Prof. Mordechai Kremnitzer is vice president of research at the Israel Democracy Institute, and Professor (Emeritus) of Law, The Hebrew University of Jerusalem

Attorney Amir Fuchs is a researcher at the Israel Democracy Institute

Cover Photograph: Courtesy of the Jabotinsky Institute in Israel

The authors would like to acknowledge the contribution of Arye Naor to their understanding of Jabotinsky’s response to the delay of the conference discussed on page 13. See Arye Naor, “Ze’ev Jabotinsky’s Draft Constitution for the Jewish State in Eretz Israel,” in A Man in the Storm – Essays and Studies by Ze’ev Jabotinsky, ed. Avi Bareli and Pinhas Ginosar (Be’er Sheva: Ben Gurion University of the Negev Press, 2004), p. 70 [Hebrew].
Introduction

In Israel, substantive democracy—that is, democracy that extends beyond the formal definition of majority rule to include the tenets of liberalism—has come to be seen as the province of the left. Consequently, it is often assumed that a nationalist hawk cannot be committed to human rights, equality, and the tenets of liberalism, and that a person who is committed to these principles cannot possibly be politically conservative.

In Menachem Begin on Democracy and Constitutional Values, we drew on the speeches of former Prime Minister Menachem Begin to try and disprove a similar claim. In this booklet, we continue this line of thinking by examining the writings of Begin’s spiritual mentor. Ze’ev (Vladimir) Jabotinsky was unquestionably a Jewish nationalist who, like his disciple, was strongly committed to the security of the Jewish People and to the integrity of the Land of Israel. Few people remember that Jabotinsky, like Begin, was also an avowed liberal democrat and a staunch devotee of equality. His philosophy refutes the claim that democracy and liberalism belong to the left.

Democracy

Jabotinsky’s writings reveal that he was an out-and-out democrat who believed in a deep form of substantive democracy. He rejected the conception of democracy that sees it as nothing more than majority rule—a formal system of rules governed by elections, referendums, and majority decisions. Jabotinsky emphasized the opposite: that a democracy is defined by the freedom given to its people—including the freedom to dissent from majority opinion and to criticize the state by means of a free press.
Today, the test of democracy is freedom of the press: the most liberal constitution is a lie if the press is muzzled, but where the press is free there is a hope even despite defects of the constitution.


Here we have the two crucial points which determine the quality of any political regime, the basic distinction between what we call democracy and tyranny. If you want to know whether a country does not deserve the title of a true democracy, you cannot always go by the paragraphs of its constitution. . . . What you will have to examine are these two critical points. First: is it a commonwealth where the individual is regarded as sovereign, his liberty as the best of all legislation, and the state’s power to limit that liberty only admitted when absolutely indispensible—or is it a commonwealth where the individual is, above all, a subject, and the state claims the right to direct every aspect of his life and activity? And secondly: is it a commonwealth where public criticism of the established order is free to all, or is it prohibited? These two criteria suffice, regardless of whatever may be written in the constitution, to tell a democracy from its opposite.


Jabotinsky insisted that no majority can escape the obligation to uphold individual freedoms or protect minority rights. He believed that a majoritarian system of government that denies these rights is undemocratic. In his opinion, a democratic state is obligated to guarantee individual freedoms and to ensure that minorities possess the capacity to influence the affairs of state.
[But] it is foolish to identify majority rule with the essence of democracy and freedom. The essence of freedom is to strive that no one should be forced to submit to what his conscience opposes, even if that ruling is supported by the majority. Of course, when we have a choice between minority rule, anarchy or majority rule—of the three evils the third is the lesser one and preferable, but it still remains essentially an act of enforcement and submission, and should never be treated as an ideal. In an ideal State, compromise between majority and minority should be a permanent rule.


Nevertheless, one very important condition should be stipulated. For unexplainable reasons, democracy is identified with majority rule. This is understandable in a historical perspective: Democratic governments were created under the banner of struggle against different types of minority governments. This was the contra-impetus of the pendulum. However, it is not exactly true that democracy blindly indentifies with majority rule. The value of democracy is not at all in this, that the minority, i.e., 49 equal kings out of 100, or 10, or even one out of 100 should feel themselves enslaved.


