cannot be treated here at length; see Yakobson & Rubinstein, *supra* note 3, at 187-88.

communities consists of Jews and Arabs, all of whom are, officially, Israelis. If the Israeli label (allegedly more civic and inclusive) is more or less officially appropriated by the majority, there should be no grounds to object to the description of such a group as consisting of “Israelis and Arabs” (a far from hypothetical example), which is obviously exclusive rather than inclusive, contrary to the intention of those who propagate the idea of discarding the Jewish label in favor of the Israeli one.²⁶

The most realistic definition of the Hebrew-speaking majority’s national identity is, thus, Jewish-Israeli. It is meaningless to insist that someone belonging, both socially and culturally, to this majority does not belong to the Jewish people. The Jewish people, as this category is conceived by those who regard themselves as belonging to it, comprises the Jewish majority society in Israel as well as the various Jewish diaspora communities; it is in Israel that Jewish peoplehood exists as a fully-fledged national identity. To insist that the immigrants in question are Israeli only in the civic sense, but not Jewish-Israeli in their national affiliation, entails, paradoxically for some of those who do so, accepting the narrow ethno-religious definition of Jewish peoplehood espoused by the Orthodox establishment. Thus Ian Lustick, in his *Israel as a non-Arab state: The Political Implications of Mass Immigration of Non-Jews*,²⁷ accepts that the people in question are being successfully integrated and stresses their political identification with the state. He attaches great significance to the phenomenon, even suggesting that it is changing the very nature of the state. However, taking for granted the narrow definition of Jewishness, he argues that the massive immigration and successful integration of these people is turning Israel into a non-Arab state rather than a Jewish one. The obvious alternative to this problematic definition, which elevates “non-Arabism” to the level of a national identity (clearly seeking to portray the mainstream Israeli common ground as merely negative) is to admit that the phenomenon in question is making the Jewish identity in Israel less ethnic (in the narrow sense of being based on ethnic descent) and less religious, more civic and cultural. Among other things, it throws into sharp relief the fact that Hebrew is a crucial element of this identity, which should occasion little surprise, since language is rightly considered as the cornerstone of most modern national identities. It is hardly useful to describe the national identity of Israeli citizens with a high level of social

²⁶ See lately SHLOMO SAND, *WHEN AND HOW WAS THE JEWISH PEOPLE INVENTED* (2008) [in Hebrew]; MOSHE BERENT, *A NATION LIKE ALL OTHER NATIONS: TOWARDS THE ESTABLISHMENT OF AN ISRAELI REPUBLIC* (2009) [in Hebrew].

²⁷ 53 MID. E. J. 417 (1999).

and cultural integration in the Hebrew-speaking society—let alone their children, for whom “non-Arabic” is their native tongue—as (merely) non-Arab.²⁸

Israeli patriotism, political identification with the state, and support for the Israeli side in the Arab-Israeli conflict undoubtedly influence the degree of one’s actual civic inclusion, but do not signify belonging to the majority people in Israel (just as the opposite attitude does not preclude belonging to it). A large majority of the Arabic-speaking Druze in Israel vote for Zionist (and, quite often, right-wing) parties. However, this community, while being influenced by the culture and language of the majority (as minorities, especially well-integrated ones, are wont to be), preserves a high degree of cultural and social distinctiveness; it defines itself as Israeli (in a ‘thick’ civic sense that goes far beyond legal citizenship²⁹) while clearly not belonging to the Jewish people.

Shafir and Peled suggest that the wide circle of non-Jewish relatives of Jews was included in the 1970 amendment to the Law of Return

specifically in order to facilitate the immigration to Israel of non-Jews from the USSR, who, it was assumed, would become politically and ethnically Jewish upon arrival. Thus a potential rift was created between the religious and the national concept of “Jewish” by means of the very law that had been designed to cement the identity between them.

They further argue that because of the presence of a large population of non-Jewish immigrants in Israel (some of whom are Christians) “a distance ... is being opened now between the religious and national (or civil) definitions of ‘Jewish’” and hold that this phenomenon challenges Israel’s character as a Jewish state.³⁰ But the

²⁸ Of course, Hebrew is not confined to the Jewish majority, though its role within the Jewish majority is very different from its role outside of it. The Arab minority in Israel, while preserving Arabic as its mother tongue and as an important badge of its distinct identity, has become—as is usual with minorities—bilingual to a considerable extent.

