

## Article

# Dynamic Ethnonationalism: The Ongoing Changes in the Ethnonational Borders—Israel in a Global Perspective

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**Abstract:** The purpose of this research is to present a new model for understanding ethnonationalism: the dynamic ethnonationalism model, which depicts ethnic nationalism as an entity comprised of inherited elements as well as selective and changing ones. According to this new concept, ethnic nationalism, which is usually thought of as a “closed” given kinship, also has a flexible and voluntary nature, similar yet not identical to civic nationalism. Ethnic nationalism is indeed based on inherited elements—innate religion, descent, language, territory, etc., that are not subject to individual choice. However, each ethnic and sub-ethnic group re-interpret and re-implement these elements differently according to changing circumstances, perceptions and competing interests. This theory is examined through changes in immigration and naturalization policies which occurred in various ethnic states. The de- and re-ethnicization processes, the inclusion and exclusion trends engendered by changing boundaries of the ethnic collective, analyzed in this research, serve to illustrate the dynamic construction of ethnonationalism, managed by its multiple interest groups and policy makers. Following a concise review of the connection between ethnonationalism and citizenship throughout the world, the research delves into the Israeli case. The evolving boundaries of the Jewish-Israeli collective and the dispute concerning its definitions (“Who is a Jew”) offer a detailed demonstration of the dynamic ethnonationalism model. The Jewish-Israeli case, which is usually viewed as the ultimate example of rigid ethnicity based on religious stringencies, exhibits how ethnicity contains competing subjective interpretations (“Sub-Jew-ctivity”) that are simultaneously exclusive and inclusive. Thus, the integration of contradictory ethnic definitions into Israel’s laws and policies exhibits a dynamic, hybrid and “soft” ethnic national identity.

**Keywords:** ethnicity; nationalism; Jewish identity; who is a Jew; Israel; immigration; citizenship



**Citation:** Fisher, Netanel. 2022. Dynamic Ethnonationalism: The Ongoing Changes in the Ethnonational Borders—Israel in a Global Perspective. *Religions* 13: 1130. <https://doi.org/10.3390/rel13121130>

Academic Editor: Malachi Hacohen

Received: 10 August 2022

Accepted: 9 November 2022

Published: 23 November 2022

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We are all Jews and so nice  
One hundred percent Jewish  
Both the dark-skinned and those of European origin  
We all have the same father  
We are from Romania, Algiers and Kfar Saba  
And even if there is trouble and there is anguish  
We all speak one language  
And all of Israel are friends

(Kazablan. An Israeli film, 1963)

## 1. Preface: Dynamic Ethnonationalism

The main purpose of this article is to redefine the prevailing “closed” concept of ethnic nationalism. By conceptualizing a new theoretical model of dynamic ethnonationalism I intend to draw attention to the selective-voluntary aspect of ethnicity, which is usually attributed solely to civic nationalism. According to this new concept, ethnic nationalism, which is typically defined as a given kinship into which group members are born, could also be a flexible and subjective entity.

Dynamic ethnonationalism is not artificial nationalism. Ethnic nationalism is indeed based on inherited elements—innate religion, descent, language, territory, etc., that are not subject to the individual's free choice, yet these inherited objective elements are applied in a selective process according to changing ideologies and shifting political interests. Therefore, as a social constructional phenomenon (Berger and Luckmann 1966), ethnonationalism is also continuously subject to a wide range of interpretations. Policy makers and bureaucrats along with the country's multiple interest groups often deploy different images of the nation based on the selective emphasis on diverse national characteristics. Thus, there may be competing ethnonational identity models promoted at any point in time.

From this it follows that ethnic, and not only civic nationalism, is a dynamic entity whose boundaries change and are subject to choice. However, while civic nationalism is primarily based on territory and political consciousness which, by definition, are under constant change, ethnic nationalism is indeed based on given fragments that are not the result of choice, but whose actual application is subject to interpretation and continuous change.

Since ethnonationalism is more dynamic than thought by those who regard it as a closed ethnic outlook, it is capable of absorbing into its national identity minorities or individuals who do not seem to be a self-evident part of the ethnos. As will be explained below, these hybrid ethnos boundaries allow people to even be members of more than one ethnic group simultaneously. On the other hand, there might also be social and political forces aiming to decrease entry options, rendering the ethnos more exclusive.

The dynamic ethnonationalism theory is established upon a comparative study of immigration and naturalization policies in varied ethnic states. Generally, ethnic states have a certain preference for their co-ethnics, yet each state constructs its ethnic joining policy differently (Joppke 2003; Pogonyi 2022; Tsuda 2009). The article analyses varied ethnic immigration policies and the changes they have undergone in recent decades in order to illuminate the loosely-defined side of ethnic nationalism. It turns out that each state chooses the ethnic elements that it considers to be important—origin, religion, culture, territory, etc.—and based on them it determines its categories of belonging. The dosage of each component—the number of generations conferring the right to belong, the exact religious-cultural elements—receives different emphases in different countries and in the same country at different periods of time.

The fact that ethnic nationalism includes unnatural and imagined elements is not a new statement. Most historians, yet not all of them as will be briefly shown below, agree that modern nationalism is a social analytical schema created in the modern era, even if the extent of its innovation can be debated. Yet, in the context of nationalism's *self-perception* there has prevailed a latent assumption which distinguishes between civic and ethnic nationalism. Among social scientists it was commonly argued that ethnic groups perceive themselves as rigid, substantial entities, while Western-civic nationalities imagine their collective in a more dynamic way. "Nationalism in the West", explained Hans Kohn (2008, p. 331), one of the founding fathers of the modern study of nationalism, "was based upon nationality which was the product of social and political factors; nationalism in Germany (i.e., ethnic nationalism—author) ... found its justifications ... in the "natural" fact of community, held together, not by the will of its members nor by any obligations of contract, but by traditional ties of kinship and status".

Kohn and researchers who followed him (Greenfeld 1992) defined the (German) ethnonationalism prototype, as a closed model that is not subject to consent but rather bound by cultural-religious inheritance and descent. However, in recent decades a new research trend has emerged which undermines the premise that ethnicity is a bounded entity. Brubaker (2009, p. 29) has pointed out the new direction moving "from attempts to specify what an ethnic or racial group or nation *is* to attempts to specify how ethnicity, race, and nation *work*". Other researchers have suggested similar directions for research focusing on nationalism from the bottom up (Bonikowski 2016) as well as everyday nationalism (Fox and Miller-Idriss 2008) and unofficial nationalism (Shoham 2021). This point of view shifts the perspective from the elites towards the "lay understandings of the nation"

(Bonikowski 2016, p. 428) which interpret and reshape the national consciousness in a more dynamic and selective way.