It is an incorrect view which states that government supported by the majority is democracy. The democratic concept is the result of a historical process, of struggles against governments of rule by the minority. This is not yet, however, true democracy. Democracy means freedom. Even a government of majority rule can negate freedom; and where there are no guarantees for freedom of the individual, there can be no democracy. These contradictions will have to be prevented. The Jewish
State will have to be such, ensuring that the minority will not be rendered defenseless. The aim of democracy is to guarantee that the minority too has influence on matters of state policy. After all, that minority comprises individuals who were also created “in the image of God.”

— *The Political and Social Philosophy of Ze'ev Jabotinsky*, p. 50.

### Liberalism and Individual Freedoms

Jabotinsky supported a robustly liberal outlook, as reflected in his well-known expression “Every man is a king.” According to this view, the individual has primacy over the State. Individual freedoms, including freedom of association, flow naturally from this concept. So too does equality: all men are “kings” of equal status.

In the beginning, God created the individual, a king who is equal among kings. It is far better that the individual errs vis-à-vis the community rather than the opposite, since “Society” was created for the benefit of the individual.


The first consequence of “every man is a king” is, obviously, universal equality: the essence of your or my royalty is that there cannot be anyone above you or me in dignity or status. The second consequence is individual liberty: a king is nobody’s subject.


Men are free and equal. It is not true that man is citizen first; on the contrary, man is first of all something above a citizen—he is a king in his own right, and should not be
What is the proper attitude toward the Arabs of Eretz Israel?

Jabotinsky’s conception of equality was comprehensive, absolute, and uncompromising. It is expressed in his own belief that “every man is a king,” which guarantees that everyone is of equal status. Despite his passionate belief in the Jewish people’s right to the Land of Israel and the right of the Jewish people to return to the Land of Israel, he never denied the rights of other nations living in Israel. His firm stance stipulated that the “Arabs of Eretz Israel” have the right to full civil, cultural, and collective equality, including absolute parity in participating in the political system and the government, and in the allocation of state benefits bound by an outward duty to obligation unless absolutely necessary for his own and his neighbors’ protection.


Despite the significance Jabotinsky attached to nationalism in general and to the Jewish nation in particular, his nationalist outlook did not lead him to embrace authoritarian notions of state authority and its forceful imposition on individuals:

The constitution built along these lines will be essentially liberal and democratic. It will create a “minimalistic” state, interfering with the individual’s freedom only where an essential defense has to be enacted and avoiding all interference beyond that point. It will especially safeguard the freedom of expression (foreshadowed, as we have seen, by the free speech of the prophets), expression in every sense of the term. [And also] freedom of speech to associations.

to citizens. Jabotinsky perceived equality as a moral and democratic obligation. He emphasized that such equality would be beneficial for the Jews and the future state, and believed that steps must be taken to guarantee that the economic, political, and cultural status of the Arab minority will never be harmed.

If we were to have a Jewish majority in Eretz Israel, then first of all, we would create here a situation of total, absolute, and complete equal rights, with no exceptions: whether Jew, Arab, Armenian, or German, there is no difference before the law; all paths are open before him. . . . Complete equal rights would be granted not only to citizens as individuals but also to languages and nations.


All of us, all Jews and Zionists of all schools of thought, want the best for the Arabs of Eretz Israel. We do not want to eject even one Arab from either the left or the right bank of the Jordan River. We want them to prosper both economically and culturally. We envision the regime of Jewish Palestine [Eretz Israel ha-Ivri] as follows: most of the population will be Jewish, but equal rights for all Arab citizens will not only be guaranteed, they will also be fulfilled.


…I belong to that group which once formulated the Helsingfors Programme, the programme of national rights for all nationalities living in the same State. In drawing up the programme we had in mind not only the Jews, but all nations everywhere, and its basis is equality of rights.

I am prepared to take an oath binding ourselves and our descendants that we shall never do anything contrary to
the principle of equal rights and that we shall never try to eject anyone. This seems to me a fairly peaceful credo.


[Even] after the formation of a Jewish majority, a considerable Arab population will always remain in Palestine. If things fare badly for this group of inhabitants then things will fare badly for the entire country. The political, economic and cultural welfare of the Arabs will thus always remain one of the main conditions for the well-being of the Land of Israel.


