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2 The National Construction of a Workers' Moral Community: Labor's Informal Justice in Early Mandate Palestine

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The *Litvak* Case

In March 1924, the Comrades' Court of the Haifa Labor Council summoned Yisrael Litvak, a worker at the Rosenfeld printing workshop, to a trial. The Council, which served as the local representative of the Histadrut (the General Federation of Jewish Labor in Palestine) of which Litvak was a member, sued him for violating a strike action undertaken by his fellow printing workers: he returned to work before the end of the strike and the ensuing trial between the workers and the employer. The Council, claimed its secretary David Cohen,

made it clear to him that this act lowers the status of the Histadrut and undermines the strike. Without it we might have ended the strike more successfully, for this act strengthened the employer. We were socially humiliated, [as were] the members who lost their jobs. This is a breach of brotherly loyalty. I want to emphasize that we asked member Litvak to wait at least until the trial was over. He claimed that he could not wait, for personal reasons. I think that member Litvak, who places his private affairs above those of the Histadrut, should not be counted among our members.

As it constituted an insult and treason vis-a-vis Litvak's fellow-strikers and the Histadrut, this act, deemed the Council, warranted severe punishment. Litvak responded:

* This chapter is a revised version of a forthcoming article in the *Labor Historical Review*.

I waited ten weeks. I could not wait anymore. I was in a difficult situation. Anyway, I said that if the strike ended I had to return [to work]. I did not betray the Histadrut, but went with all the others. . . . Everybody concurred that I should return to work after the trial. I don't know what you want from me. . . . The strike was carried out by the workers and not by the Haifa Labor Council. The owners did not make use of the fact that I returned to work before the trial ended. Because the strike was lost, there was nothing else for me to do. The other members did not want to return to work. I always opposed the strike. But I was ashamed to say so. . . . I too stood for trial like the others. On the first day of the strike, I told everybody that I was passive on this matter. On returning to work I did not get any special terms from Rosenfeld. The demands of the comrades in this strike weren't really just, and it was a mistake in my opinion to declare a strike. . . . When I started working, I was a bachelor. Now I have a family.

Despite Litvak's denial of the allegations, the tribunal's Jury of Judges decided to recommend to the plenary body of the Council to oust him from the Histadrut. Litvak appealed, but the decision was upheld, and he was never allowed back. Furthermore, the local Council asked other town Labor Councils not to admit Litvak to their ranks and never to assist him to find a job.¹

The *Litvak* hearing, one of hundreds of cases dealt with by the Haifa Comrades' Court during the 1920s, represented a thorny issue for Zionist Labor. On one hand, the prosecution, being the body that organized the Jewish workers of Haifa, wished to proclaim the ideals of solidarity of the Jewish Labor community which had evolved in this Arab-dominated town. The explicit violation of these ideals, on the other hand, helped the Jewish employer not only to resist the workers' collective action and their representatives, but to persist in employing cheap Arab labor and Jewish strike-breakers, to disregard the problems of Jewish immigrants and unemployed workers, and to disseminate the image of Jewish workers as militant and the Histadrut as unreliable. Litvak's misconduct was thus both anti-Labor and anti-Zionist: he violated solidarity and abetted the employment of non-Jews; he allowed Jewish employers freedom of action, and at the same time undermined the image of the Histadrut as a viable practitioner of Zionist goals in Palestine's urban economy. In seeking to defend himself and protect his private interests, the laborer thus violated the ethical code of Haifa's Labor. However, this tension between Litvak's interpretation of his economic hardships and his subsequent action, and that of the Labor

Council, reflected a deeper question concerning the ways in which Labor and nationalism are linked.²

The role of nationalism in class formation, and the role of workers and of the Labor organization in state-building, are recognized in the historiographical literature which centers either on the influence of nationalism in the fracturing of class, on the impediments to class solidarity, and generally on it being a powerful constitutive force of social stratification, or on the active role of workers in promoting national boundaries and segregation, and on Labor as setting agendas for larger national movements. It either takes nationalism as a for granted "imagined community," and asks how it affects class formation and class practices, or emphasizes material tensions produced by relations within the labor market, and their impact on the workers' resort to their national orientations, in turn patterning the ways classes are formed.³