²⁹ “Republican,” in the sense suggested by Shafir and Peled (*supra* note 10). Culture and politics cannot, of course, be neatly separated. Among other things, the Druze in Israel undergo a three-year compulsory military service from which Muslim and Christian Arabs are exempt (though there is a relatively small number of volunteers); this means that on the average, the kind of Hebrew they speak makes them culturally, and not just politically, closer to the majority. Their Hebrew (as well as that of many Arab Muslims and Christians) is, naturally, better than that of the average new-comer (whether Jewish or not). But it is the latter group for which, in the next generation, Hebrew becomes its native tongue.

³⁰ SHAFIR & PELED, *supra* note 8, at 333-34. It should be noted that in 1970, the struggle for the right of Soviet Jews to emigrate was only beginning; nobody in Israel could have known at the time that a large wave of Russian-speaking immigrants would arrive in the 1970s, and a much larger one, with a much higher percentage of mixed families, in the 90s.

latter is only true if one takes for granted the essentially (ethno)-religious character of the Jewish-Israel national identity, which is in fact hardly compatible with the assumption that the Israeli establishment in 1970 specifically intended that non-Jewish immigrants “become politically and ethnically Jewish upon arrival.” Certainly, for the Orthodox establishment “politically Jewish” is a meaningless and unacceptable term and the only way to become Jewish is religious. One may doubt whether the Israeli politicians in 1970 were actually thinking in the ideological terms attributed to them by Shafir and Peled; all they wanted, presumably, was to facilitate Jewish immigration by allowing the immigration of non-Jewish relatives. It is clear, however, that this is what is actually happening since the massive immigration of the 90s: a significant rift is indeed opening between the religious and national (or civil) definition of “Jewish” as a result of the adoption of the Jewish (-Israeli) identity by people of non-Jewish origin without a religious conversion. However, there seems to be no reason why this fact should be regarded as undermining—rather than strengthening—the notion of the Jewish state and the state itself.

IV. JOINING THE JEWISH PEOPLE WITHOUT RELIGIOUS CONVERSION

It is thus no longer true that the only way to become part of the Jewish people is through religious conversion. Nor is it, in Israel, the chief way; in fact, religious conversion has become a rather marginal phenomenon, in scope and significance, compared with the mode of integration discussed here.³¹ The situation in this field should be different, in a Jewish nation-state, from that obtaining in a diaspora community—and indeed it is different. This statement is bound to be ideologically controversial, and indeed, it reflects an ideological perspective. But I submit that above all, this is the only realistic way to describe the cultural and social reality on the ground. Orthodox Jews cherish the principle that one can join the Jewish people only by converting to Judaism,³² for it implies that religion defines the boundaries of the national community even though religion is far from being in full control of what actually goes on within it. Radical-liberal critics of Jewish nationalism decry this principle and regard it as proving its irredeemably ‘ethno-religious’ character.³³ Both are wrong; the factual assumption

³¹ Cf. Cohen, *supra* note 5, at 40-41.

³² Moreover, they insist this should be only according to the Orthodox religious law—the *Halacha*. This controversy is beyond the scope of this paper, but it should be noted that the Orthodox establishment has failed to have its way on this issue—non-Orthodox conversions by people immigrating to Israel are recognized by the state.

³³ See, e.g., *supra* note 26.

no longer holds true. The Jewish people in Israel can in practice be joined, and are being joined on a wide scale, by immigrating to the country, acquiring its citizenship, adopting its (majority) language and culture, integrating into its society, identifying with it, and being identified by others as belonging to it—that is to say, in the same way that other modern nations can be joined.

It is true and important to note that the analogy with immigration and integration of immigrants in contemporary Western countries is only partial, since we are taking about people who from the outset had some prior connection to the Jewish people—through their Jewish relatives. Those who had a significant element of Jewish awareness upon arriving in Israel are significantly different from ordinary immigrants to Western countries; those who did not, provide a closer parallel. One of the reasons for their successful integration is, of course, precisely the fact that they were treated as “returnees” rather than immigrants and given citizenship upon arrival. The powerful engine of ethno-cultural nationalism, applied to non-Jewish relatives of Jews whom the state regards as kin, has facilitated their cultural integration according to all the canons of civic nationalism (“civic” not in the sense of comprising the entire citizen body, but in the sense of being open to outsiders through a mechanism of integration provided by the state³⁴). But it seems very likely that those children of foreign workers who were born in Israel and received their education in Hebrew schools who, by a decision of the government taken several years ago, were granted a status leading to eventual naturalization³⁵—will also be an integral part of the Jewish-Israeli society and culture. Once naturalized, they (and, *a fortiori*, their descendants) will not be merely Israeli in the civic sense but (Jewish-)Israeli in their national affiliation.