In The Jewish War Front, published in 1940, Jabotinsky reveals parts of a draft constitution composed by senior Revisionist party leaders in 1934. He writes:

It may be an idle pastime, at this present stage, to devise draft constitutions for the Jewish Palestine [Eretz Israel ha-Ivri] of the future. But it may be that some people are genuinely worried as to what would happen to the rights of the Palestinian Arabs if the country became a Jewish State. The author can at least give them some idea of what Jews themselves intend to do in this respect when they are in the majority and when Palestine [Eretz Israel] is a self-governing State. It may reassure such persons to learn how not the moderate but precisely the so-called “extremist” wing of Zionism visualizes the constitution of the Palestine of the future. The following quotations are quoted from a draft worked out by a Revisionist Executive in 1934. . . . These quotations will bear out the statement made by this writer before the Palestine
Royal Commission: that the Jews are ready to guarantee to the Arab minority in a Jewish Palestine the maximum of the rights which they claimed but never obtained for themselves in other countries.


The draft constitution cited by Jabotinsky reveals a distinctly egalitarian attitude toward the Arab minority in terms of general rights, as well as specific stipulations concerning language, culture, and land allocation:

1. **Civic Equality**

   1. Provided nothing be done to hinder any foreign Jew from repatriating to Palestine [Eretz Israel], and, by doing so, automatically becoming a Palestinian citizen, the principle of equal rights for all citizens of any race, creed, language or class shall be enacted without limitation throughout all sectors of the country’s public life.

   2. In every Cabinet where the Prime Minister is a Jew, the vice-premiership shall be offered to an Arab, and vice-versa.

   3. Proportional sharing by Jews and Arabs both in the charges and in the benefits of the State shall be the rule with regard to parliamentary elections, civil and military service, and budgetary grants.

   4. The same rule shall apply to mixed municipalities or county councils.

2. **Languages**

   1. The Hebrew and the Arabic languages shall enjoy equal rights and equal legal validity.

   2. No State law, proclamation or ordinance; no coin, banknote or stamp of the State; no publications or
inscription produced at the State’s expense shall be valid unless executed identically in both Hebrew and Arabic.

3. Both Hebrew and Arabic shall be used with equal legal effect in Parliament, in the Courts, in the schools and in general before any office or organ of the State, as well as in any school of whatever degree.

4. All offices of the State shall answer any applicant, orally and in writing, in the language of his application, whether Hebrew or Arabic.

3. Cultural Autonomy

1. The Jewish and the Arab ethno-communities shall be recognized as autonomous public bodies of equal status before the law.

5. Land

3. After improvement at the expense of the State, reclaimed areas of the Land Reserve shall be divided into allotments to be granted, at fair prices and easy terms of credit, to individual applicants and groups.

4. Allotment shall be distributed under the Land Court’s supervision to Jewish and Arab applicants and groups indiscriminately.

— “The Arab Angle – Undramatized.”

What about the national-Jewish character of the State?

Jabotinsky, who held nationalism sacred, was opposed to having the state constitution emphasize the national character of the State:

I do not believe that the constitution of any state ought to include special paragraphs explicitly guaranteeing its “national” character. Rather, I believe that it would better for the constitution if there were fewer of those kinds of paragraphs. The best and most natural way is for the
The State must meet the basic needs of every individual.

“national” character of the state to be guaranteed by the fact of its having a certain majority.


Economic Liberalism alongside Social Justice

Jabotinsky’s economic outlook was liberal, but not absolutely so. He upheld a free market and minimal government intervention, but also believed that every person is entitled to have basic needs supplied by the State. These include sustenance, housing, clothing, education, and healthcare:

I assume that what we term “elementary necessities” of the average person—the things for which he must now struggle and fight, and the lack of which makes him cry in despair—consists of five elements: food, shelter, clothing, the opportunity to educate his children, and medical aid in case of illness. In Hebrew, they could be expressed briefly and euphoniously in five words, each beginning with the letter “m”: mazon (food), ma’on (shelter), malbush (clothing), moreh (education) and marpeh (medical assistance).

Concerning each of these there exists in every country and in every era a concept of a fair standard. The duty of the state, according to “my scheme,” is to provide each needy person the “five m’s.” That is the first of my two laws. It naturally follows from this that the state must at all times have the means of meeting the demand of its citizens for the “five m’s.” How will the state secure these means? The answer is contained in “my” second law. The state obtains everything by requisition from the people just as it now collects taxes and conscripts young men to serve in the army.