This study follows these directions. It aims to soften the dichotomy between civic and ethnic nationalism and capture its hybrid nature yet it focuses precisely on the elites and on official policymakers, the engineers of nationalism, who, while speaking in the name of the allegedly given ethnicity, decide to reshape its borders. In this sense the dynamic ethnonationalism model is also a managed model, as policymakers choose to change the criteria of ethnic belonging according to evolving ideologies and interests. The key players in this—politicians and policymakers—sometimes regulate, even with full awareness that they are doing so—when and how the common boundaries are to change.

This study's theoretical and comparative claims will be explored in its first part through concise empirical examination of immigration and naturalization policies' analysis. The second part of the article moves on to the Jewish-Israeli case which is seen by many as the ultimate example of distinct ethnicity based on an exclusive religion. I would like to challenge this assumption and show that also Jewish ethnicity has its subjective and selective ways of defining its borders. This subjectivity, phrased here as "Sub-Jew-ctivity", will be discussed at length via a historical overview of the development of the boundaries of Jewish ethnicity in Israel.

This study does not purport to present the entire Israeli political and constitutional history in this context, especially since some of the cases have been extensively discussed in the literature.<sup>1</sup> Rather, here a historical, legal and social overview will be provided, in order to illustrate the dynamics of the construction of Jewish ethnic identity as a test case for the dynamic ethnonationalism theory.

## 2. Nationalism: Between Historical and Social Science Perspectives

When discussing the subject of nationalism studies, a distinction must be made between two different research perspectives: that of the social sciences (which is the focus of this study) and that of the historical controversy about the origins of nationalism. The combination of these two research perspectives will allow us to better understand the central argument of the present study.

The historical controversy deals with the authenticity question of whether nationalism is an artificial modern concept or a continuance of a pre-modern phenomenon. Modernist historians identify nationalism as an overlap between the political unit and the innovative national unit. They stipulate that before the 18th century people identified themselves with a specific religion, tribe and economic class as well as other local affiliations. Political identification with a state is a modern experience, stemming from the industrial needs of modernity (Gellner 1998), the decline of religion (Anderson 1993), and the interests of political and economic elites (Hobsbawm 2012) as well as the increasing spread of the ideas of people's sovereignty and the equality of its members (Greenfeld 1992).

The non-modernist school (mistakenly called primordial, a term better suited to political leaders' terminology than to professional historians) argues that even if indeed there were nations created in the modern age, the phenomenon of nationality in the sense of a people united in a specific territory, who share a common political consciousness (ethnic and civic alike), existed as early as the Middle Ages, as in France and England and even in ancient Egypt, Imperial China, the Jewish kingdoms and (some of) the Greek city-states (Grosby 2005; Gat and Yakobson 2013).

The middle, ethno-symbolic school, identified with Anthony D. Smith (1983), argues that ethnic groups preceded modern nationalism and are sometimes the foundation for it, but that nationalism in the sense we know today is a modern phenomenon. Smith emphasizes that pre-modern ethnicity is made up of a number of different elements, including a population with a distinct religion, defined territory, and a sense of cohesion. The transition from pre-modern ethnicity to nationalism in the modern sense is conditional upon both the granting of equal citizenship rights and a state economic system (ibid., pp. 186–88).

This historical controversy differs fundamentally from this paper's socio-political perspective, which focuses on the *subjective*, i.e., on the way in which group members identify themselves. That is, the question of whether nationalism is ethnic or political does not touch upon its historical "objective" roots but rather relates to the subjective way in which political boundaries are perceived in the collective national imagination. Indeed, cautious non-modernist historians have shown that there are states that are distinct products of the modern era, such as Germany and Italy (founded only in the late 19th century), but whose national consciousness is based on a distinct historical ethnic identity. There are states with a strong civic orientation, such as Britain, which also have pre-modern national roots (Hastings 1977).

The connection between the historical perspective and that of the social sciences forms the basis for the dynamic ethnonationalism model. The historical debate allows us to understand the components of the ethnic identity "package", whatever their historical accuracy. The socio-political debate focuses on how these components are constructed in the people's self-perception.

### 3. Civic and Ethnic Nationalism

In this sociological context of imagining the collective it is customary to distinguish between two types of nationality: civic and ethnic. As mentioned above, based on the canonical work of Hans Kohn (2008) it is typical to identify civic nationality with citizenship and state institutions within a particular territory, while ethnic nationalism is defined in terms of political solidarity based on elements which are not given to one's choice such as origin, religion, culture and common history. As a result, a number of differences between the civic and the ethnic model emerge:

The first difference concerns the degree of overlap between the national group and political citizenship. The civic model strives for an overlap between the two. According to this approach, belonging to the same political-cultural entity constitutes the central core of the national group. In the ethnic model, however, ethnicity may exist separately from membership in the polity. In many cases the ethnic nation-state is even perceived as a tool by the dominant ethnic group, and therefore group members in the state and sometimes even in the Diaspora may enjoy various privileges which are not granted to ethnic minorities despite their citizenship in the country (Smootha 2002).

A second distinction, resulting from the first, concerns the ways of joining the political collective. Civic nationalism tends to allow for joining the collective—to gain civic status and a real sense of belonging—through assimilation into the common civic culture and language. Ethnic nationalism, on the other hand, claimed to be more exclusive, thus making it difficult to join, since it is based on the perception of "'being' rather than on that of 'becoming'" (Joppke 2003, p. 432). The ethnicity model is a "membership unit", noted Joppke (2003, p. 431); therefore "one usually enters (it) at birth and exits only at death, and the ties ... continue to exist irrespective of a member's contingent location and movements in space".

Thus, in the legal sphere, ethnic states tend to adopt blood law-based citizenship policies (*Jus sanguinis*) that reflect the innate foundations shared by co-ethnics who are granted the right to return to their state, while civil states tend to adopt the land law (*Jus soli*) that reflects political membership based on common territory, which is more inclusive for relatively new immigrants (Dumbrava 2017).

The dichotomy between these two theoretical models has been widely criticized. It turns out that even distinctly civilian states like France and the United States incorporate strong historical elements in their political culture, a fact expressed in their zeal for their language, culture and even—covertly—their historical national religion. The so-called liberal inclusive reputation of civic nationalism has been eroded due to its unwillingness to recognize national-religious minorities as well as its demand that all citizens adopt the majority culture, largely based on a primordial ethno-national nucleus. The current negative reactions of Christian nationalists against the demographic changes in the US; the

varying negative reactions to Muslim newcomers in Europe, and the re-emerging of Hindu nationalism in presumed civic India, among other examples, blur the inclusive side of the civic states. At the same time, it is clear that even in ethnic states, at least in the democratic ones, there is a basic commitment to civic equality for all citizens and sometimes they are even more willing, compared to allegedly civic states, to recognize ethnic and religious minority groups (Brubaker 1999; Yakobson and Rubinstein 2009, pp. 141–91).

