

After Gedaliah: The Permanent Architecture of Jewish Self-Rule

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Israel's political life is not primarily a succession of campaigns or coalitions. It is the ongoing attempt of a particular people, restored to its land under the pressure of history and the claims of Torah, to keep institutions that can bear two burdens at once: national particularism and republican non-domination. The architecture is permanent even when the furniture moves. This reflection examines that architecture through the covenantal-republican lens: limited power under higher law, free will joined to accountability, honest weights in public life, and the quality of civic participation as a form of appearing in the camp.

The season itself is a teacher. Rosh Hashanah has just closed. The Fast of Gedaliah has just been observed. Shabbat Shuva and the Song of Ha'azinu stand immediately ahead; Yom Kippur follows within the week. These are not ornaments around politics. They are the older grammar in which Jewish public life first learned to speak about judgment, memory, internal collapse, and return.

I. The Standing Structure

Israel remains a unicameral parliamentary republic without a single entrenched constitution. Sovereignty is exercised through a Knesset elected by nationwide closed-list proportional representation with a 3.25 percent threshold; an executive formed by coalition bargaining; a judiciary whose authority rests on Basic Laws that can themselves be amended, in many cases, by ordinary majority; a ceremonial presidency; a State Comptroller; an Attorney General whose dual role as legal adviser and gatekeeper of prosecution has no clean analogue in most republics; and an IDF that continues to command a level of public trust that elected institutions have not recovered. These are not temporary features. They are the settled institutional inheritance.

The absence of a rigid constitution is the central permanent vulnerability. Basic Laws function as quasi-constitutional chapters of a document promised in 1948 and postponed since 1950. Some clauses require special majorities; many do not. New Basic Laws can be enacted by a simple majority. The most recent, Basic Law: Torah Study, enacted on 13 July 2026, declared Torah study a foundational value of the Jewish people and of the State. Whether one greets that enactment as overdue recognition or as constitutional opportunism, the structural fact is the same: Israel's highest legal norms remain available to ordinary political majorities. That fact is neither a campaign talking point nor a passing scandal. It is the standing condition of the regime.

Two further structural facts follow.

First, the Supreme Court has, since the constitutional revolution of the 1990s and more sharply since its 2024 en banc holding that it may review Basic Laws themselves, claimed the authority to police the identity of the state as "Jewish and democratic." The Knesset, acting as constituent

authority, claims the authority to write and rewrite those same chapters. The contest is therefore not merely over policy. It is over who holds the last word when the unfinished constitution is amended. A March 2025 amendment to the judicial selection system, scheduled to take effect only with the next Knesset, and legislation narrowing the Attorney General's powers, now sit before that same court. Whatever the holdings, the architecture they illuminate is permanent: a polity with few formal veto points besides the court, the legal bureaucracy, coalition arithmetic, and the street.

Second, Israel lacks the auxiliary constraints that other republics take for granted. There is no federal structure, no second legislative chamber, no presidential veto of substance, no regional electoral districts that force national parties to cultivate local accountability, and no external constitutional court above the state. Coalition discipline, in a system where many lists are closed and some are chosen by a single party leader, concentrates power in a small number of bargaining tables. The result is a standing paradox. Formal democracy is intense. Everyday accountability is thin. The people vote often; they do not always govern.

Public trust maps the civic cost. Trust in the IDF among Jews remains comparatively robust. Trust in government, Knesset, and parties remains low. When the institution of force commands more confidence than the institutions of consent, the republican quality of the polity is under strain. Civic virtue—the willingness of free citizens to appear, to deliberate, and to accept reciprocal burdens—becomes the variable that formal architecture alone cannot supply.

II. Tzom Gedaliah as Structural Teaching

The Fast of Gedaliah is the only fast in the Jewish calendar instituted over the death of a single man, and it is not really about the man. After the destruction of the First Temple, Nebuchadnezzar left a remnant in the land and appointed Gedaliah ben Ahikam governor at Mitzpah. A sliver of Jewish self-rule survived the fire. Yishmael ben Netaniah, of royal descent, came as a guest, rose from the table, and murdered him. The remnant fled to Egypt. The last ember of autonomy went out.

