

The Permanent Architecture of the Jewish State — Sovereignty, Limited Power, Honest Weights, and Civic Appearance under Covenant

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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 sustain institutions that embody both national particularism and republican non-domination. The furniture of office moves. The architecture does not. This Type 1 Master 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 supplies the frame. Tzom Gedaliah, observed two days earlier, commemorates the assassination of the last Jewish governor left standing after the destruction of the First Temple—the collapse of remnant sovereignty by internal fracture rather than by foreign siege alone. Parashat Haazinu, read this Shabbat Shuva, summons heaven and earth as witnesses to a national song that will not allow the people to forget who they are or what they owe. Between the fast of a murdered steward and the song that outlasts every steward, the standing question of Israeli politics is not who will sit in which chair next month. It is whether the Jewish state can keep a form of public power that is strong enough to protect a people and constrained enough that no office, court, party, or sector can dominate the others by arbitrary will.

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

I. The Structural Reality

Israel remains a unicameral parliamentary republic without a single entrenched constitution. Sovereignty is exercised through a Knesset of 120 members elected by nationwide closed-list proportional representation with a 3.25 percent threshold; an executive formed by coalition bargaining rather than by a separately elected head of government; a judiciary whose most consequential powers rest on Basic Laws that can themselves be enacted or amended by ordinary or modest majorities; a ceremonial presidency; a State Comptroller; an Attorney General whose dual role as government counsel and public prosecutor has become a standing constitutional quarrel; and an IDF that continues to command the highest levels of public trust while the elected institutions of consent languish far below it. These are not temporary features of a particular government. They are the settled institutional inheritance.

The absence of a rigid constitution remains the central permanent vulnerability. Basic Laws function as quasi-constitutional chapters of a constitution that the First Knesset deferred and that no subsequent Knesset has completed. Some clauses are formally entrenched; many are not. New Basic Laws can be added by a majority of those present and voting. The result is a

standing tension between majoritarian legitimacy and the need for durable constraints on power. A polity that can rewrite its highest legal texts with the same ease with which it rewrites a budget will always be tempted to treat constitutional form as a campaign instrument.

That temptation has now acquired a new chapter. On 13 July 2026 the Twenty-Fifth Knesset enacted Basic Law: Torah Study, declaring Torah study a foundational value of the Jewish people and of the State of Israel. It is the first Basic Law to enshrine a single spiritual practice as a constitutional value in those terms. Whatever one thinks of the immediate political bargain that produced it, the structural fact is larger than the bargain. Israel has begun to write substantive covenantal language into the quasi-constitutional layer without having first settled the prior question of how Basic Laws themselves are to be enacted, entrenched, reviewed, or repealed. The Nation-State Law of 2018 named the people and the land. The Torah Study Law names a form of learning. Neither names, with comparable constitutional clarity, the limits of the offices that will interpret them.

The judiciary occupies the other pole of the same unfinished architecture. In January 2024 the Supreme Court, sitting en banc for the first time in its history, asserted authority to review Basic Laws themselves and struck down the “reasonableness” amendment to Basic Law: The Judiciary. That ruling did not invent judicial review of ordinary statutes; it extended the court’s claim to the quasi-constitutional layer. The claim is now a standing feature of the system, whether one regards it as a necessary last constraint in a polity without a second chamber, a federal division of powers, a presidential veto, or a binding supranational court—or as an assumption of constituent power by an unelected bench. Both descriptions can be true at once. That is precisely the problem. A republic that has not agreed on who holds constituent power will fight every ordinary statute as if it were a founding.

The personnel of the courts makes the same point in a quieter register. After an eighteen-month freeze, seventy-nine judges and senior registrars were sworn at the President’s Residence on 15 September 2026. The lower courts received delayed reinforcement. The Supreme Court did not. It continues to sit with eleven of fifteen authorized justices. Legislation passed in March 2025 would recompose the Judicial Selection Committee by replacing the two Israel Bar Association representatives with lawyers chosen by coalition and opposition, and would alter the majorities required for appointment. That law is scheduled to take effect with the next Knesset. Petitioners and the Attorney General argue that it would politicize the bench. The Knesset and the government argue that it would make the bench more representative of a people that elects its other officers. The dispute is not a news cycle. It is the unfinished argument over who may staff the one institution that, in the absence of every other classical check, has claimed the power to say what the highest law is.