In light of these critical comments, a more hybrid distinction between civic and ethnic nationalism has developed in recent decades. According to this flexible approach, ethnic and civic nationalities are not mutually exclusive. Ethnicity and citizenship are fundamental concepts that exist side by side, yet different countries differ regarding the weight they attribute to the relationship between the two. The balance between the components gives the state its character on the ethnic-civic “scale” (Brubaker 1999; Tsuda 2010, pp. 619–22).

However, this interpretation is also insufficient, as it continues to resonate with the organic, innate and narrow perception of the ethnic model. Although contemporary research “reveals” the civic foundations in ethnic states as well, it continues to preserve the categorical dichotomy between the two; selectivity and dynamism are still attributed to civic nationality, while ethnicity is identified with given and static nationalism.

Contrary to this common mindset, in this study I wish to illuminate the selective and dynamic foundations that exist also in ethnic nationalism. In fact, Renan (1896, p. 66) in his famous essay on nationalism already referred to the selective-dynamic element of ethnicity. It should be noted that contrary to what is commonly attributed to Renan, he did not see nationalism only as a “daily plebiscite” (ibid., p. 80), a principle that echoes the civic perception; according to him, nationalism is based on a combination of the “common will in the present” as well as the “culmination of a long past of endeavors, sacrifice, and devotion”. However, because the past is also based on traumatic and violent events, the process of shaping nationalism is based on deliberate oblivion: “Forgetfulness, and I shall even say historical error, form an essential factor in the creation of a nation” (ibid., p. 66). Yet, while Renan emphasized the element of forgetting the brutal and cruel aspects of national history, I would argue that the processes of selectivity activating ethnic memory are broader and deeper. Each ethnic nationality chooses to shape its identity from the arsenal of historical elements at its disposal, including language, religion, territory and culture, regardless of the “good and bad” aspects of this past.

Ethnic boundaries are based not only on selective elements of the past but also on constant modifications being made in the present, due to ethnically mixed marriages changing borders and fluctuating political interests. Moreover, disagreements can arise between members of the ethnic group regarding the prioritization of, and emphasis to be put on, various ethnic components. This creates a situation where not only may ethnic perceptions evolve over the years, but this evolution is not necessarily agreed upon by all group members, with each subgroup conceiving the ethnic image and its boundaries differently. Inspired by Leon’s (2010) Soft Ultra-Orthodoxy model, which noted the soft and inclusive boundaries of (part of) Judaism’s Ultra-Orthodoxy, the ethno-dynamic model may also be called ‘soft ethnonationalism’. Ethnic nationalism has the flexibility to expand and elasticize its boundaries to contain a wide range of groups which are not part of the “core” ethnic unit. Thus, “soft ethnicity” introduces and removes different groups according to their changing levels of similarity to its ideal model, and in accordance with emerging ideologies and political needs.

We will now turn to a concise empirical examination of these theoretical ideas based on the changes of ethnic states’ immigration and naturalization policies.

#### 4. Ethnonationalism and Its Impact on Shaping Immigration and Naturalization Policies

In the discussion concerning ethnic boundaries it is customary to attribute political status to the extent of one’s belonging to the historical “family”. However, what defines the ethnic “family” and how is its ‘belongingness’ measured?



An empirical answer to this could be found in ethnic naturalization policies. An analysis of these policies reveals the components on which ethnic states construct their concept of “family” belongingness. These components include, among others, origin, culture, language, religion, living in historical territory, positive identification with the ethnic group and negative identification referring to those who may be harmed due to their association with the ethnic group (victimhood ethnicity). The combination between these components is implemented selectively according to various considerations. Due to space limitations, we will mention some examples in brief.

Ethnic states give significant weight to historical kinship, thus civil status given to co-ethnics is perceived as repatriation. Italy and Greece, for example, have “restored” privileged reacquisition of their nationality to people of Italian and Greek descent (Christopoulos 2013; Tintori 2016). Spain and Portugal have employed (2015) a policy endowing naturalization rights to descendants of Jews displaced by the Spanish Inquisition which occurred more than five hundred years ago (Gil and Piçarra 2020).

Cultural-religious affinity is another component in the ethnic arsenal. Greece and Croatia, for example, have also required tests of cultural identification that demanded proficiency in the national language or signs of belonging to the national religion as an additional condition for proof of “national consciousness” (Christopoulos 2013; Štiks 2010).

Germany (until the 1990s) and states of former Yugoslavia grant civic status to members of their ethnic groups based on fear of potential harm—“victim Diasporas” as coined by Tsuda (2009, p. 9). This reliance on negative identification was one of the reasons that Germany granted immigration rights only to German descendants who were under Soviet rule in Eastern Europe and not to other German co-ethnics.

Residence in the historical territory also constitutes a consideration for the perception of ethnic affinity. Since the collapse of the Soviet Union and of Yugoslavia, many Eastern and Southeastern European countries have adopted an “ethnic post-territorial citizenship regime” also based on historical claims for territory (Dumbrava 2017; Waterbury 2014).

This hybridity of ethnic boundaries allows people of diverse origins to gain multiple parallel citizenships based on their ancestors’ ethnic affiliations. This phenomenon, often motivated by utilitarian interests, weakens the authenticity of the ethnic group and the multiple-citizen’s affinity to it, as well as undermining the equality between all citizens of the country. The response to these phenomena is not uniform and varies between countries, again illustrating the dynamism and selectivity of ethnic borders (Pogonyi 2022; Spiro 2019).

In recent decades, there has been a two-way process of de- and re-ethnicization (Joppke 2003). Some ethnic states, such as Germany, have become more inclined towards the civic nationality model. They reduce preferential political access based on ethnicity and expand acceptance of dual citizenship and naturalizations for migrants who have been legally assimilated into the country (Joppke and Rosenhek 2002). In contrast, other ethnic countries, mainly in the post-Soviet region but also in Western Europe (such as Spain and Italy) have adopted a re-ethnicization “nationalization” policy in which they have greatly expanded the political rights of their co-ethnic Diaspora, including the adoption of non-residence citizenship, i.e., citizenship which is unconditional on residence in the home-country (Brubaker 1996; Waterbury 2014).

