Zionism and Political Liberalism: The Right of Scattered Nations to Self-Determination

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This Article offers a defense of egalitarian Zionism that, unlike Chaim Gans's argument for this view, does not appeal to the Jewish problem in justifying the Zionist requirement for a state with a dominant Jewish community. The argument extracts from the egalitarian principles that underlie John Rawls's political liberalism, a conception of global justice according to which members of a scattered nation are entitled to a fair opportunity to establish a new state within which they enjoy the advantage of demographic dominance.

Introduction

Zionism is a rich and complicated historical phenomenon. During its long history, many thinkers and political actors have considered themselves entitled to speak on its behalf. As a result of their incompatible political and moral beliefs, they have understood the Zionist project in different ways. In this Article, I am interested in Zionist thinkers who conceived their political commitments as being based on liberal, egalitarian principles of global justice. These thinkers believed that nations—ethno-cultural nations included—are entitled to national self-determination in their homeland. Some built their Zionism on a simple (but mistaken) principle that I aim to modify in this Article: nations have "a natural right . . . to be masters of their own fate . . . in their own sovereign State."[1]

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1 *The Declaration of Independence of the State of Israel* (1948). This is a strong version of the principle of national self-determination; it requires that each nation

Following Chaim Gans,[2] I take the various liberal interpretations of the Zionist ideology to be instances of "egalitarian Zionism" (or e-Zionism, for short). As liberal readings of Zionism, versions of e-Zionism all stress that Jews have the right to self-determination in a state that secures the liberal package of rights and liberties for all its citizens. E-Zionism insists that the state in which Jews realize this right ought to ensure "that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine."[3] It further insists that the Jewish state should protect the individual and collective rights of all its citizens, "independently of race, religion, and nationality."[4] According to Gans's reading of the history of this movement, many Zionists did not adopt e-Zionism; there were two other Zionisms alongside e-Zionism: proprietary Zionism, which took the Land of Israel to be the property of the Jewish people, and hierarchical Zionism, which took the State of Israel to be exclusively the state of the Jewish people. As Gans argues, liberalism would render these Zionisms unjust.[5]

Can a liberal state recognize, accommodate and actively assist the culture of an ethno-cultural majority living within it and still treat all its citizens, including members of national minorities, as free and equal? Is there, in other words, a liberal "nation state"? In my view, the answer to these questions is positive, but I won't argue for this view here. For the sake of the argument, this Article will proceed under the assumption that only a strictly neutral state—only a state that is strictly separated from religion and ethnic cultures—can treat all its citizens as free and equal. The questions to which this Article offers positive answers are, then: Can a strictly neutral state be the national

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has its own state — sub-state unit not enough. I will defend a much weaker version of the same universal principle.

2 Chaim Gans, A Political Theory for the Jewish People, at ch. 3 (2016).

3 *The Balfour Declaration* (1917). As Avi Shlaim comments, this statement suggested to Arab readers of the Declaration that "in British eyes, the Arab majority had no political rights." Avi Shlaim, *The Balfour Declaration and its Consequences*, *in* Yet More Adventures with Britannia: Personalities, Politics and Culture in Britain 251, 253 (Roger Louis ed., 2005). Can the declaration be interpreted as requiring equal recognition? On the ideal of equal recognition, see Alan Patten, Equal Recognition: The Moral Foundation of Minority Rights, at ch. 4–5 (2014).

4 *Supra* note 1. As Chaim Gans notes in Chaim Gans, A Just Zionism: On the Morality of the Jewish State, ch. 5 (2008), under their common interpretation, the Basic Laws do not secure an equal collective right to the Arab minority. For the crucial legal text, see HCJ 4112/99 Adalah Legal Ctr. for Arab Minority Rights v. Tel Aviv-Yafo, 56(5) P.D. 415 (2002) (Isr.).

5 Gans, *supra* note 2 .

home of ethno-cultural groups? Can the Zionist requirement to establish a national home for the Jews be satisfied, by founding a strictly neutral state?

Thus, this Article defends a neutralist version of e-Zionism in a three-step argument. I first delineate a sense in which ethno-cultural nations are "self-determined" in a strictly neutral state, and then show that some of them are indeed entitled to self-determination in such a state. As it is understood here, e-Zionism asserts that Jews at the end of the nineteenth century were entitled to establish a strictly neutral state within which they enjoy national self-determination. I then argue for e-Zionism, by addressing two objections that critics level against (all versions of) Zionism. The first "statehood objection" observes that it is simply false that *all* ethno-cultural nations are entitled to self-determination. Indeed, the objection denies that an ethno-cultural nation is entitled to self-determination even in a liberal neutral state. As Ernest Gellner put it, "there is a very large number of potential nations on earth," but there is only room for a smaller number of political units, so "not all nationalisms can be satisfied . . . at the same time."[6] The second "nationality objection" targets a factual assumption on which all three Zionisms are founded: the objector denies that during Zionism's early years (the end of the nineteenth century and the beginning of the twentieth century), there was one Jewish people/nation that was entitled to self-determination.[7] As the Arab opponents of Zionism insisted very early on, Jews form a religious group rather than a people with the right to national sovereignty.[8] Hence, even if all ethno-cultural nations do possess a *pro-tanto* right to a national home, the Jews in the nineteenth century had no such right.

This Article does *not* address the main and most challenging objection to e-Zionism, that is, the "territoriality objection." Critics argue that Zionism is wrongful since Jews had no right to unilaterally settle in Palestine with the intention of establishing a national home for themselves there. Palestine was already inhabited by a homeland community—the Arabs of Palestine—whose territorial right over the land was violated by the unconsented unilateral Zionist settlement on this piece of land.[9] Instead of addressing this objection, I will assume that at the beginning of the twentieth century, there was a piece of

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6 Ernest Gellner, Nations and Nationalism 1–2 (1983).

7 The most elaborated discussion of this objection can be found in Gans, *supra* note 4, at ch. 2 (2016).

8 *See* Yehoshua Porath, The Emergence of the Palestinian-Arab National Movement 1918–1929, at ch. 2 (1974). *See, generally*, Yossi Klein Halevi, Letters to My Palestinian Neighbor (2018) (especially the reports in p. 52).

9 For a discussion of all three objections, *compare* Gans, *supra* note 4, at ch. 2, *with* David Miller, On Nationality (1995).

land somewhere on earth where founding a new state within which a Jewish community enjoys dominance involved no violation of rights. This assumption will enable me to consider the statehood and nationality objections in a more exhaustive way. I hope to address the territoriality objection elsewhere.

In responding to the statehood, nationality and territoriality objections, Zionist thinkers—most notably, Chaim Gans—appeal to the "Jewish problem/question." Gans concedes, *pace* the view expressed in the Declaration of Independence of the State of Israel, that the Jews did not constitute "a nation in the full sense of the word . . ."[10] He nevertheless argues that a non-national group possesses a (*pro-tanto*) right to self-determination if it is "conceptually feasible and normatively justifiable for the group to interpret itself as a nation and act accordingly at a particular time."[11] And, Gans insists, due to the murderous anti-Semitism which threatened the lives of the Jews in the early days of Zionism, they were entitled to interpret their Judaism as a nationality.[12] (Moreover, in a clear sense, the Jews had no choice but to invade an Arab land in order to establish a national home for themselves there.)[13] That is, according to Gans, Zionists had a necessity-based justification for Jewish self-determination (in Palestine).