The Attorney General’s office and the State Comptroller belong to the same family of unfinished offices. In a system without a second chamber, the legal adviser who can bind the government, refuse to represent it, and control the state’s position in court concentrates powers that other republics separate. A law curbing those powers, and a court challenge to that law, are therefore not merely personnel fights. They are arguments about whether professional legal authority is a constraint on domination or a form of domination that has learned to speak the language of legality. The Court’s invalidation, in July 2026, of a State Comptroller election conducted in violation of secret-ballot rules is a small case with a large moral. Oversight offices that become prizes of faction cease to be honest weights.

The electoral system completes the picture. Israelis vote for a closed national list. They do not choose a district member. They do not rank candidates within a list unless a future reform introduces a semi-open ballot. They do not elect a second chamber, a regional tier of government with independent constitutional standing, or a president with a veto. Referendums exist in law for certain territorial questions and are rarely used. The distance between the citizen and the person who will cast the vote in the Knesset is therefore structural. Turnout in Knesset elections has lived, for a generation, in a band of roughly 67 to 72 percent—70.6 percent in 2022—well below the levels of the 1990s. The electorate itself is expanding: on the order of 640,000 first-time voters and a roll that has grown from about 6.79 million eligible voters in 2022 toward 7.56 million by late 2026. The absolute number of votes required to clear the 3.25 percent threshold rises with the roll and with turnout. Votes wasted on lists that fall short remain a recurring tax on representation. None of this is campaign color. It is the permanent machinery by which a people appears—or fails to appear—as a people.

Public trust data, as recorded in successive Israel Democracy Index reports, illuminate the civic cost. Trust in the IDF among Jews remains comparatively robust. Trust in government, Knesset, and parties remains low. A majority of the public, in recent Index findings, report that no party closely represents their views. When the institutions of consent command less confidence than the institution of force, the republican quality of the polity is under strain even if the army remains honorable. Civic virtue—the willingness of free citizens to appear, to deliberate, to accept reciprocal burdens, and to treat the polity as a shared inheritance—becomes the variable that formal architecture alone cannot supply.

The Twenty-Fifth Knesset's rare completion of a full four-year term demonstrated that coalition discipline can produce formal stability. Discipline is not cohesion. Discipline can hold a government for a full term. Only cohesion can sustain a republic across generations.

II. Torah Ideal and Political Practice

Haazinu: Witness, Memory, and National Responsibility

“Give ear, O heavens, and I will speak; and let the earth hear the words of my mouth.” Haazinu opens by placing the people under witnesses that do not die with any government. The song is not a campaign speech. It is a public memory designed to survive the people's own forgetfulness. Moshe does not flatter. He recites the kindness of the Rock, the fatness that follows inheritance, the dullness that follows fatness, and the judgment that follows dullness. The political teaching is severe and exact. A nation can possess land, arms, and offices and still become “unmindful of the Rock that begot you.” Sovereignty without memory is only a longer interval before the next collapse.

The song also refuses the alibi of circumstance. “Is it God you thus requite, O foolish and unwise people?” The question is addressed to a people that has already received land and law. Free will is presupposed. Accountability is inescapable. That pairing is the Torah's permanent political anthropology. No institutional design can repeal it. Designs can only honor it or evade it.

Shabbat Shuva, which carries Haazinu this year, adds the prophetic demand of return. Return is not a mood. It is the reconstruction of a relationship that has been strained by injustice, forgetfulness, and the worship of instruments. In political terms, teshuvah is the refusal to treat

the state as an idol and the equal refusal to treat the state as a disposable tool. The keili must be repaired because the work assigned to it is holy. The keili must not be worshiped because the work assigned to it is not the Source.

Tzom Gedaliah: Remnant Sovereignty and Internal Fracture

Tzom Gedaliah is the most politically precise fast in the calendar. After the Temple fell, a remnant still had a governor, a field, and a chance. Ishmael ben Netaniah murdered Gedaliah. The remnant scattered. The fast marks not only a death but the suicide of a last political possibility by Jewish hands. The haftarah traditions and the historical books do not present the murder as a foreign victory. They present it as the moment when faction, memory of old royal blood, and the inability to accept a limited steward destroyed what the empire had left standing.

The teaching for a modern Jewish state is not a parable about any one party. It is a warning about the structure of remnant politics. A people that has recovered sovereignty after catastrophe is still capable of losing it by treating fellow officeholders as enemies whose elimination is more urgent than the survival of the common vessel. Limited authority—Gedaliah was a governor, not a king—requires a civic culture that can tolerate a steward who is not “our” man. When that culture fails, the architecture fails with it, no matter how elegant the Basic Laws look on paper.