The considerations for change in policy and ethnic perceptions are quite diverse. They can stem from the adoption of a civic-liberal ideology (left) or from an attempt (from the right wing) to strengthen ethnic cohesion, especially at a time of nation-building (Joppke 2003; Waterbury 2014). Sometimes granting preferences on ethnic grounds is influenced by economic considerations of encouraging migrant workers (as in the Japanese and Korean cases), demographic needs (Italy), and even political interests of expanding the electoral base of the ruling party, as in the Hungarian case (Hierro 2016; Pogonyi 2017; Tintori 2016). Occasionally, state utilitarian considerations lead to the reduction of ethnic preferences when these are perceived as abusing or harming the ethnic identity of the kin state, as

in the Bulgarian, German, Japanese and South Korean cases (Brubaker and Kim 2011; Tsuda 2010).

This review, concise as it may be, outlines a clear picture: the boundaries of ethnic nationality are not a “given package” dictated from birth to death. The variety of examples we have brought demonstrates that the boundaries of the ethnic collective are dynamic, narrowing and expanding according to both identity and utilitarian considerations. Ethnicity is not necessarily a rigid and given framework but rather a selective puzzle, exclusive and inclusive alike, based upon a common past and a changing present. The Jewish-Israeli case illustrates this well.

### 5. “Sub-Jew-Ctivity”: Jewish Ethnicity at the Turn of Modernity

Jewish nationalism is perceived as an ultimate example of ethnic nationalism based on pre-modern foundations. Although some modernist historians, many of whom are Jews themselves, have questioned the historical validity of Jewish nationalism on the grounds that Judaism is a “family religion” and not a political-national entity, it is clear that in the mainstream of Jewish national self-perception as well as in that of other nations that saw themselves as imitating Israel, the Jewish story is seen as a clear test-case of cohesive, historical and organic nationalism (Ben-Israel 2004, pp. 353–88; Malach 2019, pp. 121–63). The stories of the Bible, the intra-Jewish concept of the people of Israel as the chosen people, the idea of a religion exclusively identified with only one specific group, together with strict endogamy and cultural segregation throughout centuries, have made the Jewish story the ultimate case of ethno-religious nationalism (Ben-Israel 2004, pp. 41–42, 189–94; Malach 2019, pp. 31–85).

Yet, it turns out that even within the Jewish group that has defined itself in ethnic terms, serious disagreements arose concerning the boundaries of Jewish ethnicity. Obviously, Jews could not have defined themselves in terms of citizenship or settlement in a historical state or territory, since for thousands of years the vast majority of them lived outside the borders of historic Israel. They did not have a single language either, nor even a common culture. Thus, religion provided a clear anchor for the definition of the collective.

The religious Jewish tradition, for its part, has developed a clear definition of “who is a Jew: a Jew is defined as one whose mother was Jewish (matrilineal descent), while one whose father only is a Jew is not considered a Jew. Non-Jews could also join Judaism by converting under rabbinic auspices (*giur*).

Yet, in the historical research it is customarily claimed that these religious definitions were formed only in the last centuries BC. Earlier, in the biblical times, becoming Jewish was better defined by the Judaization model. According to this model, besides being a descendant of a Jewish father (not mother), non-Jews, mainly women, could have joined the Jewish collective through marriage and living together with their Jewish spouse in the Land of Israel (Cohen 1999; see also Fisher 2013, pp. 221–24). However, over the years the religious classic definition became widely accepted, according to which Jewish affiliation is determined by maternal origin or conversion to Judaism.

In this context it is important to note that according to the religious rules of Judaism, belonging is a status and not an identity. That is, anyone who belongs to Judaism, either from birth or as a result of conversion, cannot exit Judaism. Thus, even if the Jew adopts an alternative identity, either religious or secular, he will be considered a Jew from Jewish law’s point of view. The other way around applies too: an individual could sincerely identify with Judaism, even expressing this by adopting a Jewish religious lifestyle. Yet, from a Jewish statutory point of view he would not be considered Jewish unless he went through the process of joining the Jewish people, i.e., conversion (Ellenson and Gordis 2012, pp. 3–8).

It is also important to note that the possibility of joining the Jewish national collective through conversion is unique in comparison with other ethnic groups. In the Jewish tradition it is possible to fully be part of the collective even without any previous family

ties—only through a religious process of conversion to the ethnic religion, i.e., Judaism. This is a point we will return to later (comparing the Law of Return to the Nuremberg Laws).

Modernity has generated changes in the classical Jewish social fabric. The processes of emancipation and secularization as well as the increase in mixed marriages have led various Jewish groups to offer alternative, more inclusive, definitions of the Jewish ethnic group. In the Soviet Union, for example, Jewish ethnicity was defined according to the origin of either father or mother, while diluting the component of religious affiliation and cultural identification (Gitelman 2012). In the United States, the Jewish Reform Movement decided (1982) to redefine the concept ‘Jew’ in a way that combines the origin of the father or the mother with religious identification, so that even one whose father is Jewish and receives a Jewish education will be considered Jewish. The Reform movement was well-aware that these innovations diverted from the classical religious definition, but the proliferation of mixed marriages among its members led it to this redefinition of boundaries (Sarna 2005, p. 322). In recent years, following the weakening of ethnic affiliation in the U.S. and the liberalization of the concept of identity in Western countries (Gans 2014), liberal Jewish communities have displayed a greater willingness to accept non-Jewish spouses into the community on the basis of active participation and Jewish self-definition (Ben-David 2016).

The debate over the definition of boundaries has permeated the traditional-Orthodox discourse as well. The Orthodox group has remained loyal to the classic religious definitions, but in recent years a liberal wing has developed an ethnic terminology based on origin and culture. This wing advocates active outreach to Jews’ offspring and the facilitation of their conversion processes to Judaism, claiming that they are people of “the seed of Israel”, that is, of Jewish descent. The lenient religious leadership was aware of the change it was creating, yet it justified it by pointing to the changes which the Jewish people has underwent in the modern era, with an emphasis on the expansion of intermarriage between Jews and non-Jews (Ellenson and Gordis 2012; Fisher 2019).

These controversies about political ethnic boundaries also seeped into the Zionist movement—the Jewish national movement—which grappled with the question of what criteria should determine its boundaries: should it be ancestral origin or rather religion which determines the boundaries of belonging? Does positive identification as a Jew, and/or persecution due to Jewish background, define Jewishness? We will now turn to this discussion.

## 6. Jewish Ethnicity during the Inception of the Zionist Movement

During the founding stages of Zionism, the leaders of the movement did not deal with defining the rules of belonging, if only because at the time most Jews were considered as such according to the classical religious rules. However, a relatively small number of extreme cases eventually provoked discussion about the boundaries of the Jewish collective. This discussion reflected the different Zionist conceptions created in different cultural and geographical settings (Gal 2010).