The problem with Gans's necessity-based justification of Zionism is that mass immigration to new world states like the United States and Canada seems to have been a better solution to the injustices from which Jews suffered. It seems that the "American solution" to the Jewish question was less costly, less risky, and involved less negative externalities: by living in neutral states, immigrants could have become full members in the (relevant) polity. The American solution was no longer available after the mid-1920s, when the United States decided to exclude Jewish immigrants.[14] Yet, in justifying Zionism, most Zionists insist that a state with a large Jewish community is the first-best solution for the Jewish question; they demand a state (or sub-state unit) within which Jews form a demographically dominant national group, rather than a license to immigrate to a new world state. Even if immigration had remained an option after the mid-1920s, many Zionists would still have thought that Jewish political autonomy was a superior option. I take this conviction to be essential to the version of e-Zionism I defend here.[15]

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10 *See* Gans, *supra* note 4, at 21.

11 *Id*.

12 *Id.* at 24.

13 *Id.* at 47–52.

14 *See* Patrick Weil, *Races at the Gate: A Century of Racial Distinctions in American Immigration Policy (1865–1965)*, 15 Geo. Immigr. L.J. 625 (2001).

15 Theodor Herzl, the first leader of the Zionist movement, justified his Zionism

In light of this weakness of the necessity-based argument for e-Zionism, I offer a different response to the statehood and nationality objections. My response is based on an extrapolation of what Alan Patten calls "the principle of fair opportunity for individual self-determination," which I elaborate by exploring Rawls's theory of justice.[16] The principle for which I argue entails the following propositions: (1) There may be circumstances in which members of a "scattered nation" are entitled to withdraw from the (possibly just) societies to which they belong and establish a neutral state in which they form "a dominant national group" (I will shortly define these concepts); (2) Moreover, members of scattered non-national minorities—religious and ethnic minorities, whose religion or that of their ancestors plays an important role in their self-identity—might be entitled to establish a strictly neutral political unit where they constitute a dominant religious or ethnic group; and finally, (3) in cases where members of a scattered non-national group are *all things considered* justified in establishing a political unit of their own, they might be justified in inventing or reviving a societal culture and a national identity. It follows from these propositions that the Zionist state- and nation-building projects might be justified independently of the acute threats from which Jews suffered at the end of the nineteenth century. These projects might be justified even if Judaism was a religion rather than a national identity.

The Article is structured as follows. In Part I, I show that in a just society, as Rawls's political liberalism understands it, citizens of a neutral state, whose shared national identity is important to them, are better off due to living together in a large national group; I explain in what sense individuals who belong to such collectives form "self-determined national groups." In Part II, I infer from (Patten's) principle of fair opportunity for individual self-determination, a novel principle of global justice according to which scattered ethno-cultural nations are *pro-tanto* entitled to establish a strictly neutral state, in which they form a dominant national group in part of this state's territory. In Part III, I show that the same principle implies that non-national scattered religious

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by appealing to antisemitism. *See* Shlomo Avineri, Herzl's Vision: Theodor Herzl and the Foundation of the Jewish State 27–52 (2014). Most other thinkers believed that Jewish sovereignty is desirable independently of antisemitism. *See* Yosef Gorni, Converging Alternatives 72 (2006). It is important to distinguish the justifications offered by Zionist thinkers from the historical causes of the successes of Zionism. It is Nazism rather than anything else that explains how "within four years the population of the Yishuv [the institutionalized, national Jewish community in Palestine] more than doubled (a June 1927 estimate put it at 150,000 Jews . . . a December 1936 estimate was 384,000; and a December 1939 estimate indicated 474,000)." Anita Shapira, Israel: A History 115 (2012).

16 *See* Patten, *supra* note 3, at 29.

or ethnic groups might be entitled to establish a neutral state in which they gain dominance in part of its territory. I further argue that if members of a scattered non-national group are all things considered justified in establishing such a state, they might be justified in inventing or reviving a societal culture and a national identity.

I. The Right of Dominant National Groups to Self-Determination

Rawls's political liberalism elaborates a fundamental normative truth about states: they ought to treat their citizens as free and equal.[17] In respecting and protecting the freedom of its citizens, the state should make sure that their human and political rights are secured. Moreover, it should ensure that each citizen has (what Patten calls) a fair opportunity for individual self-determination—a fair opportunity to develop, revise, and pursue a reasonable conception of the good according to the "comprehensive doctrine" to which she is committed.[18] This duty regards *only* reasonable conceptions of the good. The state should repress racism and slavery, for example.

The duty to treat all citizens as free and equal implies that states ought to be strictly neutral with respect to the conceptions of the good of their citizens. In particular, not only religion but also ethnic cultures should be separated from the state. Cultures are appropriately safeguarded by the liberties entrenched in the liberal constitutional tradition; typically, therefore, the provision and pricing of cultural goods should be left to private individuals operating in the free market. The standard package of rights that liberal states secure—the right to freedom of speech, freedom of religion, freedom of movement and the right against unequal treatment based on race, nationality or religion—is all that is called for in the way of respect of the culture of the majority and cultural diversity.[19]

Put negatively, political liberalism objects to most instances of active state support of the majority culture. It asserts that typically, the state should entirely avoid providing "cultural goods" like holidays or education.[20] Thus, other things being equal, the government ought to let people choose their own days of rest rather than impose a specific day of rest based on the tradition that

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17 *See* John Rawls, Justice as Fairness 39–42 (2001).

18 *Id.*

19 *See*, *especially*, John Rawls, A Theory of Justice 291–92 (1971). For an important interpretation of this view, see Patten, *supra* note 3, at 104–37.

20 *See* Patten, *supra* note 3, at 122.

most people value. Furthermore, other things being equal, states should also do whatever they can to privatize education, rather than impose a curriculum that most members of the cultural majority value.[21] In practice, many things are not equal. For reasons of efficiency and justice, states might have to help their citizens to coordinate their holidays and days of rest, to assist the worst off to get proper education, etc.; more on this below.

Why neutrality rather than equal recognition, or evenhandedness?[22] Why shouldn't states assist all groups to preserve and develop their cultures, in a fair and impartial manner?[23] I do not wish to go into the details of the debate between Rawlsians who support strict neutrality and Rawlsians who support equal recognition (or evenhandedness). I will briefly present one aspect of the strict neutrality argument, which I will use later in the Article. Different people might permissibly commit themselves to conceptions of the good that are inconsistent with each other. And, as part of its duty to treat all citizens as free, the state ought to secure their freedom to pursue these radically different comprehensive doctrines. Strict neutralism takes the permissibility of reasonable pluralism as a ground of two normative truths: first, the justification of the state as a power-wielding mechanism should not be based on a particular ideal of what constitutes a valuable or worthwhile human life. Second, it is impermissible for a liberal state to promote or discourage some activities, ideals, or ways of life on grounds that are related to their value.[24] As Quong puts it, in violating neutrality, a state fails to act on behalf of its citizens.[25]

To see why more clearly, note that typically, in order to support a culture, the state coercively collects taxes from all citizens but then uses these taxes to satisfy the preferences of only some of them—citizens who value the culture that the state assists.[26] In such cases, the state violates a principle,[27] according to which it must not exercise coercion or constrain liberty—in the case at hand, collect taxes—"on the ground that one citizen's conception of

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21 These examples are borrowed from *id*., at 169–71, where Patten discusses what he calls the "non-recognition alternative."