The registration of “nationality” (in the sense of national affiliation), which formerly appeared in the Israeli identity card, has—rightly—been removed from

³⁴ Cf. WILL KYMLICKA, *MULTICULTURAL CITIZENSHIP: A LIBERAL THEORY OF MINORITY RIGHTS* 23-24 (1996).

³⁵ As I write (in August 2009), the status of another large group of foreign workers’ children born in Israel and educated in Hebrew schools is being considered. The government called off plans for their deportation as “illegal aliens” following a public outcry, supported by prominent members of the establishment, during which it was repeatedly asserted—with emphasis on the fact that they are native Hebrew-speakers—that they are, regardless of their legal status, *de facto* Israelis. Their future in Israel—eventually, as Israelis also *de jure*, and as part of the Hebrew-speaking majority—seems at this point to be assured despite obstinate opposition of the Orthodox establishment, which, unfortunately, is likely to cause considerable hardship. The adoption of a comprehensive immigration law (not instead but alongside the Law of Return), setting out, *inter alia*, clear criteria for naturalization, has been repeatedly suggested in recent years; sooner or later this seems bound to happen.

it; the immigrants, as well as native-born Jewish and Arab Israelis, are registered in their ID as Israeli citizens. This rubric is still preserved in the register of the Interior Ministry, in which immigrants not formally considered Jewish appear with a label taken from former Soviet republics and ethnicities. This oddity does not, with all due respect to official records, determine anybody's national identity in any real sense. The formally non-Jewish status of Russian immigrants has one major practical consequence: in the field of personal status. Matters of marriage and divorce have been, controversially and problematically, surrendered under Israeli state law to the different religious communities; in the case of the Jewish community to the Orthodox rabbinate. When persons who are described here as having joined the Jewish people without recourse to religious conversion wish to marry their Jewish compatriots, they are quickly reminded of the considerable influence of the Orthodox establishment in this country.³⁶ Such a couple cannot be married in Israel, since the Jewish religious law does not allow it. They can, however, be married, quickly, cheaply, and conveniently, in neighbouring Cyprus; and upon their return to Israel, state authorities are obliged to register them as married, under liberal High Court of Justice rulings interpreting the law which provides for legal recognition of marriages contracted abroad. Of course, the laws on personal status in Israel are deeply unsatisfactory, and ought to be changed, allowing for civil marriage within the country for all Israeli citizens interested in it. The present legal situation is a clear violation of basic liberal-democratic norms. But, contrary to the impression that one might get by hearing that there is no civil marriage in Israel, the avowed monopoly of religious courts in matters of personal status does not mean that anybody is actually prevented by the state from marrying a person outside their religious community. For the Russian immigrants, the legal situation in this field is a grievance and an irritation; it is by no means a serious obstacle to their successful integration, despite what is often assumed. On the contrary: being angry with the Orthodox religious establishment is a rite of passage of sorts and an important Jewish-Israeli cultural characteristic in its own right, which the "Russians" share with many other Israelis (in the same way as the "Cyprus marriage" and other creative ways of circumventing the religious status quo are practiced by many Israelis of different backgrounds).

³⁶ In fact, when wishing to marry they encounter a problem in any case, since the great majority among them do not belong to any religious community. The assumption of the laws on personal status is that all Israeli citizens belong—at least formally—to one of the country's recognized religious communities. This assumption is factually wrong, and a modern state has no right to assume such a thing—which is one of the reasons why the law needs to be changed.

Many practical problems would no doubt have been solved if the Orthodox establishment had been willing to be more flexible on the issue of religious conversion. At present, this is not merely a long and difficult process, but one that aims, officially, at turning the converts into observant Orthodox Jews. Prospective converts are required to commit themselves to Orthodox observance, and even threatened with having their conversion revoked if they lead, after conversion, a secular or even (merely) a traditional way of life. Conversion on such terms is acceptable only to a small minority of Russian immigrants. Had they been offered an option of conversion more realistically reflecting the diverse character of the national community that they are joining, many Russian immigrants—though by no means all of them—would presumably have taken it. But their legal status as Israeli citizens, and, as has been argued here, their practical status as part of the Jewish-Israeli society, do not in fact depend on any religious rite.