Limited Kingship: The Standing Constraint

The classical model of limited kingship remains the Torah’s most concentrated statement on public power. Devarim 17 does not describe a philosopher-king. It describes an office hedged by prohibitions: not too many horses, not too many wives, not too much silver and gold; a Torah scroll written from the text before the Kohanim and Leviim; daily reading so that the heart not be lifted up above his brothers. The purpose clause is the heart of the matter: “that he may learn to fear the Lord his God... that his heart not be lifted up... and that he not turn aside from the commandment.” Longevity of the dynasty is made to depend on the king’s refusal of domination over his brothers.

The Rambam in Hilchot Melachim states the purpose of the office with equal severity. A king is appointed first to do justice and to wage the wars of God. His intention is to raise up the true religion, fill the world with righteousness, and break the arm of the wicked. Even the expansive “law of the king” in I Samuel 8 is read, in the Rambam’s school, as power bounded by purpose rather than as a charter for appetite. Discretionary war requires the concurrence of the Great Court. Appointment itself, in the Rambam’s ruling, requires prophet and Sanhedrin. Authority is real. It is never self-justifying.

Modern Israel inherits neither anointed Davidic kingship nor a sitting Sanhedrin. The principle does not therefore lapse. Every modern office—prime minister, justice, attorney general, committee chair, coalition whip—stands under the same question: is this power service under higher law, or is it the lifting of a heart above brothers? Covenantal republicanism translates the question into institutional language. The people remain the earthly source of political 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 legal bureaucracy, or a court that has become the final constituent assembly without ever having been elected as one.

Daniel Elazar's work on covenant and polity, Joshua Berman's reading of biblical equality against ancient Near Eastern hierarchy, and Philip Pettit's reconstruction of freedom as non-domination supply the conceptual bridge. Pettit's republicanism is not Torah. It is a precise account of why the mere absence of interference is not yet liberty if another agent can interfere at will. A citizen who must live at the sufferance of a minister, a justice, a prosecutor, or a sectoral veto is not free in the republican sense even if, today, no one happens to strike. Torah adds what secular republicanism cannot supply: the Source of the higher law, the particular people bound by it, and the memory that land and office are gifts rather than prizes.

Honest weights belong to the same family. The prohibition of false measures is not a commercial footnote. It is the moral grammar of public life. A state that measures one sector by the standard of sacrifice and another by the standard of exemption, one office by the standard of accountability and another by the standard of professional mystique, has already placed two sets of stones in the bag. The Torah's political demand is that the same measure be used in the market, in the court, and in the sharing of the defense burden.

III. Institutions as Standing Questions

The Missing Constitution and the Proliferation of Basic Laws

A constitution, in the classical republican sense, is not a list of preferred values. It is an agreed allocation of offices, a procedure for changing that allocation that is harder than ordinary legislation, and a public understanding of who may speak in the name of the people when the branches collide. Israel has fragments of all three and possession of none complete. The Declaration of Independence remains the nearest thing the polity has to a common secular scripture. Precisely for that reason, as Yedidia Stern has argued, turning the Declaration into a judicial trump card would give it winners and losers and spend one of the few texts that still belongs to the whole house. The Declaration is too important to become a statute, and too important to be treated as if it had no moral claim. That paradox is the price of an unfinished founding.

Each new Basic Law that writes a value without writing a procedure deepens the paradox. Nation-State named people, land, language, and capital. Torah Study named a foundational practice. Future majorities will be tempted to name still other values—service, equality, settlement, dignity—each time a coalition has sixty-one votes and a sense of emergency. A covenantal republic can honor Torah study as a public good without converting every contested social arrangement into a quasi-constitutional prize. The test is not whether the value is holy. The test is whether the method of inscription is honest: supermajorities, delay, public argument, and a refusal to use the highest legal form as a substitute for persuasion.

The Judiciary: Constraint or Constituent Power

In a system that lacks the usual family of checks, a strong court is not an accident. It is a compensation. Compensation, however, is not the same as legitimacy. The 2024 assertion of review over Basic Laws closed a logical circle that the Court itself had opened across three decades of implied constitutionalism. If Basic Laws are constitution, someone must police their amendment. If the Knesset both writes and amends them by ordinary majorities, the Court will

claim the police power or watch the constitution evaporate. The Court's answer was to claim the police power. The Knesset's answer, in part, has been to change the method by which justices are chosen.