22 Evenhandedness is the neutralist political philosophy that Patten defends, *id*.

23 For a defense of strict neutrality, see Jonatahn Quong, Liberalism Without Perfection (2010).

24 *See id.* at 15, 36–44. Quong argues that in using my money to support your conception of the good the state compromises my autonomy. The fact that your money is used to support my conception of the good does not change this fact.

25 *Id.* at 2 ("States, after all, purport to act in our name, and they are . . . nothing more than a large group of individuals acting in concert.").

26 I adapt a very simplified version of the objections to perfectionism that Quong elaborates, *id.* at ch. 2–3, and apply them to the case of providing cultural goods.

27 For an elaborated discussion of this principle, see *id.* at 53–60.

the good life … is nobler or superior to another's."[28] Now, suppose that the government encourages all citizens to consume a certain cultural good—like Jewish education—by means of subsidizing it. In doing so, it rewards schools that maintain Jewish national identity, advertises their availability and thus encourages students to attend these schools, without using coercion.[29] Even if taxpayers do *not* reject the conception of the good that they are encouraged to pursue, promoting it by subsidies is *manipulative*. The government uses taxes, acquired via threat (pay, or I will sanction you), and then offers citizens easier access to cheap public schools where the cultural heritage of one group is explored and preserved. Manipulation is one mode of violating one's freedom; it "perverts the way that a person reaches decisions, forms preferences, or adopts goals."[30]

As noted above, for the sake of the argument, I accept these arguments for strict separation of the state from ethnic cultures. I will now show that, nevertheless, there is a sense in which an ethno-cultural group can enjoy national self-determination in a strictly neutral state, and that therefore this state is its national home despite being fully neutral. Consider a Jewish community whose members want to preserve and enrich their language, to live by their national calendar, and to pass on to their descendants the national culture that they inherited from their ancestors. Members of this ethnic group share identity-related preferences and a culturally informed conception of the good.[31]

Importantly, members of such a group have a *pro-tanto* reason to live together in a designated territory in this state. That is, if rational, they would aim to be members of (what might be called) a "dominant national group." Members of a dominant national group live in a territory where most other individuals share their identity-related preferences. To see the advantages of membership in such a group, let's suppose that due to their shared national identity, most adult Jewish students in this group prefer knowing Judaic studies, Jewish history and Hebrew literature, to knowing English literature and American history. High demand has an immediate effect on the price of goods like Jewish education. That is because such goods are produced with the economies of scale; some fraction of the total costs of producing and providing such a good is independent of the number of consumers who pay

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28 *See* Ronald Dworkin, Taking Rights Seriously 273 & ch. 12 (1978).

29 Joseph Raz, Morality of Freedom 417 (1986). *See also* Quong, *supra* note 23, at 52.

30 Raz, *supra* note 29, at 378. *See also* Quong, *supra* note 23, at 61.

31 Note that each individual is committed to her own national identity and the preferences that are related to it. Their desire to live together is part of a conception of the good that each adopts "as an individual."

for it. Where more people value the knowledge of Jewish history, it is more likely that acquiring it will be affordable.

The same is true of many other cultural goods that these Jews need in order to realize the cultural dimension of their conception of the good. In the free market that a neutral state retains, the costs of cultural goods per consumer—the costs of maintaining the national language and calendar that each consumer has to bear—tend to decline as the number of consumers increases. Therefore, members of dominant groups effortlessly use, preserve and enrich their national language and effortlessly live by the calendar that reflects their national memories, historical narratives and religious beliefs. Moreover, the public institutions in the area that is dominated by this national group have no other choice but to use its language and calendar, especially because many of the public officials that these institutions employ and many of the individuals that they serve are members of this group.

To repeat, then, the state we have imagined does *not* actively recognize or assist its Jewish citizens to preserve their culture—and thus, it is in no sense a nation state. Nevertheless, the fact that Jews live together in great numbers within a continuous territory in a state that secures their standard liberal rights enables them to satisfy central identity-related preferences with relative ease. Due to the opportunity for self-determination that the liberal state (in which they reside) extends to all its citizens equally, they can collaborate in pursuing the culturally informed conception of the good that they share. I therefore stipulate that a dominant national group in a territory of a strictly neutral state is entitled to what might be properly called "national self-determination." It can easily be seen that in principle, a strictly neutral state can be the national home of more than one national group.

An important objection to national self-determination (so construed) merits attention. It could be argued that by allowing the advantage of dominance to members of large groups whose members live together, a state fails to treat its citizens as equals. The fact that members of a small-sized national group have no equal opportunity to realize their culturally informed conception of the good is accidental and arbitrary. Indeed, the national self-determination of dominant groups creates unfair inequalities.

This objection is half-right. In maintaining its neutrality, the state is concerned with the resources that are expended to each individual. Society as a whole has an obligation to see to it that citizens have adequate shares of primary goods, which they need in order to pursue and revise their own conceptions of the good. Under one of the most promising interpretations of this ideal, in determining whether an outcome is just, political liberalism appeals to *an*

idealized market.[32] In this idealized market, people are given an equal budget that they can spend in pursuing their life-plans. The objection is right in that there are discrepancies between the idealized market and the actual market. As Will Kymlicka,[33] Alan Patten,[34] and stricter Rawlsians like Jonathan Quong point out,[35] the government should interfere in the actual market, in order to bring about the outcome that would have come about, had members of the minority possessed a fair share of the resources. Indeed, in many cases, a just society should actively protect a minority language that their speakers cannot afford to maintain by themselves. It should force employers to respect the holidays of religious minorities. The unfair income differences from which members of minority groups tend to suffer, as well as the accidental fact that members of the majority own the means of production, should have no impact on the ability of members of minorities to pursue their own culturally informed conception of the good.

Notwithstanding, the objector is wrong in arguing that the protections that a just society will provide to national minorities would result in an outcome in which members of dominant national groups will have to invest as much as members of small-sized groups in maintaining their culture. This is because, even in the idealized market, economies of scale are a significant factor. Even in the idealized market, people who practice the culture of a dominant group will have to invest much less (as compared to members of small or tiny national groups) in order to preserve their language and in order to live by their own calendar.

As I understand it here, e-Zionism argues that from the end of the nineteenth century on, Jews were *pro-tanto* entitled to become a dominant national group in part of a territory of a strictly neutral state. The general principle on which my e-Zionism relies reads as follows. If some conditions are met, members of a "scattered ethno-cultural nation"—members of a national group who live in many small communities in a variety of *just* states—are entitled to establish a *new* strictly neutral political framework within which they will become a

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32 Ronald Dworkin, Sovereign Virtue: The Theory and Practice of Equality 68, 151–52 (2000).