In the case of Zionist leaders who were married to non-Jewish women, Herzl, the founding father of political Zionism, who was inclined to a liberal interpretation of Zionist identity, argued that the Jewish (even through the father’s) origin and identification with the Zionist movement were sufficient for children to be considered Jews (Nordau 1929, p. 160). In contrast, the writer and thinker Asher Ginzburg (known as Ahad Ha’am) argued that the classical religious definition, based on matrilineal descent, should be adhered to. Although Ginzburg was considered to be the founding father of secular-cultural Zionism, he vehemently opposed his daughter’s marriage to a non-Jewish Russian revolutionary and saw this as a grave personal failure (Zipperstein 1993, pp. 288–89). Ginzburg may have changed his mind if the non-Jewish spouse was a Zionist activist, but it is clear from his letters that his secular subversion also had a limit and he sought to adopt, to some extent, religious criteria in order to define the Jewish-Zionist collective.

This conservative attitude of Ahad Ha’am was expressed in the sharp condemnation which he directed at Jews who converted to other religions, a common phenomenon in



Eastern Europe at the turn of the twentieth century (Schainker 2016). Despite their distinctly Jewish origins and the fact that under religious law they were still considered Jews, Ginzburg argued that Jewish out-converts should be rejected from the Jewish Zionist collective. This claim (in a different context) was also made by Herzl in a different context when rejecting Jews who converted to other religions from the Zionist movement (Bodenheimer 1963, p. 141). In contrast, another famous Zionist thinker, Yosef Haim Brenner, placed greater emphasis on Jewish origin and self-definition, refusing to automatically reject Jews who converted to Christianity (Govrin 1985).

This concise review indicates that already in the early days of Zionism there were disagreements regarding the Jewish ethnic boundaries, reflecting the different interpretive starting-points and the variety of images with which each leader described the Zionist-Jewish ethnos. Upon the establishment of the state of Israel these questions became more pertinent, as the question of ethnic boundaries became instrumental to national registration, immigration and naturalization.

## 7. Israel's First Decade: The Dominance of the Jewish Secular-Cultural Definition

Immediately upon the state of Israel's establishment (May 1948) it opened its gates to hundreds of thousands of Jewish immigrants. In 1950 the Law of Return was enacted, stipulating that every Jew had the right to immigrate to Israel, while refraining from defining the term 'Jew'. Prime Minister David Ben-Gurion decided to avoid reaching a decision regarding this definition in order to prevent a political conflict (Fisher and Shilon 2017). Still, the government rejected religious groups' attempts to render the entry of non-Jews from mixed families conditional upon their conversion to Judaism, and allowed their immigration to Israel throughout the decade (Hacohen 1998).

The first public-political struggle on the issue erupted in 1957 when some 4000 non-Jews, mostly spouses and children of Jews from Poland and the Soviet Union, entered Israel. Initially, the government decided to allow parents to register their children as Jews even if only the father was Jewish. This decision created an acute political crisis that ended only two years later and only after the government reversed its decision and determined through government procedures, but not through legislation) that only those whose mothers were Jewish or who converted to Judaism could be registered as Jews.

The one leader who was most central to the struggle and most influenced the shaping of the boundaries of Jewish-Israeli ethnicity was Prime Minister David Ben-Gurion (Fisher and Shilon 2017). Ben-Gurion held a revolutionary Zionist-Jewish-secular ideology. According to his view, which must also be understood in the context of the difficult living conditions that prevailed in Israel in the 1950s, anyone who chooses to immigrate to Israel and tie his fate with that of the Jewish people in Israel should be considered a Jew: "If the family comes to Israel, there is a Jewish environment and the children will be Jewish children, and I do not care if the father or mother originated in another race" (Government protocols, 5 May 1949). Ben-Gurion stretched the emphasis on personal identification to the most extreme point, at least theoretically. At one of the government meetings, he even ruled out the need for a Jewish origin. According to him, "If a tourist comes and says that he is a Jew and wants to stay in Israel, he has every right to remain in it and he will immediately become a citizen of Israel" (Gov. 6 June 1958).

Ben-Gurion was well aware that his conception was revolutionary and therefore he justified it by saying that his ethnic model better reflected the original Jewish-Biblical Judaization model. He argued that during the centuries of exile, the ethnic boundaries had to be based on the religious ruling, since it preserved the Jewish people, but that upon the Jews' return to their land, one must restore the biblical model of Judaization, which defines Judaism based on territory and culture.

Despite the subjective element, Ben-Gurion's approach was Jewish-ethnic and he vehemently opposed Israeli-civilian identity. In this spirit, he rejected the ideas which were sounded in his cabinet to terminate the registration of Jewish nationality in order to ease the political tension surrounding this issue: "I am against not registering Jewish nationality

even for a single moment. I do not want to cease to be a Jew for a moment. I do not want my children, all the children in Israel, to ask who is a Jew, if their parents are Jews. I do not agree to that. I will not be an Israeli" (Gov. 15 July 1958). Therefore, and despite his stated commitment to civic equality, he argued that the Israeli Arabs are not part of the Jewish national collective. Thus, while in the Knesset Ben-Gurion quoted Herzl's letters to justify accepting mixed families, he explicitly said in the government meeting that "with all due respect to Herzl . . . Herzl identified Jews with the citizens of the Jewish state. We do not equate them, we do not say that Circassians are Jews" (Gov. 13 July 1958). The line between civic and ethnic nationalism, according to Ben-Gurion, is drawn by one's willingness to accept the framework of the Jewish cultural concept, a willingness that the Arab minority lacked.

The 1957–1960 political crisis ostensibly ended in a loss to Ben-Gurion when it was decided to define the term 'Jew' according to the religious rules. However, as we will see later, Ben-Gurion's approach continued to resonate and influence the Israeli Zionist scene.

### 8. (Non-) Affiliation with Religion as a National-Cultural Criterion

During the 1958 controversy, Ben-Gurion led another dramatic government decision positing that a Jew who converted to another religion could not be recognized as a Jew. "If he is a Christian—he is not a Jew. The Jewish nation is just this kind of strange nation, whoever becomes a Christian—does not belong in it" (Gov. 22 June 1958). In the spirit of the above approach of Herzl and Ahad Ha'am, and as opposed to his political religious colleagues who posited that according to the religious definition even those who converted to other religions are still considered Jews, Ben-Gurion stated that converting to another religion means a national-cultural deviation from the Jewish collective. In this statement he also rejected the position of his liberal colleagues who argued that religious identity is a private matter which does not pertain to the definition of Jewish nationalism.

The government decision led by Ben-Gurion was upheld by the Supreme Court. In a famous response to the petition of Oswald Rufeisen, a Jew who became a priest named Brother Daniel, the court ruled that the Law of Return is not a religious law but rather a national one, and that according to the prevailing national-cultural conception a Jew cannot be a Christian. Like Ben Gurion, the court was also well aware of the change it was creating in the definition of traditional Jewish ethnicity.