A covenantal-republican reading does not award the halo to either side in advance. Judicial independence is a requirement of non-domination: no citizen should have to win the favor of a minister in order to receive a lawful judgment. Judicial self-reproduction is not the same requirement. A bench that holds an effective veto over its own replacements can become a guild. A coalition that staffs the bench as an extension of its whip can become a faction with robes. The standing task is to design a selection method that makes both forms of domination harder: public argument about candidates, staggered terms, a committee that cannot be captured by a single camp, and a shared acknowledgment that the Court's authority to review ordinary statutes is not identical to an authority to sit as a continuing constituent assembly.

Randomized panels, public hearings for high-court candidates, and clearer rules of standing and procedure—proposals that now circulate as permanent institutional ideas rather than as one faction's talking points—should be examined by the same standard. Transparency that disciplines both judge and politician serves non-domination. Mechanisms whose real function is to guarantee a pipeline of outcomes do not.

The Executive, the Legal Advisers, and the Problem of Dual Office

The Israeli prime minister is powerful because the system is unicameral, the coalition is the legislature's majority, and the professional civil service and legal apparatus are the main remaining internal brakes. That is why fights over the Attorney General are never only about a person. An official who simultaneously advises the government, can declare its acts illegal in a way that binds it, controls representation in court, and stands at the head of public prosecution holds a bundle of powers that the Torah's own political imagination would have distributed. The Rambam separates king, court, and priest for reasons that are not antiquarian. Concentration produces the lifted heart.

Reform that merely transfers the bundle from a legal professional to a minister is not reform. It is a change of landlord. Reform worthy of the name would separate counsel from prosecution, make the government's right to independent representation in court ordinary rather than exceptional, and leave a prosecutor who cannot be switched off when the defendant is powerful and cannot be switched on when the defendant is an enemy of the coalition. Honest weights again: the same law, the same process, the same measure.

Representation, Lists, and the Distance from the Citizen

Closed-list nationwide PR maximizes the proportionality of parties and minimizes the identifiability of persons. It is excellent at translating sectoral intensity into seats. It is poor at teaching a member that he represents a place that can refuse him. The civic consequence is visible. Citizens who cannot punish or reward a named representative except by punishing an entire list learn to treat politics as a market of blocs rather than as a relationship of responsibility. Semi-open lists, a modest regional component, or a second chamber with a different electoral logic would not abolish parties. They would shorten the distance between appearance at the ballot and appearance in the chamber.

None of these reforms is a substitute for civic virtue. They are scaffolds for it. A people that will not appear will not be saved by a clever ballot. A people that does appear deserves a ballot that can register more than a single mark next to a machine.

IV. Turnout as Covenantal Participation

Voting in a Jewish state is not only the registration of a preference. It is a public act of belonging. The farmer of Ki Tavo does not bring first fruits in private. He recites the national story in the place that the Lord has chosen. The citizen who stands in a schoolroom with a paper envelope performs a thinner rite, but the structure is kin. He says, by appearing, that this people in this land under these laws is his.

Quality matters more than raw percentage, yet percentage is not nothing. A generation of turnout locked between 67 and 72 percent, combined with a growing share of citizens who say that no party represents them, is a warning about the thinning of the rite. High-intensity blocs that treat the ballot as a locked communal instrument can produce impressive discipline. Discipline without persuasion is not covenantal appearance; it is mobilization. The first visible cracks in long-locked voting patterns, and the arrival of hundreds of thousands of new voters, are therefore structurally significant even before any particular election is decided. They test whether the camp can still absorb new members as members rather than as instruments.

Reciprocal burden is the other half of appearance. A republic in which some communities send their children to the army and others do not, in which some pay the fiscal cost of the common defense and others are organized to avoid it, has placed two weights in the bag. Torah study is a foundational Jewish good. It is not a solvent of civic obligation. A Basic Law that names the good without naming the obligation will be read, fairly or not, as an attempt to constitutionalize an exemption. Covenantal republicanism can honor the beit midrash and still insist that the sons of the same covenant stand in the same line when the camp is called. The argument is not against learning. It is against a public measure that counts learning as a substitute for the burdens that make learning possible in a living state.

V. Competing Approaches and the Covenantal Standard

Several durable approaches compete for the soul of Israeli politics. They are not the names of parties. They are habits of mind that outlast platforms.

Pure realism treats power and security as the sole measures of success and regards institutional form as secondary. It correctly refuses the fantasy that procedure can replace strength in a region that punishes weakness. It underestimates the long-term cost of eroded civic legitimacy and of reciprocal burden-sharing that has been allowed to decay. A state that can win campaigns and cannot persuade its own children that the common vessel is theirs has already begun to lose a longer war.