Analysis of the way labor market struggles historically produced segmentation-by-nationality, and the way nationalist conflicts, in which laborers played a central role, economically facilitated class structuration, constitute an important shift in Israeli Labor historiography. According to the new approach, the market inferiority of Jewish workers in the first third of the century was a crucial factor in the social and political formation of Labor-Zionism, in the establishment of the Histadrut in the early 1920s, and, consequently, in Labor's segregationist practices in Palestine's economy. While earlier historiography focused, in its analysis of Labor's nationalist character, on the evolution of the movement itself, its mobilization of Socialist Constructivism and its bureaucratic make-up, the new interpretation introduced a much-needed material perspective.⁴

Basing itself on older explanations of Labor-Zionism's economic failures, and on theoretical perspectives of the connection between market segmentation and workers' nationalism, this interpretation shifted the focus to market politics and to the economic bases of political action. Accordingly, Labor-Zionist practices were now interpreted mainly in terms of the failure of Jewish immigrants and laborers to assure their own survival, and of their ability to improve their living standards through the artificial control of market forces. These forces, exemplified by the preference of both British and Jewish employers for cheap Arab labor (and the consequent obstruction of the market absorption of Jewish "expensive" workers), made the organization of Jewish Labor imperative. By focusing on Jewish working-class formation and on Labor's political hegemony in

the *Yishuv* (the Jewish settlement in Palestine, pre-independence Israel), the Movement, and the Histadrut as its major centralized organization, were constructed in such a way as to bypass market forces by creating proto-state structures. Such attempted neutralization of market forces meant advancing Jewish economic autarchy, the segmentation of the economy for the purposes of excluding Arab workers from the Jewish sector and assuring Jewish workers' employment, and political autonomy in which the worker-employer conflict, particularly within the *Yishuv*, would be minimized. Viewing Palestine not as a dual entity but as a unitary political and economic system, this relational interpretation allowed a better understanding of the mutual impact of Arab and Jewish national formations, and of material and ideological processes.⁵

The importance of this interpretive turn lies both in its emphasis on the material pressures experienced by Jewish workers in order to explain political processes, and in its contextualization of the organization of Jewish Labor within the Arab-Jewish conflict. However, as the following discussion suggests, by assuming a direct connection between laborers' economic inferiority, the creation of the Histadrut, and the practices of segregation, it ignored two aspects which surfaced in the *Litvak* case: First, the inability of the Histadrut in Palestine's urban areas to face challenges through workers' strategies and the evolution of fragmented foci of power. Second, the close relation between this weakness and the creation of the Histadrut in the towns, on the basis of a variety of social and cultural institutions and symbolic boundary-making.⁶

As the main emphasis of the new materialist approach was on the economic inferiority of the Jewish laborer, national segregation became entirely a question of market control and the Labor bureaucracy which was destined to effect it. Still, as the present discussion argues, Labor nationalism was not a *deus ex machina* phenomenon, nor could the interaction between these factors be reduced to material processes alone; rather it was social organizations and community networks which made the link possible and concrete. In periods of nation-, class- and labor-formation, such as the period of Jewish immigration to Palestine after World War I, when new political and economic situations affected the reconstruction of older forms of solidarity, it was community making, and the discursive and normative understandings which it produced, that mediated between market experience and national practices; constructed the meaning of material realities and translated them into political collective action. In the post World War I

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development of Labor-Zionism, the link between workers' market realities and participation in segregationist practices was crucial, but its daily manifestation and persistence among workers also depended on the community and the legitimatory language with which social activity was aligned. Thus, as will be argued below, from the perspective of the evolution of the Comrades' Courts, market tension cannot alone account for Labor's segregationist orientation, and, as collective action, the latter entailed a wider strategy than market control. This wider strategy was based not only on the bureaucratization of the Labor Movement but also on the construction of Jewish Labor as a moral community. This can be demonstrated through three aspects which will be discussed in this chapter: the context in which the tribunals originated, their local specificity, and their role in community-making.⁷