The Sages placed this fast immediately after Rosh Hashanah, in the Ten Days of Return. Rambam, in *Hilchot Ta'aniot* 5:2, states the reason without romance: the killing of Gedaliah extinguished the remaining spark of Jewish settlement and sealed the exile. The Talmud adds that the death of the righteous is likened to the burning of the House of God. The political meaning is older than any modern coalition. External catastrophe did not finish the work. Internal assassination did.

Tzom Gedaliah therefore names a permanent danger in Jewish public life: the willingness of a faction, convinced of its own legitimacy, to destroy the remaining structure of self-rule rather than share it with those it deems unworthy. Yishmael's grievance was not imaginary. Gedaliah was appointed by the conqueror. He was not of the house of David. He urged the remnant to serve the king of Babylon and live. One can reconstruct the assassin's brief. One cannot reconstruct the polity he left behind.

The modern State of Israel is not Mitzpah. It is a sovereign Jewish republic with an army, a currency, a court, and a parliament. That is precisely why the fast still instructs. The more complete the restoration, the more devastating an internal unmaking would be. The standing

question is not whether Israel has enemies. It is whether the people who inherited sovereignty will treat the institutions of self-rule as a shared inheritance or as a prize that may be wrecked if the wrong camp holds it.

This is not a plea for sentimental unity. Covenant does not abolish disagreement. It forbids the conversion of disagreement into a license to extinguish the camp. Ha'azinu will say as much in another key. Heaven and earth are called as witnesses. The Rock's work is perfect; His ways are justice. The generation is crooked not because it lacks passion, but because it forgets the One who made it and the story that made it a people. Jeshurun grew fat and kicked. Satiety, not only siege, is a constitutional hazard.

III. Limited Kingship and the Unfinished Constitution

The classical Torah model of public power is neither anarchy nor sacred absolutism. Parashat Shoftim commands the appointment of judges and officers in all gates, the pursuit of justice, the prohibition of bribes, and—if the people insist on a king—a king who writes a second Torah scroll, does not multiply horses, wives, or silver, and reads the Teaching all his days “so that his heart not be lifted above his brothers.” The Rambam, in *Hilchot Melachim*, states the purpose of the office with severe clarity: to execute justice and to wage the wars of God, not to aggrandize himself. Even the grim “manner of the king” in I Samuel 8 is bounded by purpose. Discretionary war requires the concurrence of the Great Court. Authority exists. It is directed. It is limited by higher law and by the equal standing of brothers.

Modern Israel inherits neither anointed kingship nor Sanhedrin. It inherits the problem those institutions were designed to answer: how a particular people under covenant exercises earthly power without letting that power become domination. The Basic Laws are the contemporary attempt to write that answer in chapters. Basic Law: Human Dignity and Liberty and Basic Law: Freedom of Occupation supply the rights floor. Basic Law: The Knesset, The Government, The President, The Judiciary, and The Army supply the institutional frame. Basic Law: Jerusalem, Capital of Israel and Basic Law: Israel — The Nation-State of the Jewish People supply the particularist core. Basic Law: Torah Study now names a foundational value that had always been present in the life of the people and contested in the life of the state.

A covenantal-republican reading does not treat this unfinished constitution as a defect to be patched by importing a foreign template. It treats it as a standing test. Can the people bind themselves under higher law without handing the last word to an unaccountable elite? Can they constrain majorities without dissolving the Jewish character of the state into a neutral procedure? Can they honor Torah study as a public good without converting a Basic Law into a shield for unequal burden? Can they reform judicial selection without turning the bench into a prize of the coalition table?

Each of those questions is structural. Current litigation and legislation are only windows onto them. The 2024 holding that the Court may strike a Basic Law that “negates the core identity” of the state as Jewish and democratic is a window onto the absence of an agreed amending formula. The pending review of the selection-committee amendment is a window onto the absence of a shared theory of who may appoint those who constrain. The July 2026 invalidation of a State Comptroller election for violation of secret-ballot rules is a window onto a healthier

fact: even in a strained republic, some procedural honest weights still hold. The debate over the Attorney General is a window onto a unique Israeli fusion of legal advice, prosecution, and representation that concentrates immense power in one unelected office.

Covenantal republicanism rejects both pure majoritarianism and pure juristocracy. The people remain the earthly source of legitimacy. The people themselves remain under the higher law that defines the character of the Jewish state. Particularist national responsibility is not optional. Neither is the non-domination of free citizens by arbitrary power, whether that power is exercised by a transient coalition, an entrenched bureaucracy, or an unaccountable court.