The majority of the Supreme Court argued that although in terms of religious status a converted Jew is still a Jew, and although Rufeisen defined himself as a Jew, "the term 'Jew' should be interpreted as we, the Jews, understand it" ([Supreme Court 72/62 1962](#), p. 2438). In other words, the court ruled that the prevailing way in which Jews imagine the Jewish collective, rather than the religious rules or individual subjective definitions, determine the boundaries of the Jewish nation in Israel.

This decision, which also entered into the Law of Return itself a few years later (1970), had far-reaching implications. In a series of further rulings, the Supreme Court ruled that even Messianic Jews and their descendants will not be recognized as Jews, even if they identify as Jews and even if they are considered Jews according to the religious criteria ([Supreme Court 265/87 1987](#)). In this ruling, Judge Barak (later President of the Supreme Court) claimed that the definition of the term "Jew" in the Israeli Law of Return is based on a "secular-dynamic" concept that reflects "the consciousness of the people of Israel today". Barak asserted that there is a "broad consensus" and "national agreement" according to which belief in the principles of Christianity defines a Jew as a member of another religion.<sup>2</sup> Subsequently, the court adopted Barak's "national-subjective" approach regarding the ruling that any type of conversion to Judaism is to be recognized as valid (as will be explained below).

The rejection of out-converts and their descendants had far-reaching consequences. To this day the State of Israel prevents the entry of Jews from all anywhere in the world if they or their ancestors have converted to another religion ([Greenwood 2022](#)). One of the well-known cases, although not the only one, is the story of the *Falashmura* group—

descendants of Ethiopian Jews who converted to Christianity. While the original Jewish community (*Beta Israel*) immigrated to Israel until the early 1990s, the State of Israel refused to recognize the Jewishness of those whose ancestors had converted to Christianity.

However, in the *Falashmura* case, a practical way was found to facilitate their immigration to Israel. Under pressure from their families who had immigrated to Israel previously, and under pressure from Zionist religious groups who did not accept their disqualification on the grounds of their past conversion, the Israeli government has allowed the gradual immigration of hundreds of thousands of the *Falashmura* community despite their having converted to Christianity. However, their obtaining Israeli citizenship was still conditional upon their conversion to Judaism (Levi et al. 2020; Waxman 2013, pp. 40–41).

It is worth noting that even with regard to the original community of Ethiopian Jews who zealously maintained its Judaism in Ethiopia there was no agreement regarding its “genuine” Jewishness. For many years the State of Israel refused to recognize their Judaism on the grounds that their Jewish origins were unproven, since some fundamental religious Jewish traditions were absent from their observance. Only in the 1970s following religious rulings and public pressure was it decided to apply the Israeli Law of Return to them, thus the state encouraged and led the immigration to Israel of the community.

### 9. The 1970 Amendment: Origin, Religion and Culture as Criteria for Defining Jewish Ethnicity

In 1970, the Law of Return was revised in the context of another political legal crisis over the question of ‘Who is a Jew’. During the discussion, the Ultra-Orthodox demanded that the Jewish definition clause be subjected to the religious criteria. On the other hand, the secular representatives proposed, in the spirit of Ben-Gurion’s approach in the 1950s, that one should be recognized as a Jew on the basis of his or her individual declaration of sincere Jewish-cultural affiliation.

The amended Israeli law, which has been in force since 1970 until today, rejected both of these approaches and instead adopted a compromise formula based on criteria of origin, religion and culture (Author). According to the 1970 amendment, Jewish status is determined according to the classical religious definition: a Jew is one who was born to a Jewish mother or converted to Judaism. In addition, the court’s verdict which ruled that a Jew who converted to another religion is no longer considered a Jew was embedded into the law.

However, the increase in the number of intermarriages in the Diaspora had led legislators to redefine the Jewish collective. In order to provide a solution to the changing reality, the law also included an ancestry concept, according to which children and grandchildren of Jewish men are entitled to full immigration rights even if the Jewish family member does not immigrate with them or even if he is no longer alive. Although the Law does not recognize Jews’ descendants as Jews, it treats them as part of the broader Jewish family. This idea was explained in the Knesset (10 March 1970) by MK Ben Meir, a member of the National Religious Party, who justified immigration rights for Jews’ family members “because of their closeness to our people, and not due to their coming together with a certain person”.

At the time, the religious Knesset members as well as many of their secular colleagues expressed their hope that non-Jewish family members would choose to convert to Judaism upon their arrival in Israel. The government even decided to explore ways to facilitate the process of conversion, and indeed within a few years a state system of conversion to Judaism was established. Over the years, this system has helped to convert nearly one hundred thousand immigrants of Jewish descent. Yet, most non-Jewish immigrants have chosen not to take this step (Fisher 2019).

It is clear that during the discussions Israel’s leaders were well aware that they were redefining the boundaries of Jewish ethnicity in accordance with a variety of considerations—historical, ideological and political. Thus, the outcome, embedded in the revised Law of Return, includes a mixture of ethnic definitions pertaining to religion (Jewish mother or

conversion to Judaism), cultural-religion (out-converts no longer recognized as Jews), and Jewish descent (up to three generations).

### 10. The Nuremberg Myth: Is Jewishness Constructed as a Negative Reflection of Anti-Semitic Persecution?

Anti-Semitic persecution, with an emphasis on the events of the Holocaust, had a major impact on Israeli immigration policy. Based on its traumatic ethos as a victim Diaspora, Israel was established also to protect persecuted Jews (Tsuda 2010). However, this principle has no legal anchorage in the law itself.

Amnon Rubinstein, a well-known law professor and former politician, has argued that the 1970 amendment was applied to descendants of Jews up to the third generation as a “correction” to the infamous Nuremberg Laws (Rubinstein 2010). This argument echoes the assertion of Jean Améry, a Holocaust survivor whose father was Jewish (but not his mother). Based on his horrific biography, and following Jean-Paul Sartre, he defined a Jew as “someone whom others consider a Jew” (Améry 2000, p. 198).

Despite its normative power, the persecution argument was not mentioned in the 1970 government and parliament discussions (Panagiotidis 2019, p. 237; Weiss 2002). What is more, Israeli law does not overlap with the Nazi definitions; it recognized the possibility of choosing Judaism or choosing to leave it. The Nazis, who based their racist categories on the “purity of blood” principle, did not value the idea of choice. Thus, they did not consider those who chose to join the Jewish religion as Jewish. They also murdered Jews who converted to other religions. The Israeli law, in contrast, does value individual choice, thus the Law does not recognize as Jews those who converted to other religions, even though such Jews were murdered by the Nazis. This contradiction is particularly striking in the case of Rufeisen who was not recognized in Israel as a Jew, despite being persecuted by the Nazis and despite risking his life to save fellow Jews.