The inflexible attitude of the state-endorsed Orthodox establishment in this matter inevitably causes what this establishment is, in principle, most anxious to avoid: an increasing divergence between the Jewish people and the religion of Judaism. The two have not been identical since the rise of the Jewish enlightenment and secularism; but neither have they become fully separate. Among other things, secular Jews in Israel, including atheists, have no difficulty with the fact that those who do convert to Judaism are considered part of the Jewish people.

Religious conversion entails adopting a certain version of Jewish culture, no longer the only legitimate one, as secular people will insist, but indisputably Jewish nonetheless. Adopting a culture (and integrating in a society based on it) means joining a people. Adopting the traditional culture of the Jews means, indisputably, joining the Jewish people. There is no difficulty, even for the most secular Israeli Jews, in accepting as *one of their own* somebody who sits around the Passover table and says “our fathers were slaves to the Pharaoh in Egypt.” Asserting that somebody who adopts the modern Hebrew-Israeli culture should likewise be considered as having joined the Jewish people is, to some extent, an ideological statement insisting on the full legitimacy of this variation of Jewish culture, to which the Jewish enlightenment, Zionism and the State of Israel gave rise. This is precisely why this assertion will be hotly contested. But above all, it is a statement of fact—a cultural and social fact of life in Israel. It was always to be expected (though far from always evident to the people involved) that the Zionist revolution, following on the heels of the Jewish enlightenment, would revolutionize the very concept of Jewish peoplehood—without, however, a break of historical and cultural continuity. We still say “we” and “us” when referring to Jews of all ages.

CONCLUSION

The phenomenon described here shows that the role of religion in defining Jewish peoplehood is significantly more limited in the state of Israel than in the diaspora—although religion still plays a role, since converts to Judaism are regarded as part of the Jewish people for the purpose of the Law of Return. This does not mean that religion is not important culturally. A full cultural separation between Jewish peoplehood and Judaism (something much more far-reaching than merely a legal separation between religious and state institutions) does not at all, it has to be said, seem to be in the offing. That the religion of Judaism is the traditional distinct culture of the Jews is a historical fact that cannot be changed retrospectively by any modern development. This fact has great emotional and cultural significance for many secular Jews (not to mention religious and traditional ones). While all pre-modern societies were strongly religious, Judaism, unlike other religions, is a religion of a particular people; in such a situation, the bond between religion and peoplehood is naturally strong. It has been weakened but not removed by modernization and secularisation. Modern Hebrew culture in Israel is significantly influenced by Jewish tradition, and very few Israeli Jews would wish to break the cultural and historic continuity of the Jewish people. A modern national identity is, in most cases, largely defined by a language—and the culture produced in it, for language is far from being merely a technical means of communication. The Hebrew Bible remains the classical literary canon of the Hebrew language; a suitable replacement is not likely to be found any time soon.

What does all this imply for the status of the relatively small, but still substantial number of Russian-speaking immigrants who have a Christian religious identity? Traditionally, converting to Christianity, or another religion, has always been considered as leaving the Jewish people. In 1962, the Israeli Supreme Court refused, by a majority decision, to recognize as Jewish, for the purpose of the Law of Return, a person of Jewish origin who had become a Catholic monk but still regarded himself as belonging to the Jewish people. The Court ruled that it was basing its decision not on Jewish religious law (according to which a Jew cannot formally cease to be Jewish) but on a wide consensus of Jewish—including secular—public opinion.³⁷ This consensus has strong cultural, historical, and emotional roots. Given the history

³⁷ H CJ 72/62 Rufaizen v. The Minister of Interior [1962] IsrSC 16 2428; *see also* Rubinstein & Medina, *supra* note 3, at 398-99 (discussing this issue); Joppke, *supra* note 3, at 177-78. This decision was later incorporated in the 1970 amendment to the Law of Return, which added to the definition of a Jew the proviso of “not belonging to another religion.”