Objective Possibilities

The evolution in many of Palestine's towns of *Mishpat-Khaverim* – Comrades' Courts, or Labor Tribunals – represents a contrast to the historiographical picture of the institutionalization of solidarity in the Jewish Labor Movement during the early phase of the British Mandate. The tribunals were conceived as a form of internal and autonomous Histadrut arbitration between workers, as well as between workers and Labor institutions, in which the judges came from the ranks of the workers. However, while the political leaders in the Histadrut's center of power held a general conception of community institutions, reflected in the skeletal structure drawn up at the Histadrut's founding convention in 1920, there was no clear formulation as to their shaping and operationalization. This is exemplified by the relatively autonomous and grass-roots evolution of the town Labor Councils, particularly in Haifa, Jerusalem and Tel Aviv, and of their institutions, such as the tribunals. Formally the tribunal was a legal body, purporting to act under the auspices of the Histadrut Executive and the Histadrut's Supreme Court (the higher appeal instance for all the tribunals), as an internal, local mechanism of dispute-resolution. However, it evolved into a cultural institution, operating on the boundary between the "internal" world of the Labor community and the "external" sphere of workers' and Labor's economic and political experiences.⁸

The emergence of the tribunals can be perceived as a continuity of anti-legalist and informal-justice traditions.⁹ Long before the twentieth

century, Jewish experience in the Diaspora produced a variety of forms of legal relations with the political authorities under which they lived, and relatively effective autonomous religious and communal structures. Within some Jewish communities, there were societies of artisans and workers who held their own arbitration courts. Common to these bodies was a general suspicion of "foreign rule," ambivalent acceptance of the latter's rule of law, and emphasis on communal mediation and arbitration. This tradition of reciprocal duality of outward anti-legalism and internal, autonomous regulative culture persisted during the British Mandate, despite the self-representation by the Zionist elite of creating a totally new type of society in Palestine.¹⁰

Furthermore, communes in nineteenth-century Europe and the United States established traditions of popular justice evolving in parallel to Jewish organizational culture in the Diaspora. In Tzarist Russia, from where many of the Jewish workers in Palestine came, a variety of experiments in lay legality, particularly in the rural sector developed, which partly served as alternatives to centralized control.¹¹ European industrial tribunals and Social-Democratic experiments with internal disciplinary structures may have been influential as well. After the turn of the century, an ideology of Socialist legality struck root in some European countries, climaxing in the involvement of Marxist and Communist legal thinkers in the Russian Revolution, and in the institutionalization of Bolshevism after the Russian civil war.¹²

These legacies of autonomous organization may have influenced the political parties that established the Jewish Labor Movement in Palestine during the first two decades of the twentieth century, particularly the Marxist-oriented Poalei-Tzion; but they did not find any legal institutional expression during this period. Jewish working class formation in Palestine before the First World War was slow and gradual, hardly creating a social basis large enough for the development of a social movement or the articulation of workers' legal needs. The People's and Comrades' Courts established by the Russian Bolsheviks after 1917, themselves reflecting a continuity of pre-revolutionary informal-legal structures, no doubt inspired Palestine's Labor politicians and ideologues; but there is no documentary evidence as to who "imported" their spirit into Palestine or when. At the founding convention of the Histadrut in 1920, at which the Labor political parties handed over a variety of functions to the new, weak organization, questions of legality were hardly mentioned. Under the unstable conditions

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of British occupation and the initial organization of the *Yishuv*, legal institutionalization was but minimal.¹³