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 as the premise of the regime. It is strong where the Torah is also strong: the protection of the stranger, the independence of judgment, the refusal of the lifted heart. It is weak where it

cannot say why this people, in this land, may maintain a Law of Return, a Hebrew public culture, and a nation-state clause without apologizing for existing. Rights without a people become a court without a camp.

Theocratic maximalism seeks to translate halakhic categories directly into state law without the mediating republican forms of consent, representation, and limited authority. It remembers, correctly, that the Jewish state is not a neutral hotel. It forgets that the Torah itself hedges the king, separates offices, and refuses to let any human being become the mouth of Sinai without the disciplines of court, prophet, and public reading. A state that enforces Torah without those disciplines will produce new domination under religious color and will teach the unlearned to hate the very words that should have drawn them near.

Quietism withdraws from the public square in the name of purity or despair. **Progressive universalism**, in some of its political forms, dissolves the Jewish character of the state into a procedural democracy whose highest good is indistinguishability from other democracies. Both leave the field to those who organize. Both fail the first covenantal test: particular national responsibility cannot be outsourced.

The covenantal-republican standard evaluates each approach by three tests.

1. Does it protect Jewish sovereignty as the concrete expression of national particularism—the right of this people to live under its own law in its own land without apology?

2. Does it constrain power so that no agent, elected or anointed or appointed, 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. Approaches that pass them may still disagree about taxes, borders, and the proper text of a Basic Law. Disagreement of that kind is the ordinary life of a free people. It is not the same as a war over whether the people, the law, or the offices are real.

VI. Current Developments as Windows, Not as the Building

The windows of late 5786 and early 5787 open onto the same building.

The swearing of seventy-nine lower-court judges after a long freeze shows that the system can still staff ordinary justice when the political fight is not about the Supreme Court's identity. The continued vacancy of four high-court seats shows that the fight about identity has not been concluded and will shape the next decade, because a large share of the Court's membership will turn over in the coming term. That is a structural horizon, not a headline.

The pending change to the Judicial Selection Committee, the pending challenges to it, and the circulating plans for an override clause, restored limits on standing, public hearings, and randomized panels are all attempts to answer the same question the 2024 Basic Law review posed: who holds constituent power when the constitution is a stack of amendable chapters? A covenantal republic can accept an override that is itself constrained—by supermajority, by delay, by expiry, by the need for two Knessets to affirm—because such an override treats the

people as the earthly source of law without treating a single narrow majority as Sinai. An override that is merely sixty-one votes on an afternoon is not a constraint. It is a second lifted heart.

Basic Law: Torah Study is a window onto the relationship between Jewish particularism and republican form. The holiness of study is not in dispute among those who accept the Torah. The method of constitutional inscription is. A value written into the highest legal layer in order to resolve a coalition problem will be opposed as a coalition problem even by citizens who love the value. That is a predictable republican result. Holy things deserve procedures equal to their holiness.

The debate over the Declaration of Independence—whether it is moral charter, justiciable norm, or both—is a window onto the unfinished founding. A people that cannot agree on the status of its birth text will fight every later text as if the founding were still in committee. Perhaps it is. The honest response is not to pretend that 1948 settled every institutional question. It is to treat the remaining questions as questions of architecture rather than as opportunities to defeat the other camp with a citation.

Electoral-reform proposals that would introduce a semi-open ballot or otherwise shorten the distance between voter and member are windows onto the quality of appearance. They do not decide who wins. They decide whether winning remains the only relationship a citizen can have with the chamber.

None of these windows is an invitation to campaign analysis. Each is a reminder that the building was unfinished in 1950 and remains unfinished in 5787. The work of a Type 1 reading is to keep the building in view when the windows are crowded with faces.

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. High-quality political participation belongs to that resilience. Honest weights in public life belong to it. Equitable sharing of the defense burden belongs to it. The refusal to allow sectoral vetoes to become permanent domination belongs to it. The refusal to allow any office—ministerial, judicial, or professional—to become a throne that does not read the Torah of its own limits belongs to it.

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 is poured by crews who know that a weak beam will kill someone they know. The stones of Jerusalem have seen every form of sovereignty and every form of its loss. A Jewish republic that remembers both lessons will treat institutions as beams and stones: load-bearing, measurable, replaceable when cracked, never ornamental.

Haazinu's last political gift is the song itself. A people that can still sing the truth about its own failures is not yet lost. Teshuvah in the Ten Days is the annual rehearsal of that capacity. Applied to the state, it means something unsentimental: measure the offices again; admit which weights have been false; restore the constraint on the lifted heart; appear. The architecture will hold only if the people continue to appear as a people under covenant.

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