33 As Kymlicka argues about the American case, "[t]he whole idea of 'benign neglect' is incoherent and reflects a shallow understanding of the relationship between states and nations." Will Kymlicka, Multicultural Citizenship: A Liberal Theory of Minority Rights 113 (1995).

34 *See* Patten, *supra* note 3, at ch. 4–5.

35 Jonathan Quong, *Cultural Exemptions, Expensive Tastes, and Equal Opportunities*, 23 J. Applied Phil. 53 (2006); Jonathan Quong, *Equality, Responsibility, and Culture: A Comment on Alan Patten's Equal Recognition*, 10 Les Ateliers de L'éthique [Ethics Forum] 157 (2015).

self-determined community. This version of e-Zionism does *not* advocate a state or a sub-state unit with a Jewish *majority*. Rather, it requires establishing a neutral state within which Zionist Jews constitute a large national group concentrated in a territory within this state.

II. The Statehood Objection and the Right of Scattered Nations to Self-Determination

In the previous Part, I showed that due to their dominance in a sufficiently large territory, dominant national groups are entitled to *national* self-determination in a strictly neutral state, simply because their members are entitled to live in a state that extends a fair opportunity for *individual* self-determination to all its citizens. The advantage of dominance emerges from the freedom of individuals who belong to such groups to collaborate with each other in pursuing their shared culturally informed conception of the good.

In this Part, I show that the right to self-determination of dominant national groups is the basis of a novel principle of global justice that implies that scattered nations might have a right to gain dominance in a new state. I employ this principle in addressing the statehood objection to e-Zionism: while the statehood objection is correct in that not all ethno-cultural nations are entitled to self-determination within liberal states, a scattered nation does have a *pro-tanto* right to establish a political unit within which it would be one of the dominant national groups. This result is important. It implies that if the Jews formed a scattered nation, as (all) Zionists insisted, then, unlike many other national groups, they had a *pro-tanto* right to establish a national home for themselves.

The theory I elaborate here relies on the following implication of political liberalism: cultural minorities living within perfectly just societies might disappear given their inability to maintain their national identity. Or, in Rawls's words,

> [I]f a comprehensive conception of the good is unable to endure in a society securing the familiar equal basic liberties and mutual toleration, there is no way to preserve it consistent with democratic values as expressed by the idea of society as a fair system of cooperation among citizens viewed as free and equal.[36]

To see why, note again that political liberalism is concerned with the resources that are expended to each member of each cultural group. From

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36 John Rawls, Political Liberalism 198 (2005).

the perspective of justice, what matters is fair opportunity to preserve one's culturally informed conception of the good rather than actual success in doing so. Thus, members of one cultural group might make unwise choices that leave their culture struggling, while members of another cultural group may make choices that enhance their culture. The resulting inequality is unobjectionable. Moreover, cultural minorities living within perfectly just societies might disappear through no fault of their members. In the idealized market through which political liberalism assesses the justice of outcomes, tiny minorities (whose members value the culture that they are struggling to preserve) are likely to disappear since their aggregate purchase power is insignificant. Therefore, in reality, members of tiny minorities have no claim to active state recognition of their culture. Their requirement that public institutions attempt to eliminate the difference between them and members of a dominant group is an expensive taste, in the sense that it would be unfair to impose the costs of satisfying it on other citizens.

It follows that the statehood objection is correct in that not all national minorities are entitled to become a dominant group in a state or in a sub-state unit. Tiny minorities might disappear through the benign neglect of just societies, while "small minorities" that suffer from unfair resource inequalities should be protected by minority rights, rather than become a dominant group in a designated territory. Due to their small size, it is simply impossible for them to gain dominance in any territory in the state they live in.

My core argument in this Part is that a true globalized principle of fair opportunity for individual self-determination implies that (radically and moderately) *scattered* nations are *pro-tanto* entitled to self-determination. Let me define these concepts in a more careful way. Consider a *radically* scattered nation N. By definition, in each neutral state S, where the members of N live, they constitute a *tiny* minority, viz., a minority whose disappearance in S involves no injustice. For each strictly neutral state S, no arrangement internal to S will preserve N's culture. N's culture should not be preserved by means of "federalism, devolution, or other such schemes offering local autonomy."[37] Worse, for all S, the N-minority of S is too small to be entitled to any form of recognition: for example, it would be too expensive to protect its language by forcing state-institutions to use it.

I argue that a radically scattered nation differs from a tiny national minority (whose disappearance is unobjectionable due to its small size). Read as a principle of global justice, the ideal of fair equality of opportunity for self-determination implies that members of a radically scattered nation are entitled

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37 The discussion in the last paragraphs is based on the discussion in Patten, *supra* note 3, at 262.

to the opportunity to establish a political unit, call it S*, within which they will become a dominant national group. To see why, suppose that the other moral issues involved in a state-building project can be resolved such that their desire to become a dominant national group somewhere in the world can be satisfied without violating rights and without negative externalities. Then, the fact that a scattered nation N might permissibly disappear in all existing states is no reason to deny its members an opportunity to gain dominance in a *new* liberal state. After all, they should not be forced to abandon the way of life to which they adhere, in circumstances where it is not *that* expensive to preserve it.

The same is true of a *moderately* scattered nation, N*. Let us stipulate that, for all S, the N*-minority of S *is* sufficiently large to be entitled to some protection by S. However the societal culture of N* would be further enriched and much better protected in a nonexistent state S* within which members of N* form one of the dominant national groups. Again, if other issues pertaining to the establishment of S* are resolvable in a way that does not impose many costs on others, my globalized principle of fair equality of opportunity for self-determination seems to imply that denying members of N* an opportunity to establish S* is unjust.

The cases of radically and moderately scattered nations show how limited the statist perspective of political liberalism is: its proponents are exclusively concerned with the way states should treat their citizens, but they make no assumption about how many states there should be and why. I have just argued that properly extended to the global sphere, political liberalism strongly suggests a principle that Rawls (and his followers) failed to infer from their neutralism: scattered nations have a *pro-tanto* right to national self-determination. Specifically, members of a nation N (or N*) are entitled to become a dominant majority in a *new* state S* if two conditions are met. First, N is a scattered nation whose members *can* become a dominant group in *a* territory of a well-ordered political society; they are interested in a state-building project and are willing to bear the burdens involved in it. The second condition addresses the negative externalities involved in establishing a new state. Founding the new state is permissible, only if it involves no violation of individual and group rights, and only if the legitimate interests that third parties (individuals who do not belong to N) have against it are outweighed by the legitimate interests that N's members have in favor of it.

Let me further discuss what the second condition entails. Suppose the state-building project will lead to the decline of another culture, even if members of the founding group do not intend to be the only dominant national group in the state they build. Do they owe compensation to the disadvantaged marginalized group? And, to what extent is the marginalized group permitted

to protect itself from cultural decline, and in what ways? Liberals could endorse different answers. Indeed, these questions are not really questions about liberal neutrality, but within liberal neutrality.