Moreover, while the local town Labor Councils which initiated the tribunals were run by political parties, they were only partially dominated by Achdut Ha'avoda (a descendant of Poalei-Tzion) – the party that played a key role in the organization of the Histadrut. Similar to other local Council institutions, whose evolution provided career opportunities for a variety of Labor activists, the tribunals reflected the laxity of party control over the social bases of the Histadrut, and the immaturity of organized Labor. Facing the increasing influx of Jewish immigrants, the lack of power to materialize institutional centralization, and enhanced anti-Zionist opposition from Palestine's Arabs, Labor's top leaders relegated what they viewed as secondary questions of legality and internal discipline to local initiative. On these would depend the mobilization of workers for the implementation of the Histadrut's original purpose of artificially "bypassing" market forces. Local conditions, specific incidents of labor market tension, and political problems of representation were more influential on the local organization of Labor institutions than top-down bureaucratic regulation which aimed to enforce general labor market strategies. Lacking any directives from Labor's political elite, the evolution of the local Comrades' Courts can therefore be regarded as a reactive, unplanned, grass-roots affair.¹⁴

Although the courts were formally defined by leaders of the Labor Councils as bodies for mediation, to which workers were required to turn before turning to any other legal institution, their evolution can only be partly explained by bureaucratic needs. The initial operation of the courts should be contextualized first and foremost in the tensions produced by the experience of absorption difficulties of immigrants and workers in the labor market. Facing Palestine's low economic absorptive capacity, market domination by low-paid Arab workers, opposition from British and Jewish employers to the employment of "expensive" Jewish labor, and lacking any State-like legal protection, Jewish laborers opted for a large repertoire of strategies: reduction of pay demands, relinquishing claims for better working conditions, competition among themselves and against newly arrived immigrants, and frequent changes of jobs, workplaces and geographical locations. These individual strategies enabled the Jewish worker, particularly in the manufacture, construction and stevedoring sectors, to be placed at the same level as cheap Arab Labor, and to limit

employers' approaches to more recent Jewish immigrants who threatened veteran workers.¹⁵

Self-organized groups of workers became small-scale contractors and offered employers savings on labor costs. In the construction sector and in carpentry, such contracting groups preferred to buy cheap materials and tools from Arabs, thus aggravating the competition with Jewish suppliers and other groups of Jewish workers who wished to specialize in these artisanal ventures. As these contracting groups began to employ workers, thus creating inter-group distinctions, deferral of payments and "exploitation" of newly-arrived immigrants, they distanced themselves from the majority of town workers, thus blurring their distinction from employers.¹⁶

The failure of many Jewish town workers to overcome economic inferiority was accentuated by the 1922-1923 cyclical down-turn. Unemployment rose, and competition among Jewish workers intensified. Workers' economic individualism began to threaten the recently-established Labor Councils, and their attempts to enforce a collectivist strategy of market and social control. This was exemplified in the fact that in seeking job security, and fearing that they would be unable to ensure the livelihood of their families, many workers opted for abstention from disputes with Jewish employers over the employment of Arabs or the improvement of working conditions. Through such abstention, workers expressed doubts regarding the logic of collective action propounded by the Councils' leadership. This, in turn, produced enormous tensions, particularly in small-scale manufacture as in the *Litvak* case, with workers who espoused militancy and who tried to oppose breaches of strike solidarity. Wild-cat strikes and attempts to force Jewish employers to prefer Jewish over Arab workers, though short-lived, created "pockets" of unorganized solidarity and a momentary sense of power vis-a-vis employers and organized Labor. Many workers were involved in small-scale violence which reflected both material pressures and Labor's inability to alleviate it. Violence often erupted at the docks and construction sites, both between workers who were competing for a casual job, and between workers and Histadrut officials who attempted to regulate dock-work. In the context of the economic instability of the early 1920s, and the weakness of the Histadrut in enforcing a country-wide policy of market segregation, these strategies and anti-collectivist expressions reflected the fragmentation of the nascent Jewish working class, and particularly the fragility of the Labor Councils.¹⁷

The problems faced by Jews in the labor market thus produced not only Arab-Jewish tension. Survival strategies and inter-group conflicts were part of the proletarianization of Jewish immigrants; and although class formation was ideologically espoused by the Labor elite as a precondition for countering Arab market domination, the strategies severely threatened the capacity of the Labor Councils to enforce market control and persist in institutional building. A variety of forms of organizational and political dissent were commonplace. Tension and small-scale violence was characteristic of political assemblies, organized by the parties represented on the Councils, in which anti-Zionist Communists and representatives of mainstream Labor played a central role. Denunciation, slander, and defamation, on personal and political levels, reflected not only interpersonal and social tension, but also opposition to local authority.¹⁸