Of course it can be argued that such broad application of the law to include the descendants of Jews was supposed to confer protection upon them, but the law is not worded in a way that confers protection on those who were persecuted due to their Jewishness. This principle has operational significance. As mentioned, members of the *Falashmura* community from Ethiopia and other communities who claimed to be descendants of Jews did not receive status in Israel despite their alleged persecution on the grounds of their Jewishness due to their former conversion to Christianity.

### 11. The 1990s and the Development of Jewish Hybrid Ethnic Boundaries

Some critical researchers have argued that Israel is an ethnocracy (Yiftachel 1999) or an ethnic democracy (Smootha 2002), and certainly not a liberal democracy (Berent 2010). One of the main reasons they note is that Israel defines itself as a Jewish state and subjects matters of personal status to religious affiliations. Without entering into the broad debate about the quality of Israeli democracy (for contrary arguments see: Jakobson and Rubinstein 2009), it is obvious that the starting point of defining the concept of ethnicity according to the critical school’s definition does not correctly reflect Israeli law and reality.

Clearly, religion has a central place in the definition of Jewish ethnic boundaries, and the definition of a Jew is close to the classical religious definition: one whose mother is Jewish or has converted. However, the Law of Return is not subject to Orthodox interpretation. First, on the basis of solidarity with Diaspora Jewry, which is largely non-Orthodox, the Supreme Court has recognized any type of conversion to Judaism that takes place in any well-known Jewish community. The judges based their ruling, among other things, on the abovementioned principle according to which the Law of Return is a national-secular law that is not subject to the Orthodox definitions but rather to the court’s national-subjective interpretation. In this spirit, the court expressed a positive attitude towards the religious pluralism practiced in Jewish Diaspora communities and considered them an integral part of the Jewish community to which the State of Israel is committed (Shapira 2018).

On the other hand, anyone who converted to another religion is perceived as having cut himself off from the Jewish collective. As the court explained, this is also a culture-based decision which does not necessarily correspond to religion's laws.

Alongside the religious and cultural elements, Israeli law also includes a secular element of descent. According to the law that allows the entry of mixed families up to three generations, about four hundred thousand non-Jewish immigrants entered Israel from the 1990s onwards, mainly as part of the mass immigration from the former Soviet Union. The entry of such a large non-Jewish group, has contributed to the acceleration of secularization processes of Jewish ethnic identity (Fisher 2020).

Over the years, a number of initiatives have arisen, usually from the religious-right wing, to amend the Law of Return and restrict the immigration of non-Jewish family members. However, all these proposals have been rejected. The research literature has proposed a number of political-utilitarian justifications for this failure, from the right-wing's fear that opening this debate will lead to unexpected results, up to the claim that Israel is willing to accept non-Jews as long as they are "non-Arabs" who can serve it in its demographic struggle (Joppke and Rosenhek 2002; Lustick 1999). To this we must add the fact that many of the non-Jewish immigrants defined themselves as part of the Jewish people and were considered to be such in the Soviet Union, where such an ethnic definition only by origin prevailed. This perception has been adopted and still prevails, among a large part of the Israeli public and the secular leadership, which, in line with Ben-Gurion's approach, sees the act of immigration to and cultural assimilation in Israel as an act of social Judaization. What is more, most of these immigrants, and their descendants who were born in Israel, integrate well and become, in practice, an integral part of the Israeli Jewish collective (Yakobson 2010).

Interestingly, many of the members of the Orthodox religious camp have embraced these perceptions and incorporated them into the religious discourse itself. Numerous religious books and essays have been written in recent decades about the need to ease the conversion-to-Judaism process of people who are of Jewish descent and who adopt Israeli Jewish culture. The rabbis reasoned that the historical reality in which the Jews live, in a sovereign state with a Jewish majority, requires a more inclusive Jewish ethnic model. Indeed, the official rabbinical leadership, with the encouragement of the Israeli government, established a state conversion system in which tens of thousands of immigrants of Jewish descent have converted. Although most immigrants chose not to convert, a fact that proves that there is no significant social pressure to take this step, in practice the Israeli conversion system is a historical exception: never before has such a large number of people converted to Judaism (Fisher 2019). There are even religious elements working to bring to Israel Jewish groups of distant Jewish descent, descendants of medieval Spanish martyrs and tribesmen from the biblical period claiming to be part of the lost Jewish tribes (Parfitt and Fisher 2016). Further ethnic definitions of descent and identification had been adopted by some Orthodox elements, making the boundaries of the Jewish people more inclusive.

It is difficult to predict which forces will shape Israeli Jewish ethnicity in the coming years. Perhaps in the future a new ethnic group, non-Jewish and non-Arab, will be formed, which will define itself as Israeli-Russian or choose some other definition. If the Jewish melting pot continues to lose attractiveness, and if the current rate of non-Jewish immigration persists through the coming years, it is possible that this growing group will join some other minority groups, and together they will demand recognition of their common Israeli identity, weakening Israel's Jewish ethno-national identity in favor of a more civic alternative (Shafir and Peled 2002, pp. 308–34). However, so far this prediction has not materialized. Israel has not amended the Law of Return and most non-Jewish immigrants are assimilated into Israeli Jewish society, thus expanding the boundaries of Jewish-Israeli ethnicity.



## 12. Conclusion: Dynamic Ethnonationalism—Between ‘Sub-Jew-Ctivity’, Ethnic Resemblance and Soft Ethnonationalism

This study focused on the ethno-dynamic model of nationalism. According to this model, ethnic nationalism is not a closed, exclusive outlook but rather a product of historical components which are subject to varied interpretations and implementations. The ethnic past is not a static and homogeneous entity but rather a soft conceptual framework that is de- and reconstructed in light of the challenges posed by the present. These changes are clearly reflected in the immigration and naturalization policies that determine who is inside the collective and who remains outside of it.

The variety of examples I gave at the beginning of the study points to a selective process of constructing ethnic identities and boundaries in many states. It is clear that unlike the rigid theoretical perception of an inherited community, ethnic groups’ boundaries are supple and subject to numerous modifications. Therefore, ethnicity could be interpreted as both an exclusive and inclusive entity simultaneously.

This study portrayed the ‘sub-Jew-ctivity’ in the Israeli case. It turns out that despite the common ethnic-religious core, each modern Jewish subgroup imagines the Jewish collective differently, depending on its worldview and interests.

