

Prof. Amichai Cohen - Israel as a Jewish and Democratic State

This lecture is an attempt to define the nature of Israel as a Jewish and Democratic state, with an emphasis on the relationship between the Jewish majority and Arab minority in Israel.

The lecture consists of three parts.

In the **First** part, I discuss the meaning of the terms "Jewish and Democratic State". I begin with a short definition of the terms Jewish and Democratic. I suggest that if these terms are interpreted narrowly, the tensions between these two principles is limited. If, however, an expansive definition of the terms is chosen, than the possibility of contradiction becomes real.

In the **Second** part of the lecture, I show where the formula "Jewish and Democratic State" was used in Israeli Constitutional Law. I discuss Basic Law: The Knesset; Basic Law: Human Liberty and Dignity. In addition, I refer to the jurisprudence of the Israeli Supreme Court on this issue.

In the **third and last** part of the lecture, I discuss *Basic Law: Israel as the Nation State of the Jewish People*, and its impact on the formula of the "Jewish and Democratic State". I discuss the recent decision of the Israeli Supreme Court which evaluated this law and found that it is not unconstitutional.

Further readings:

Alexander Gavison and Amnon Rubinstein, *Israel and the Family of Nations: The Jewish Nation-State and Human Rights* (Routledge, 2008).

Joseph David (Ed.) *The State of Israel: Between Judaism and Democracy* (Israel Democracy Institute, 2003).

Tamar Hostovsky Brandes, "Basic Law: Israel as the Nation State of the Jewish People: Implications for Equality, Self Determination and Social Solidarity" 29 *Minn. J. Int'l L.* 65 (2020).

HCJ 6698/95 *Ka'adan v. Israel Land Administration* (Israeli Supreme Court, 2008)

English translation available at <https://versa.cardozo.yu.edu/opinions/ka%E2%80%99adan-v-israel-land-administration>

HCJ 5555/18 *Hasson v. The Knesset* (Israeli Supreme Court, 2021)

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ISRAEL and INTERNATIONAL LAW