Jabotinsky’s attitude to religion varied over time. Initially, he stressed the universal and civil aspects of the Zionist Movement, especially the need to grant absolute equality to women. Thus, for example, when a conference of elected officials was delayed because ultra-Orthodox rabbis objected to enfranchisement of women, he gave this impassioned response:

We told them that Judaism is a nation and not a religious community. We told them that among us, like in all enlightened nations, one may be a member of the nation even if he has no connection with its religion. Today, we have abandoned this defense. . . . We surrendered to the militant clericalism that is fighting women’s equality, a principle that was greeted with cries of joy at the First Zionist Congress in Basel some 20 years ago, a principle on which our organization is built. This organization struggled and grew and won over the Jewish People and eventually, also gained the support of the enlightened for our idea. And now people who have never heard of John Stuart Mill are coming out of a hole in the wall and declaring that the Zionist Organization is based on a principle that opposes the Torah and we are accommodating them. We will pay dearly for this weakness. . . . Only a few months ago, we had hoped that we could live in peace with the ultra-Orthodox element and many of us were even prepared to make known concessions in our private behavior so as not to offend this passing generation. Now, however, we must fear that a fierce clash of cultures is inevitable in this land as well. Unpleasant consequences will result in Eretz Israel and if they do, it will not be the ultra-Orthodox, who have no political education, who are to blame; rather, it will be those who indeed have political education yet persuaded the Provisional Council to submit to this onslaught. They have forgotten that it is forbidden to play with fire by giving voice to views that rightfully belong in the grave.

— “Building,” Hadshot Haaretz, October 27, 1919 [Hebrew].
At a later stage in his career, Jabotinsky initiated a resolution by the New Zionist Organization, according to which the Jewish State would be established “in the spirit of the Torah of Israel.” However, in a letter to his son Eri, he clarified that he did not intend for this stipulation to permit religious coercion of any kind; rather, he was referring to the inculcation of the principles of universal justice and morality.

I support it word for word. For me, this is the result of five or more years of reflection. It is quite unnecessary for me to reiterate that I still maintain the freedom of belief, etc., and I do not regard ritual as being holy. The idea is more profound, “imbuing the teachings of the holy Torah in the life of the nation”; all will concur that the Torah truly has holy principles, and something holy is worthwhile imbuing. On the other hand, and in particular, these holy principles are precepts of morality and ethics, which even an atheist as such will support. So why imbue it under the “banderole” of religion? In my view, here is the crux of the issue. One can never establish a system of ethics without divine connection.


Jabotinsky supported freedom of religion for all denominations of Judaism. In 1937, faced with criticism for appearing at a Reform temple, he wrote the following:

I very emphatically urge our friends to have a more serious view of such principles as freedom of conscience and freedom of thought. I, for one, am not prepared to support the mania of banning spiritual quest, so long as it does not imply blasphemy against the basic principles of liberty, equality, and nationality.

— Excerpt from a letter to Nahum Levin, June 15, 1937. Courtesy of the Jabotinsky Institute in Israel.

Jabotinsky likewise insisted on the importance of protecting the holy places of other religions:
How does the withdrawal of God from a people begin? Apparently it begins when that nation dares to maliciously desecrate what is sacred to others. We have learned this well and will consequently accord the greatest respect to all that is sacred.


Conclusions

We maintain that Jewish nationalism need not entail hostility to the tenets of liberal democracy. Contrary to common opinion in Israel, it is possible for a person to have nationalist views and still champion substantive democracy, equality, and human rights. Democracy is not the property of any one party on the political map. If there is one issue around which the Left and the Right can unite, it is the defense of democracy from those who seek to undermine it.

What Kind of Democracy Should Be Adopted?

Democracy is more than general elections and majority decisions. At its foundation is the principle that “all people are free and equal” and that each individual is “a king who is equal among kings.” Consequently, as Jabotinsky said, “where there are no guarantees for freedom of the individual, there can be no democracy.” Furthermore, “the aim of democracy is to guarantee that the minority too has influence on matters of state policy.” The minority, like the majority, comprises individuals, “kings,” who were created “in the image and likeness of God.” A regime that leaves its minorities without protection, exposing them to the tyranny of the majority, is undemocratic and undesirable.

An elected government enjoys a broad mandate to make policy decisions and execute them, but the support of the majority is not a carte blanche: democracies are not entitled to trample on the rights of others and still claim to be democratic. This is what Jabotinsky teaches us.