Philip Pettit's language of non-domination is useful here if it is kept in its place. Freedom as non-domination is the condition of not being subject to another's arbitrary will. In a Jewish state that condition cannot be secured by stripping the polity of its particular purpose. The covenant is not an arbitrary master. It is the standard that makes the people's power something other than a raw count of votes. Daniel Elazar's work on covenant and polity in Biblical Israel, Joshua Berman's account of the Torah's egalitarian political theology, and Yoram Hazony's defense of national particularism all belong to the same family of arguments: a people may be free *as a people* only if its institutions both express its character and refuse to let any agent, including the people in a moment of passion, dominate without remainder.

IV. Civic Virtue, Turnout, and Honest Weights

Formal architecture does not generate the citizens it requires. The Torah assumes free will and then surrounds it with formation: public reading, first-fruits recitation, the king's Torah, the septennial *hakhel*, the warnings of Ha'azinu, the return of Shabbat Shuva. A republic of Jews that neglects formation will keep its ballots and lose its people.

Turnout, on this reading, is not a marketing metric. It is covenantal appearance. To vote is to stand in the camp and accept that the outcome will bind. Low-quality participation—voting as consumption, as revenge, as sectoral extraction—can produce high percentages and still leave the polity thinner than before. High-quality participation is the appearance of citizens who know they will share the costs of the decision: defense, taxation, the education of children, the honesty of public weights and measures.

Honest weights are not a metaphor borrowed for decoration. They are a commandment with public teeth. *Lo ta'asu avel bamishpat, bamiddah, bamishkal, uvamesurah*. Distorted measures in the market become distorted measures in the Knesset, the ministry, the newsroom, and the court. A state that treats some lives as cheaper in the draft, some votes as more entitled to veto, some facts as optional in official speech, is already violating the architecture even when its statutes are formally valid.

The standing civic deficits of Israeli politics follow this pattern.

The defense burden remains unequally shared. That inequality is not only a military-manpower problem. It is a republican problem. A people that asks some sons and daughters to carry the war while others are structurally excused will not indefinitely retain the mutual regard on which consent depends. Basic Law: Torah Study names a real good. It does not dissolve the question of reciprocal obligation. A covenantal reading insists that Torah study is a foundation

of the people *and* that the people who study remain brothers of those who stand watch. The Rambam's king who may not lift his heart above his brothers is the measure. No camp is exempt.

Sectoral vetoes have become a habit of government. Coalition arithmetic gives small lists the power to halt the state. That is a predictable result of pure PR and a low threshold. It is also a standing invitation to treat the public thing as a private concession stand. Non-domination does not require the abolition of parties. It requires that no faction can hold the remnant hostage as Yishmael held Mitzpah.

Speech in the public square has grown cheaper than the weights require. A people under covenant is commanded not to bear false witness. The modern analogue is not politeness. It is the refusal to treat opponents as illegitimate inhabitants of the camp. Once that refusal collapses, assassination—of reputation first, of institutions next, of persons last—becomes thinkable again. Tzom Gedaliah is not ancient history in that sense. It is a warning posted on the gate.

V. Competing Approaches and the Covenantal Standard

Several durable approaches compete for the soul of Israeli politics. They are older than any present coalition.

Pure realism treats power and security as the sole measures of success and regards institutional form as secondary. It correctly prioritizes survival. A Jewish state that cannot defend itself will not debate constitutions. It underestimates, however, the long-term cost of eroded civic legitimacy and unequal burden. Armies require a people. A people requires reasons to appear that are not only fear.

Liberal institutionalism elevates universal individual rights and procedural checks as the primary goods, often treating Jewish particularism as a problem to be managed rather than a foundational premise. It strengthens certain constraints on power. It frequently weakens the national covenant that alone justifies the state's existence in this land. A court that can protect dignity while emptying the Nation-State Law of content has won a liberal victory and incurred a covenantal loss.

Theocratic maximalism seeks to translate halakhic categories directly into state law without the mediating republican forms of consent, representation, and limited authority. It remembers that the state is not the source of law. It forgets that political judgment is a human office under law, not a sacrament. The risk is a new domination under religious color: power that cannot be answered because it claims to be answering Heaven.