The Histadrut regulations were often violated: many workers attempted to evade paying membership dues, challenged the attempts of the Councils' Labor Exchanges to control allocation of employment, and opposed Histadrut attempts at regulating relations with employers and containing unrest in the *Yishuv* economy. Organizational protest was also reflected in workers turning to an "external" authority (the British police or *Yishuv* institutions), and in their almost total refusal to fulfill institutional regulations and accept their entailed sanctions. Leftist opposition to the policies of the dominant political elite on the Councils turned these into political arenas where ideological domination and political authority were challenged. Contestation and the culture of disobedience which it cultivated revealed the extent of the lack of discipline in organized Labor, the resilience of the political opposition, and the incapacity of Labor's leaders, both nationally and locally, to maintain the hierarchical collectivism made imperative by economic and political conditions. The Councils, collective and hierarchical organizations, partly financed through Histadrut channels by Zionist national capital, and based on the need to absorb Jewish immigration, were forced to face the individual workers' strategies by creating disciplinary and social-control mechanisms.¹⁹

No less significant for the evolution of the tribunals were workers' pressures from below, which sought to resolve inter-personal conflicts and to materialize their expectations of Council bureaucracy. As proletarianizing immigrants lacking any institutional alternative, many workers perceived the Councils as sheltered enclaves. Within their frameworks, they could unravel their material and social difficulties caused by chronic unemploy-

ment, resolve conflicts, and regulate social relations. In expressing their "moral economy" they sought to claim their rights from the organization and to express both loyalty and disobedience. In transferring economic experience to a neutral and political collective terrain, as the Council tribunals were perceived, the workers demonstrated that the collective not only imposed itself upon them, but that their individuality materialized within it. It was not surprising, therefore, that the tribunals emerged as communal institutions against the background of the consequent widening gap between workers' spontaneous responses to market circumstances in the towns, and Labor's attempts to structure a collectivist and organized struggle.²⁰

The sense of the specificity of workers' problems, the inability of the Labor bureaucracy to regulate conflicts, and the particular needs of a weak Labor Movement which aimed to coalesce workers in the realization of the Zionist project, were exacerbated by problems of representation. The legal options for both workers and organized Labor in the 1920s were scarce. Not until the 1940s did the British Mandatory Government provide significant legal labor protection, and apart from some ordinances, the Ottoman legal culture, perceived at the time as corrupt, was largely maintained. Under the British administration, the courts seldom dealt with labor relations, and were portrayed by Jewish workers as "negative", as was police intervention in labor disputes. The British Arbitration Ordinance, under which all arbitration procedures in Palestine, including the Histadrut tribunals, operated, was handed down only in 1926, following many years during which workers learned not to expect much of State authorities.²¹

The nature of the Comrades' Courts as an alternative was well-reflected in the perception of their local initiators, backed by pressure from the rank-and-file, of the necessity for practicing autonomous regulative mechanisms, and of creating a non-Bourgeois workers' legal culture. Part of the *Yishuv's* legal establishment (such as the "Hebrew Peace Court") barely dealt with Labor issues, and left employer-worker relations to be mediated at the level of the work-place. "Sadly trials have become very widespread," contended the Secretariat of the Haifa Labor Council in July 1922:

The tribunal file thickens, containing interesting material. In all the cases we see a tremendous will by the members [of the Histadrut] to be tried only by our institutions . . . by elected judges . . . [mainly for] not wishing to take things out, to the circles opposing the workers, [this is because of] members'

negative attitude to the opinions and views of the Hebrew Peace Court, which is basically landlordist [bourgeois], [and] the incapacity to pay the high taxes that the Peace Court and other institutions of the [Jewish] community impose on the workers without any consideration of economic conditions.²²