Note, however, that properly extended, political liberalism does offer some further restraints on the ethics of state-building, which will most probably reduce, and in some cases legitimize, the disadvantages imposed on non-Jews by the foundation of a national home for the Jews. The neutral state, as Rawls structures it, should be fostered by all the people who live under its public institutions; the state should ensure that interested individuals have a role in shaping and participating in the development of the neutralist institutions by which they are governed. Extended to the ethics of state-building, it seems that Zionists ought to have established the new state (to which they were entitled) together with all others who were expected to be governed by it. In fulfilling this requirement, the founders would have needed to take into account any justified complaint that non-Jews had against the Zionist state-building project.[38]

The ethics of migration raises similar concerns. Consider individuals whose culture is only barely practiced in the public space of a state S within which they reside. Suppose that this involves no injustice: as members of a tiny minority of S, they lack a claim against S for recognition and assistance. Their interest in being able to migrate to another existent state, S*, in which there is a larger community that practices their culture, is quite weighty. And the question whether S* has a duty to accept them, or whether they should be allowed to establish a new state, depends on the negative externalities that such projects create.[39]

In sum, due to the size of the Jewish people at the end of the nineteenth century, Jews who value their national identity were *pro-tanto* entitled to live in a neutral state in which they form one of the dominant national groups. If establishing a new state was morally possible, the mere fact that by the end of the nineteenth century there was no such state is morally insignificant. One acceptable solution to the Jewish question was to found such a state.[40]

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38 These two paragraphs are drawn from an exchange with Victor Tadros.

39 I thank Alan Patten for this observation.

40 It might be thought that the notion of national self-determination muddies the terminology between liberal neutralists and nationalists. However, the ambition to foster a culture, a distinctive language, and so on, under neutral institutions is certainly a Zionist project, as was recently reemphasized in Dmitry Shumsky, Beyond the Nation-State: The Zionist Political Imagination from Pinsker to Ben-Gurion (2018).

I have noted that the *pro-tanto* reasons for founding a Jewish state might be outweighed if the costs that Zionist state-building is expected to impose on third parties are too heavy. I should additionally note that they might be outweighed by the reasons in favor of choosing alternative paths. The most salient alternative to the Zionist solution to the Jewish problem has been presented in the Introduction: immigration to America. While an all-things-considered judgment as to which solution is better is beyond the scope of this Article, I will conclude this Part by arguing that in one respect, the Zionist solution to the Jewish question is preferable to the American solution.

Suppose that in terms of size, Jews could have been a recognizable minority in the United States, and suppose (counterfactually) that the United States extends a fair opportunity for self-determination to all its citizens. Even so, Jews might have justifiably feared that the United States is not a reliable political framework for maintaining their Jewish identity. A capitalistic free society, dominated by the free market, often encourages mobility that significantly weakens communal ties. As Michael Walzer stresses, the extent to which people change their conception of the good, if only by making a different living, is significant. In such a society, "the passing on of beliefs and customary ways is uncertain at best."[41] Therefore, Zionists might permissibly prefer to establish a "safer" political framework, which is less likely to cause individuals to lose or weaken their Jewish identity.

Note, though, that in fact the United States is not strictly neutral. It does separate state from religion through the Establishment Clause jurisprudence, and it has no official language. Yet it supports private religious institutions by exempting donations made to them from taxation. Furthermore, it officially supports faith over atheism by referring to God in its Constitution, in its courts, on its currency and in its official public ceremonies. Most importantly, the United States has "been an important example of a successful state built around a single, common language and a strong and generally shared sense of national identity..."[42] The single national language encourages all citizens to regard the statewide political community as the primary object of their political attachment and promotes a common sense of nationality that helps to generate solidarity and social cohesion.[43] Since the calendar and the language of the Jews might have disappeared in such a society, and the knowledge of

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41 Michael Walzer, *The Communitarian Critique of Liberalism*, 18 Pol. Theory 6, 12 (1990).

42 *See* Patten *supra* note 3, at 3; Kymlicka, *supra* note 33, at 113.

43 For versions of nationalism that support this way of nation-building, see Miller *supra* note 9, at 90–99; David Miller, Citizenship and National Identity, at ch. 11 (2000). For Kymlicka's nationalism, see Will Kymlicka, Politics in the

their history would have weakened, Jews who value their identity as Jews might justifiably prefer a state within which their Jewish identity is safer.

It might be thought that such a fear on the part of the Jews has been proved groundless: the fact that American Jews have not lost their religion and ethno-cultural identity counters the prediction that Jewish identity might have been unsafe in the new world. This alleged fact may, however, be misleading; in light of America's English-first policy, it should come as no surprise that the spoken language of the Jews in Eastern Europe, Yiddish, did not survive. The question whether the knowledge of Hebrew in America would be as prevalent as it is now remains open, as the following conjecture seems very reasonable: knowing and speaking Hebrew is still valued by Jews in America only because it is the language spoken by the Jewish society in Israel. If so, Zionists might have been right in insisting on a new state in which a Jewish community is dominant, even were our world free of anti-Semitism.

III. Justified Nation Building Project

As I have structured it, the e-Zionism case for a state with a dominant Jewish community is based on the normative claim that scattered nations are *pro-tanto* entitled to self-determination, and on the factual assumption that Jews form a scattered national group. The nationality objection denies the factual claim underlying this argument, arguing that Judaism was neither a societal culture nor a national identity. I distinguish between two aspects of the nationality objection in Section IIIA and show in Section IIIB that there may be circumstances in which scattered *non*-national minorities will be entitled to establish a new political unit within which they form a dominant religious or ethnic group. I argue, further, that in these circumstances, members of these minorities might be justified in reviving or inventing a national identity and in developing a national culture.

A. The Two Propositions of the Nationality Objection

What are nations? For the sake of my argument, nationality can be defined through its most salient features. The precise nature and the normative significance of these features need not concern us here. Following Ernest

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Vernacular 42 (2001). For Patten's critique of Miller and Kymlicka, see Patten *supra* note 3, at 6, 172.

Renan, David Miller and many others,[44] I will assume that a group G is a "nation" if and only if it meets *some* of the following conditions: (**1**) Members of G practice a societal culture. They use a language that they take to be their own, value the central texts written in this language and the knowledge of the history of the group to which they belong. These facts partly explain their habitual obedience to some of the social rules by which G is united and singled out as society. Members of G accept these rules and feel self-governed by them, since these rules embed their shared cultural values.

While (1) concerns the objective features of G, the following conditions—(2) and (3)—concern the beliefs that individual members of G have about each other; **(2)** Members of G share a national identity: they believe that they share an ethnic origin and/or a historical background and/or a societal culture with each other. Moreover, **(3)** they believe that the group to which they belong is a group agent extending in history; they identify themselves with actual people whose actions shaped G's culture and fate in the past. In most cases, the beliefs that members of G share are partly false. For example, the belief that the contemporary Jewish people is a continuation of the Jewish people who came into being in antiquity in the Land of Israel might be inaccurate. The fact that many Jews understand their identity as Jews in light of this belief is nevertheless an essential element of their shared national identity. The next condition that G meets by virtue of being a national group is two-faced: **(4)** G is connected in one way or another to a particular territory, either because it is its actual homeland, or because members of G take it to be its homeland.