Quietism withdraws from the public thing in the name of purity, learning, or despair. It leaves the field to those who organize. In a system of closed lists and coalition bargains, withdrawal is not neutrality. It is a transfer of power.

Progressive universalism, in the forms that matter here, dissolves the Jewish character of the state into a neutral procedural democracy and treats particular national responsibility as a moral embarrassment. It can speak fluently about rights and poorly about why this people, in this land, owes its children a Jewish future that is more than a museum of rights.

The covenantal-republican standard evaluates each by three tests:

- 1. Does it protect Jewish sovereignty as the concrete expression of national particularism?**
- 2. Does it constrain power so that no agent can dominate arbitrarily?**
- 3. Does it cultivate the civic virtue required for free citizens to appear and to accept mutual obligation?**

Approaches that fail these tests, whatever their short-term tactical advantages, erode the permanent architecture.

VI. Particularism and Non-Domination Are Not Enemies

The deepest standing error in Israeli political argument is the claim that one must choose between a Jewish state and a free one. That claim is historically provincial. The Torah's political teaching is particularist and anti-domination at once. Israel is a treasured people. The stranger is not to be oppressed. The king is limited. The judge is warned. The scale is honest. The jubilee returns land. The prophet stands in the gate. None of this is a late liberal graft. It is the older architecture.

What the modern state must invent are the mediating forms: representation, rotation, an independent but accountable bench, a professional civil service that serves the law rather than a camp, a press that measures, an army under civilian authority that remains trusted because it remains the people's army. Those forms are not the covenant. They are the keilim in which the covenant now has to live.

Ha'azinu's theology of witness is the right frame for that invention. Heaven and earth do not belong to a faction. They stand outside the coalition. A people that can still hear itself addressed by a standard it did not write is a people that can reform its institutions without worshipping them and without smashing them. Shabbat Shuva names the political act that follows: return. Not to a mythic past, and not to a foreign template. Return to the terms under which this people may hold power without becoming Yishmael at the table.

VII. Long-Term Resilience

Resilience is not the mere survival of formal institutions. It is the capacity of the polity to renew the organic solidarity that makes formal institutions legitimate.

Several standing supports already exist and should be named without romance. The IDF, for all its strains, remains a rare school of common obligation. Local mutual aid, from wartime rooms to ordinary neighborhood *gemilut chasadim*, still outruns the reputation of the Knesset. The Hebrew language, the calendar, and the public presence of Torah—however contested their legal status—continue to form a people rather than a mere electorate. Aliyah, even when smaller than rhetoric desires, keeps the state from becoming only the project of those already inside it. These are structural goods. They are not campaign assets.

The standing threats match them. A trust gap that leaves only the army beloved. A constitution that can be rewritten by 61 votes and then rewritten again. A selection system for judges that either locks a guild in place or hands the bench to the coalition of the hour. A legal officer who can bind a government and not be answered. A draft that some communities treat as optional. A public language in which opponents are no longer neighbors. An election calendar so frequent that governing becomes a permanent campaign and the campaign becomes a substitute for formation.

Current developments illuminate these threats; they do not create them. The unfinished judicial overhaul, the Torah Study Basic Law, the contest over the Attorney General, and the Court's claim to review Basic Laws are chapters in a book whose title was written in 1948 and whose preface was written at Sinai. To treat them only as Type 2 material—horse-race, bloc, tactic—is to miss the only question that will still matter when the next coalition has dissolved: what kind of self-rule is being handed to the children.

The Pittsburgh experience of industrial mutual reliance and the Jerusalem experience of living under the ancient walls teach the same lesson in different registers. Communities endure when members show up for one another under pressure and refuse to outsource responsibility. Steel does not hold because a slogan is painted on it. It holds because men and women keep the furnace and the beam. The Jewish state is no exception. Its permanent architecture will hold only if the people continue to appear as a people under covenant.

All ultimate credit and glory belong to the Ribono shel Olam alone. The State is a miraculous keili. It is never the Source.

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Jerusalem — Outpost of Steelers Nation

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Continuity Note

This Type 1 Master continues the 10 Elul 5786 foundation layer (“The Permanent Architecture of the Jewish State”) and relocates the same standing questions under the Tishrei grammar of judgment, internal collapse, and return. Campaign developments are used only as windows onto structure.

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