Israel’s policy makers have created a rather complex definition of Jewish ethnic identity, which includes internal contradictions between its components of origin, religion and culture. Israel’s Law has adopted the classical religious definition of determining Jewish status according to the mother, even though other Jewish communities recognize Judaism according to the father as well, and although in other ethnic states there is no distinction between the origin of the father or the mother. On the other hand, Israel grants full immigration and naturalization rights to hundreds of thousands of descendants of Jews whom it itself does not recognize as Jewish. Israel is the only country in the world that grants the right of immigration to non-Jews who convert to the national (Jewish) religion and for this purpose recognizes any conversion process performed in a recognized Jewish community, a decision based on a shared concept of ethnicity between Israel and other Jewish communities in the Diaspora.

Israel has rejected the out-converted Jew, the priest Rufeisen, who saved Jews in the Holocaust, and did not grant immigration rights to part of the Ethiopian Jews (the *Falashmura* community) whose forebears converted to Christianity, due to its perception that converting to another religion is an act of cultural disengagement from the Jewish collective. Still, the state has found bypassing practices to allow such persons’ entry.

Conversion to Judaism is considered a long and complex process, but Israel encourages non-Jewish immigrants to convert to Judaism with the support of a significant portion of the Orthodox religious establishment. It turns out that even the process of converting to Judaism is influenced by considerations of origin, identity and national interests, reflecting the evolution in the perception of an inclusive Judaism even in the religious sense.

These principles are continuously disputed within Jewish society and Jewish leadership. From Ben-Gurion’s days to the present, there are those who argue that the boundaries of the Jewish collective should be expanded and that anyone who immigrated under the Law of Return should be recognized as a Jew on the basis of principles of origin and identification (Svetlova 2017). Others vehemently oppose the liberalism of Jewish-Israeli society and call, so far without success, to restrict non-Jewish immigration. Meanwhile, the Supreme Court implements the definitions of Jewish affiliation according to its interpretation of Jewish national consciousness.

The internal contradictions in Israeli law express the deep disagreements among the Jewish public regarding the definition of Jewish ethnicity. From the dawn of Zionism to the present day gatekeepers, politicians, rabbis, judges and public opinion makers, are deeply divided on how to define Jewish ethnic boundaries.

The formula adopted in Israel is quite unique. There are no other states that grant citizenship on the basis of changing religious affiliation and “most countries in the world, including even most Muslim countries, do not define their immigration and naturalization

laws, at least formally, in terms of religious affiliation" (Fisher 2020, p. 223). Yet, the relationship between civil/social status, ethnicity and religious affiliation continue to exist in many countries albeit in diverse forms. For example, India has recently restricted immigration on the basis of belonging to religious minorities perceived as undesirable. There are even distinctly liberal European democracies that reject immigrants on a religious basis disguised by a claim of "cultural incompatibility" (Fisher 2020).

Despite the uniqueness of the Israeli case, the dynamic ethnonationalism model itself is not unique. Like Israel, many other countries and diasporic ethnic groups have adopted various formulas to define their ethnic collectives. As I showed in the first part of this study, different states created their own emphases for criteria of origin, identification and culture. States have adjusted and revised their ethnic immigration laws over the years. Some have closed their ethnic borders (de-ethnicization) and some have expanded them (re-ethnicization). Drawing the boundaries of affiliation is a manageable process which stems from a variety of considerations, and these considerations are usually subject to controversy between right, left, liberals and conservatives. Therefore, the dynamic aspect of ethnonationalism expresses its being the object of competition between opposing forces attempting to shape the image of the ethnic nation.

The dynamism of ethnic boundaries refutes the prevailing assumption that ethnicity is a given, sealed concept which is not the product of choice. As opposed to this assumption, one of this study's main arguments is that the gap between civic and ethnic nationalism is more ambiguous than the prevailing notion. Ethnic nationality is also composed of different elements, and the choice and balance between them varies from state to state and from era to era.

Thus, ethnic nationalism rests less on a definitive closed set of characteristics and more on something akin to "ethnic resemblance", to paraphrase Wittgenstein's famous "family resemblance": all individuals within the ethnic family share at least some traits with each other, but do not all necessarily conform to a shared list of sufficient and necessary qualities.

Despite the subjective element of ethnic nationalism, I am not trying to argue that ethnos is an artificial concept, nor that it is something quite so fluid and constantly changing. On the contrary. The nuclear components of ethnicity, origin, language, religion and territory are actual entities, but throughout history changes occur in the way these elements are perceived and molded together to create a common ethno-national consciousness.

For example, the religious definitions of Jewish status created a clear and distinct ethnic group throughout thousands of years of history. The elements of the Israeli Law of Return also create rigid definitions regarding the ability to enter and leave the Jewish collective. These inherited elements of ethnicity create a certain nucleus whose members are indeed born into; still, these boundaries are 'softer' and looser than those commonly attributed to ethnicity.

The ethno-dynamic model reflects an epistemological perspective which is not pre-determined; rather, it is in a gradual interpretive process, sometimes hidden from the eye, based on existing ethnic foundations. While ethnicity consists of inherited elements that do not stem from choice, the interpretation of these elements is subject to choice and selection. Various nations and ethnic groups hold discussions on how to frame their ethnos and who should be inside or outside of it, in a way facilitating their ever-changing and dynamic concept of ethnicity.

**Funding:** This research received research grant from The Academic Center for Law and Science, Sha'arei Mishpat College and The Center for Jewish and Democratic Law, Bar-Ilan University. I would like to express my sincere gratitude for both institutions.

**Informed Consent Statement:** Not applicable.

**Data Availability Statement:** Not applicable.

**Acknowledgments:** The author would like to thank David Ellenson, Steven M. Cohen, Jannis Panagiotidis, Asaf Malach and Alon Shalev, along with the anonymous reviewers, for their fruitful

comments throughout the development of this research. The author, however, bears sole responsibility for the paper.

**Conflicts of Interest:** The author declares no conflict of interest.

## Notes

- <sup>1</sup> In this article I refrain from discussing the concept of ethnicity in the ethnic-racial context, despite the dominance of this discussion in Israeli society and research, especially in the context of the tension between Mizrahi Jews from Islamic countries and Ashkenazi Jews from European countries (Shenhav 2006). In this limited framework I have chosen to avoid this complex issue, if only because of the common Jewish self-perception that sees all these subgroups as Jews, as illustrated in the poem quoted at the beginning of the study.
- <sup>2</sup> It is worth noting that in that ruling (Supreme Court 265/87 1987) Judge Alon, known for his rulings in line with religious tradition, opposed, in a minority opinion, Judge Barak's eclectic interpretation. He opined that conversion to another religion is to be determined according to the laws of the Jewish religion and not according to an amorphous definition of national consciousness. In doing so, Alon expressed his fundamental disagreement with his fellow judges in the Rufeisen ruling. However, in practice, Judge Alon also ruled that Messianic Jews are to be denied recognition as Jews since although out-converts are considered Jewish in terms of their religious status, the Jewish religion itself denies them "public" rights, including the right to immigrate to Israel.

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