The distinction emphasized above between (1) on the one hand and (2)/(3) on the other underlies a distinction between two aspects of the nationality objection, so let me present it in more detail. Consider a case that shows that (1) might be met without (2)/(3): suppose (counterfactually) that largely unbeknownst to them, New Yorkers and Londoners share a societal culture. People in these liberal cities share a language, cultural heritage and cultural values: both Londoners and New Yorkers consider Homer, the Bible, the writings of John Locke, the American Constitution, the writings of William Shakespeare and Herman Melville, and many, many other things to be part of their cultural heritage; they value knowing the history of the UK and of the USA, and believe that public schools and universities should pass on this knowledge. Suppose that the social habits and rules significantly overlap: many holidays are observed by both Londoners and New Yorkers; they value very similar jobs and hobbies, etc. Now, arguably, even if these suppositions

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44 I use David Miller's elaboration of E. Renan, David Miller, *What is a Nation?*, *in* Modern Political Doctrines (Alfred Zimmern ed., 1939). *See* Miller *supra* note 9, at 29, and *compare with* Gans *supra* note 4, at ch. 3.

were true, the national identity of New Yorkers and Londoners might still be distinct since they fail to meet conditions (2) and (3), viz., they fail to see themselves as members of the same national group (who happen to live in two different countries) and fail to see that they practice the same societal culture.

The reverse case is possible as well. Imagine a group that meets conditions (2) and (3) by which nationhood is defined, but fails to meet condition (1). It is composed of two subgroups that practice different societal cultures: the historical narratives in light of which they understand their national identity are unrelated to each other. The values in light of which they construe their public institutions are inconsistent. Nonetheless, members of these two groups fail to see that their cultures differ. They take themselves to be struggling for the right way of interpreting a shared way of life. That is, they conceive themselves as sharing a culture, on which they have deep disagreements. In these imagined circumstances, they meet conditions (2) and (3) without meeting condition (1).

The nationality objection advances two propositions. The first denies that Jews instantiate condition (1) of nationhood; the second denies that they instantiate (2)/(3). Consider the first proposition: there was no *one* Jewish culture at the time of early Zionism. Jews shared a religion and perhaps an imagined ethnic origin, rather than a distinct societal culture. Hebrew (the language that had to be revived in order to craft a unified Jewish societal culture) and Palestine (the homeland of the revived nation) had merely a prominent religious presence. Hebrew was used in prayers, Halachic discussions, and few correspondences with other Jewish communities, mainly in discussing religious issues.[45]

The most plausible reading of this proposition takes into account the fact that the dispersed Jewish communities in Eastern Europe shared a language (Yiddish) and an institutionally incomplete culture. Eastern European communities maintained various trans-communal centers, founded trans-communal institutions, and created a thick network of communication and cooperation. There was a Jewish nation in Eastern Europe.[46] However, following European

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45 Various post-Zionists who go down this path are Shlomo Sand, The Invention of the Jewish People (2009); Anita Shapira, *The Jewish-People Deniers: When and How Was the Jewish People Invented?*, 28 J. Isr. Hist. 63 (2009) (a critique of Sand); Gershon Shafir & Yoav Peled, Being Israeli: The Dynamics of Multiple Citizenship (2005); Daniel Boyarin & Jonathan Boyarin, *Diaspora: Generation and the Ground of Jewish Identity*, 19 Critical Inquiry 693 (1993); Uri Ram, Israeli Nationalism: Social Conflicts and the Politics of Knowledge (2011), and others.

46 For an analysis of the moral standing of the Yiddish-speaking community, see Julie Cooper, *In Pursuit of Political Imagination: Reflections on Diasporic*

Jewish nationalist movements like the Bund,[47] the nationality objection insists that the cultural ties of the Eastern European Jews to Western European Jews were relatively weak, and that the cultural ties between these Jews and the descendants of the Sephardi Jews (who were expelled from Spain in 1492) living in the Ottoman Empire were even weaker. The Sephardi Jews shared a language (Judeo-Español) and lived in semi-autonomic communities for centuries; and their partly institutionalized cultures differed from the Jewish societal culture in Eastern Europe. Last but not least, Jewish communities in the Arab world and in the Middle East had their own languages and way of life.

One may respond to this part of the nationality objection by arguing that while the Jews did not share a societal culture—they fail to meet condition (1)—they did share a Jewish national identity since they met conditions (2) and (3)—like the two subgroups imagined above. The second proposition made by the nationality objection rejects this rejoinder. The objection acknowledges that, according to the Jewish religion, Jews constitute a people ("a kingdom of priests and a holy nation,"[48] in fact) and that one of the most important Jewish holidays—Passover—celebrates the exodus from Egypt as the day when the children of Israel "became a people."[49] The objector concedes that when almost all Jews were religious they shared a national identity. The objector simply observes that in the nineteenth century, many Jews abandoned the religion that defines them as a people and, consequently, abandoned the national identity that this religion defined. The religious view of Jewish peoplehood was not shared by many Jews, whom this religion takes to be Jewish. Modes of Jewish existence in Western and Eastern Europe proliferated: liberals, socialists and Marxists who happened to be Jewish treated this aspect of their identity as nothing but an ethnic origin. Reform Jews in Germany and in the United States were explicit in stating that Judaism is merely a religion.[50] According to the

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Jewish History, 21 Theoretical Inquiries L. 255 (2020).

47 "The Bund, a Jewish labor organization in the Russian empire, opposed [Zionism] because it sought national rights only for the Jews affiliated with the Yiddish culture of Eastern Europe in the places where they lived, and not for the Jewish collective as a whole in the Land of Israel." Gans, *supra* note 4, at 30.

48 *Exodus* 19.

49 *Deuteronomy* 27. Some argue that "peoplehood" in the Jewish canonical texts has nothing in common with modern nations, but this does not change the fact that these texts created a shared national identity in their Jewish readers. Indeed, Jews were considered a distinct national group in the societies to which they belonged. *See* Alexander Yakobson & Amnon Rubinstein, Israel and the Family of Nations 65–83 (2009).

50 For a detailed description of these views among German Jews, see Amos Elon, The Pity of it All: A History of the Jews in Germany, 1743–1933 (2002) [in

standard understanding of what it means to share a national identity, these facts imply that in those days, the Jewish identity was not a national identity.[51] Thus, the nationality objection confirms what many Palestinian leaders have never stopped telling their people: "the Israeli/Palestinian conflict is not a conflict about borders it is about the right of the Jews to be considered as a people."[52]

What, then, unifies the Jews according to the nationality objection? By the end of the nineteenth century—the objector argues—Jews were distinguished by the religion of their imagined ancestors. In the nineteenth century, leaders of the reform Jewish community made the following statements in the Pittsburg Platform: "We recognize in the Mosaic legislation a system of training the Jewish people for its mission during its national life in Palestine." In their eyes, Judaism *used to be* a nationality. Still, modern Jews should consider themselves "no longer a nation, but a religious community, and therefore expect neither a return to Palestine, [. . .] nor the restoration of any of the laws concerning the Jewish state."[53] The imagined ethnic origin of Jews is emphasized by a famous Jewish opponent to Zionism, Edwin Montagu. He reported in 1917: "the members of my family . . . have no sort or kind of community of view or of desire with any Jewish family in any other country beyond the fact that they profess to a greater or less degree the same religion. They are . . . traced back through the centuries of the history of a

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Hebrew].