of relations between Christians and Jews, and the self-perception of both sides, it is hardly surprising that the terms “Christian” and “Jewish” are regarded by Christians and Jews alike as mutually exclusive. But we are now facing a very different situation. The immigrants in question are not Jews by origin who left the Jewish people; rather, they are people of non-Jewish origin who have joined the Israeli society. It is by no means inconceivable that, over time, the cultural and social processes described here will give rise a substantial well-integrated Israeli community that will be Christian by religion whose native tongue will be Hebrew. The cultural identity of such a community—including, quite probably, its very Christianity—is likely, for all its undoubted cultural distinctiveness, to be not just Hebrew in language, but strongly influenced by the Jewish-Israeli culture and self-consciousness. Many will—today and, no doubt, in the future—balk at defining such a group as belonging to the Jewish(-Israeli) people, but it would not be easy to name another “people” to which a group with such characteristics could realistically be described as belonging. The existence of such a community would not at all mean that the ties between Jewish peoplehood and Judaism are severed, any more than the existence of small Greek-speaking Catholic and Protestant communities in Greece severs the strong bond between Greek Orthodox Christianity and Greek national identity and culture (as well as its official ties with the Greek state).³⁸

Being secular implies, in the Jewish-Israeli context, a refusal to be bound by the Jewish religious law and freedom to choose which parts of the Jewish tradition to adopt (or discard) and how to interpret them. It does not, as a rule, imply a wholesale rejection of tradition itself. But it is clear that the Orthodox establishment in this country, by its systematic preference for the more inflexible interpretations and forbidding aspects of religious tradition, is in fact helping weaken the connection that it would dearly love to enhance (in regard to the issue of conversion and on other issues).

Immigration is a phenomenon of crucial importance in the modern world, and the existence of an option of joining the national community by immigration and integration (whatever the terms of the former, and whatever the exact meaning

³⁸ Armenia provides another parallel. For a comparison between Jewish, Greek, and Armenian cases of “diaspora nationalism,” including the role of religion, see ANTHONY SMITH, *MYTHS AND MEMORIES OF THE NATION* 211-13 (1999). On church and state in Greece and Armenia as well as some other countries (compared with Israel), see Alexander Yakobson, *Jewish Peoplehood and the Jewish State, How Unique?—A Comparative Survey* 13 *ISR. STUD.* 1 (2008). On nationalism and religion in Zionism and in other national movements, see Hedva BEN-ISRAEL, *IN THE NAME OF THE NATION: STUDIES IN NATIONALISM AND ZIONISM* 151-95 (2004) [in Hebrew]; see also Hedva Ben-Israel, *Zionism and European Nationalisms: Comparative Perspectives*, 8 *ISR. STUD.* 91 (2003).

attributed to the latter) is characteristic of a great majority of modern democratic nations. It has often been claimed that the very nature of the Jewish-Israeli national identity precludes such an option in Israel because of its ethno-religious character. It is at first sight a paradox that precisely the Law of Return has brought to Israel huge numbers of non-Jews (a substantial part of the entire population), conferred on them Israeli citizenship upon arrival, and facilitated the successful integration of most of them, as is argued here (or, at any rate, many of them). But the paradox is only apparent: Considering the high rate of inter-marriage in many modern Jewish communities, the idea of mass Jewish immigration from these communities was always going to bring to Israel great numbers of non-Jews. This potential was fully realized by the mass immigration from the former Soviet Union. The integration of those people is an obvious national interest; successful integration (which, as in all mass immigrations, means that immigrants not merely adopt the host culture but, to some extent, influence it) can only mean that they have joined (and, in a sense, transformed) the national community.

Mass Jewish immigration to Israel has always been, “objectively,” a multiethnic and, in a significant sense, multicultural enterprise, however little many of its supporters may have realized this—not only because of the immigration of non-Jews but because the Jewish communities themselves throughout the entire world, East and West, can hardly be defined as representing a single ethnicity in some ordinary sense of the term. They certainly belong, in the traditional Jewish view and, in modern terms, according to the Zionist ideology, to a single people (for all the considerable cultural differences between them). Defining this people as mono-ethnic, however, while it fits the traditional Jewish self-perception, requires a definition of ethnicity that is extraordinarily wide. Under most definitions of ethnicity, a national identity comprising people from Poland and Yemen, Germany and Ethiopia, Russia and Morocco would certainly be considered multiethnic.

Successfully integrating non-Jewish immigrants without any prior Jewish connections—as in the case of children of foreign workers born and educated in Israel—presents a greater challenge. The “Russians” provide a precedent, but only a partially relevant one; it does, however, testify to the feasibility, in principle, of integration based on social and cultural factors. A much greater challenge is presented by another, and still more important, task which faces a modern nation-state created by a diaspora people: successful civic integration of a large native national minority that wishes to preserve its distinct identity. The ongoing Israeli-Arab and Israeli-Palestinian national conflict does not make this task any easier, but it is of crucial importance for the future of the Israeli state and democracy.