51 Here is a description of the Jewish condition that supports the nationality objection:

> But the most tragic part of this Jewish Tragedy of the Twentieth Century [the Holocaust] was that those who were its victims could not see what the point of it was . . . [w]hen their ancestors had been cast out in medieval times at least they had known what they were suffering for — their faith and their law. They lived — and suffered in the proud delusion that, as Chosen People . . . they were marked out for a great destiny and a special mission. . . . However the Jews of the twentieth century were not a community any more, nor had they been for a long time. They had no faith in common with each other. . . and they were not aware of having any mission. They were increasingly impatient to integrate with the lives of the peoples around them. . . . [T]hey were more French, German, British and Russian than they were Jews.

Stefan Zweig, The World of Yesterday 453–54 (2009).

52 Klein Halevi, *supra* note 8, at 14.

53 *Reform Judaism: The Pittsburgh Platform (November 1885)*, Jewish Virtual Library, https://www.jewishvirtuallibrary.org/the-pittsburgh-platform (last visited Jan. 9, 2020).

peculiarly adaptable race."[54] Much later, in the early 1950s, one of the leaders of American Jewry—who was much more sympathetic to the Zionist ideology than Montagu—expressed a similar thought. American Jews feel bound to other Jews by religion and common historical tradition. Yet, "American Jews have truly become Americans; just as have all other oppressed groups that have ever come to America's shores," hence they "vigorously repudiate any suggestion or implication that they are in exile."[55]

B. Justified Nation-Building Projects

I aim to address the nationality objection without getting into the historical debate about the very existence of a unified Jewish people. Nor will I get into the conceptual question regarding the nature of nationality and/or peoplehood. The response I elaborate here grants—only for the sake of the argument—that the factual assumptions underlying the nationality objection are true.

In order to develop my response, I need a definition of *Zionist* Jews, *as the nationality objection would describe them*. I take it to be uncontroversial that the various conceptions of the good that Zionists *qua* Zionists adopted share a set of core beliefs and identity-related preferences. In particular, while most Zionist Jews abandoned the religion of their ancestors, a great majority still valued the language associated with Judaism, the calendar by which their ancestors lived, and the holidays that they preserved. Zionist Jews also valued some of the texts and some of the customs and rituals associated with Judaism. Indeed, unlike many other Jews, Zionist Jews were interested in preserving and reviving Hebrew and in memorizing the history of the Jews. Judaism was a central aspect of their self-identity.

I start by arguing that e-Zionism might be justified even if Zionist Jews were a scattered *non-national* group living in polyethnic/multi-religious tolerant societies. In other words, I argue that in some circumstances members of a *non-national* group are entitled to establish a political unit within which they live together in a designated territory, even if currently they all live in small groups in tolerant societies. The argument runs as follows: Imagine that Zionist Jews formed a radically scattered non-national group. In all liberal

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54 *See Memorandum of Edwin Montagu on the Anti-Semitism of the Present (British) Government*, The Balfour Project (Oct. 22, 2012), http://www.balfourproject.org/edwin-montagu-and-zionism-1917/ (last visited Jan. 9, 2020).

55 Exchange between Jacob Blaustein and David Ben Gurion (Sept. 10, 1950), http://www.ajcarchives.org/AJC_DATA/Files/508.PDF (last visited Jan. 9, 2020); American Jewish History: A Primary Source Reader 322–25 (Gary Phillip Zola & Marc Dollinger eds., 2014).

states where they lived, the language whose preservation was important to them was about to disappear, through no injustice of the societies in which they lived. Suppose, further, that the history of the Jews and the texts, whose knowledge Zionist Jews valued, were about to be forgotten through no injustice of the societies in which the Jews lived. In such a reality, Zionists would justifiably feel that the Jewish component in their self-identity was about to disappear, merely because they form a tiny minority in each of the states in which they live.

We saw in Part II that scattered nations have a *pro-tanto* right to self-determination. I now observe that the same principle implies that, like radically scattered *national* groups, Zionist Jews are *pro-tanto* entitled to the opportunity to coordinate in establishing a state within which they become a dominant non-national group. This is because, in such a political unit, Zionists would be in a better position to preserve and promote the conception of the good that they share and value most. To be more precise, Zionists were entitled to an opportunity to coordinate with each other in preserving and promoting their shared values insofar as this does not involve rights violation and does not excessively interfere with others' options and opportunities.

Moreover, if Zionist Jews were all things considered justified in establishing a political unit with a Jewish majority, they might have also been justified in engaging in a *nation*-building project. To see why, consider again the statement made by some reform Jews in the late nineteenth century in the Pittsburg platform. They argue that Judaism used to be a nationality and that it became a religion during its long history. This process is reversible: Zionists revived (or invented) a national identity and a societal culture on the basis of the language, the historical memories, and the texts that were central to this religion. Zionists turned the language by which central religious texts were written into the native language of an invented nation, and turned Palestine—"The Holy Land" according to Judaism—into its nation's homeland, the Land of Israel.

Can such a project be morally justified? Can it be justified to revive or invent a national culture and national identity? I would like to offer several considerations that support the following conditional: if Zionists were all things considered justified in establishing a state within which Jews form a dominant national group, then they might have been entitled to revive or invent a Jewish nationality. They were *pro-tanto* justified not only in struggling for a state, but also in initiating a nation-building project. The first set of considerations appeals to the empirical assumption that underlies Miller's defense of liberal nationalism.[56] To get state institutions up and running, a

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56 *See also* Patten, *supra* note 3, at 172; Miller, *supra* note 9, at 90–99; Miller, *supra* note 43, at ch. 11. For Kymlicka's nationalism, see Kymlicka, *supra* note

high level of trust and cooperative commitment among the actors is required. In order to cooperate, people need a sense of "Us."[57] Hence, if Zionists were all things considered justified in striving towards a new state within which the Jewish community would be a dominant national group, they were *pro-tanto* justified in generating the trust among the people whom they recruited in pursuing this goal.

True, a common national identity might be unnecessary; solidarity can be fostered by common citizenship, shared historical memories, a shared ethnic origin and a shared religion. Yet in the circumstances in which Zionists operated, a shared sense of a national identity was the best generator of the trust required to build state institutions. Miller further conjectures that the degree to which a society is committed to justice and democracy is directly related to the strength of the social solidarity within it.[58] If he is right, the state that the Zionists aimed to establish would be more effective in promoting noble political ideals if its citizens were to share a national identity.

Now, admittedly, as far as trust, justice and deliberative democracy are concerned, generating a civic, non-ethnic, religion-independent, strong national identity in the new state might be preferable to generating a Jewish national identity. Some thinkers did urge the Zionist settlers in Palestine to create a national framework that would include both the Jews and the Arabs of Palestine, by transcending religion, and by "forgetting" the exilic past of the Jews.[59] Retrospectively, however, it seems that this project would have been either unfeasible or too violent. In most cases, national identities are not created *ex nihilo*; the revived national identity Zionism had been based on shared historical memories that the Zionists valued by virtue of their self-identity as Jews.

Another reason in support of reviving a Jewish nationality is "perfectionist," viz., related to the role of one's culture in one's capacity to lead a worthy life. Famously, Raz and Margalit state that "familiarity with a culture determines the boundaries of the imaginable," and as such it provides us with meaningful options from which we may choose our lifelong projects. They insist that "if the

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57 For a summary of the empirical data that shows that "our moral brains, [do] a reasonably good job of enabling cooperation within groups (Me vs. Us)" but that "[it is] not nearly as good at enabling cooperation between groups (Us vs. Them)," see Joshua Greene, Moral Tribes 148, ch. 3 (2013).

58 *See* David Miller & Sundas Ali Omair, *Testing the National Identity Argument*, 6 Euro. Pol. Sci. Rev. 217 (2014).

59 "The nation [that these thinkers envisioned] would have a nonreligious identity, territory- and language-dependent, that would appropriate the genealogy of a mythological past." Shapira, *supra* note 15, at 258.

culture is decaying, or if it is persecuted or discriminated against, the options and opportunities open to its members will shrink, become less attractive, and their pursuit less likely to be successful."[60] The converse direction seems as plausible: if the culture is enriched, the options and opportunities that it offers to members of the cultural group in question are more attractive to them. Thus, creating a new cultural framework on the basis of what Zionists share as Jews is *pro-tanto* justified, if, and only if, the new culture will generate more attractive options and opportunities for those who join it, and will have the resources to resist iniquitous self-interpretations.

Many Zionist thinkers perceived their Zionist commitments in perfectionist terms. They aimed at a *new* way of life, which would be richer and healthier than the one European Jews were forced to adopt. Such a perfectionist justification of Zionism was explicitly developed in the writings of Asher Ginzburg and his followers. They believed that creating a new Jewish ethos by reviving a lost language, dispersing its classic canonical texts and producing a rich Hebrew literature should appeal to Jews of all nationalities.[61] From the standpoint of the legendary leaders of the Zionist movement in Palestine, Berl Katznelson, David Ben-Gurion, Yitzhak Tabenkin, and Yosef Sprinzak, the Yishuv "was the front line in the Jewish people's war for national renaissance. . ."[62]

Again, these *pro-tanto* reasons for the Zionist nation-building project need to be weighed against the costs that it was expected to impose on others, and to be compared to the costs of the reasonable alternative paths that Jews had besides it. Since the all-things-considered judgement is beyond the scope of this Article, I will end with addressing a principled—political liberalism-based—objection to nation-building projects in general. It might be suspected that by its very definition, a nation-building project interferes with the freedom of its addressees by imposing on them a comprehensive doctrine that they might permissibly reject. The Zionist movement either manipulatively encouraged Jews to become Zionists, or coerced them to be so. The campaign for an invented national identity and a new societal culture was manipulative or, worse yet, coercive.

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60 Avishai Margalit & Joseph Raz, *National Self-Determination*, 87 J. Phil. 439, 449 (1990).

61 Ahad Ha'am, *Negation of the Exile*, *in* All the Writings of Ahad Ha'am 399–403 (1947). This vision was shared by the "national" poet, H. N. Bialik, by the prominent poet that followed him, Nathan Alterman, by the reviver of the Hebrew language Eliezer Ben Yehuda, and by academic leaders such as G. Scholem, M. Buber and Y. L. Magness. *See* Shapira, *supra* note 15, at 21–22.

62 Yosef Gorny, Converging Alternatives 72 (2006). Even Herzl, who saw Zionism as a solution for anti-Semitism, envisioned a virtuous and just Jewish society. *See* Theodor Herzl, Altneuland (1902).

This appeal to autonomy-based reasons against nation-building projects is deceptive. To see why, turn to the objections that political liberalism leveled against state recognition and accommodation of the majority culture (I discussed these objections in Part I). Arguably, they apply only to states: states ought to act on behalf of all of their citizens, and by preferring a conception of the good that some of its citizens may permissibly reject, they fail to do so. They ought not to try to convince their citizens to adopt a certain conception of the good. In contrast, the Zionist movement was under no duty to represent anyone who preferred not to join it. Leaders of a non-state organization might impermissibly coerce or manipulate the individuals whom they want to join their initiative. They might use pressure and indoctrination. But, they can nonetheless permissibly convince their audience in a way that fully respects their autonomy.

This, I think, was Herzl's way. He testified that Zionism generated a "strong linkage between the most modern [liberal Jews in the West] and the most conservative [the Jews of Eastern Europe] elements in Judaism."[63] For him, the widespread support that his political ideas and initiatives generated was another proof "that the Jews are a people. Such unity is possible only against a national background."[64] Nevertheless, he made clear that Zionism does not act on behalf of non-Zionist Jews, and that a non-Zionist Jewish identity ought to be respected. One episode clearly manifests this approach. German Jews were opposed to holding the first Zionist congress in Munich because they feared that their self-identity as Germans would be doubted because of it.[65] Herzl disliked this attitude. But he reacted by stressing "that those Israelites who do not see themselves as national Jews but as belonging to another nation should have left us to our national sentiments. We do not speak on their behalf, only for ourselves. We respect their nationalism—let them also respect ours, as is the usage among the nations."[66]

To sum up this section, I conclude that Zionism is *pro-tanto* justified in reviving a Jewish national identity even if, in the relevant period, Jews were a non-national group. The nation-building project was *pro-tanto* justified if

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63 Herzl's speech at the first Zionist congress in 1897, *quoted in* Avineri, *supra* note 15, at 155.

64 *Id*.

65 *See* Zweig, *supra* note 51, at 124–25. As Zweig reports, Herzl's *The Jewish State* was received by the Jews of Vienna in a similar way: "What on earth has that usually clever . . . writer . . . taken in his head? We speak German, not Hebrew, our home is beautiful Vienna. . . . Don't we have equal rights? Aren't we loyal established citizens of our beloved Vienna?"

66 From a column Herzl published in the Zionist newspaper he had founded *Die Welt* in 1897, *quoted in* Avineri, *supra* note 15, at 144.

one of the three conditions are met: (1) Joining another political society would force Zionist Jews to abandon or weaken aspects of their Jewish identity which they legitimately valued. (2) As compared to the existing alternatives, the envisioned national identity would allow Zionist Jews to be more effective in promoting the state-building project that they were justifiably engaged in, and in protecting and promoting social justice, deliberative democracy and national security; And, finally, (3) the options and opportunities that the revived culture makes available to Jews are adequate and attractive.

Conclusion

This Article has offered a defense of e-Zionism that, unlike Chaim Gans's e-Zionism, does not appeal to the Jewish problem in justifying the Zionist requirement for a state with a dominant Jewish community. The argument extracted from the egalitarian principles that underlie political liberalism a conception of global justice, according to which members of scattered nations are entitled to the opportunity to establish a state or sub-state unit in which they enjoy the advantage of dominance. We have seen that in effect these principles imply that scattered *non-national groups* are also entitled to such an opportunity. Finally, I showed that if Zionists were justified in pursuing national self-determination in a neutral state, they might have had a weighty reason to revive or invent a Jewish nationality.