Other legal frameworks, such as the Rabbinate which aspired to regulate the religious life of the *Yishuv* as a whole, and the Honor Court of Law, established by the Zionist Movement, which was irrelevant to workers' lives, were partly responsible for workers' and Labor's negative and anti-institutional attitudes. Yisrael Bar-Shira, a prominent Labor legalist claimed:

It was the conviction of the worker that one could not be certain that judicial consideration would be penetrating and accurate if a dispute was mediated by people distant from his life, his work conditions, and the complex problems which beset him, that brought about the organization of special courts by the elected institutions of the workers.²³

The tribunals were therefore originally intended by the organizers of the local Labor Councils to be used for a variety of purposes: to ease internal social tensions, to regulate relations among workers and between them and their communal institutions, and to enhance the Councils' authority by defining violators of collective arrangements. However, when local Labor leaders are perceived not only as bureaucrats attempting to mobilize workers in the Labor-Zionist project of creating a Jewish autonomy, but also as moral entrepreneurs keen on constructing a defensive moral enclave within a hostile economic and political context, it becomes clear why the local tribunals and their "normative work" were initially endowed with the highest functional significance. Not surprising, either, was the fact that in the circumstances of its chronic weakness, local Labor turned to reproducing the autonomous structures of dispute-resolution known to Jews from the Diaspora, and attempted to instill them with new Labor-Zionist contents. This was well-illustrated in the tribunal's perceptions in the *Litvak* case: in violating the strike he not only gave the employer power but transgressed the boundary of the community. The sanction which the tribunal imposed upon him testified not only to what should be done to those who encouraged employers' freedom of action but also to the social construction of communal deviance.²⁴

For Labor's country leadership this local development was more than it could expect in the circumstances of the Histadrut's weakness. Perceiving the Councils' mobilization project as proof that the notion of regulating workers for the purpose of market segregation was materializing, Labor's national leaders left the localities a lot of room for independent initiative. In mirroring the development of the Labor Movement as a whole, this course of action determined that the power-center of the Histadrut depend on an urban social basis. It also emphasized, as the following data demonstrate, the extent to which a labor locality and local social organization could cultivate specific, local-oriented practices.

Local Dimensions

The place of the Comrades' Courts in local community-making is well illustrated in the case of Haifa. This is particularly so, as the problem of the inferiority of the Jewish labor market in this town was a significant factor in the establishment of the local Labor Council under which the tribunal operated. Haifa of the early 1920s was largely an Arab town comprising a largely local-born and immigrant Muslim and Christian population. A Jewish minority of mainly Eastern-European immigrants was beginning to establish local Jewish institutions, and with the aid of Zionist "national capital" was settling in various parts of the town. Within this small immigrant community, a relatively large stratum of Jewish workers evolved, the majority of whom were Histadrut members, organized in early 1921 by the Haifa Labor Council, as shown in Table 2.1.

The proletarianization of Jewish immigrants was intensive, followed by organizational responses and characterized by an enhanced social and political presence of the Histadrut in this port town. However, as the data in Table 2.1 illustrate, the number of workers in the last third of the decade drastically declined, mainly for economic reasons (the recession of 1926-7), along with the weakening of the Histadrut's local social base. Class formation and Histadrut membership were thus closely associated with economic cycles.²⁵

The local tribunal began to operate in mid-1922 under the auspices of the Haifa Labor Council, and during the first two years of its operation, it dealt with 62 cases. During the next three years (1924-1926) of further intensive Jewish immigration to the town, the number of Jewish workers rose dramatically. During this period, the local tribunal dealt with no fewer

than 1,143 cases. While the decline in the number of tribunal cases towards the end of the 1920s reflected the downturn in Histadrut membership, the tribunal as a community institution proved to be vibrant and resilient. This

Table 2.1 Jewish labor in Haifa, 1922-1929*

Year	Population of Haifa (Arab and Jewish)	Jews	Jewish Workers	Histadrut Members (Haifa Labor Council)	Tribunal Cases (Haifa Labor Council)	Tribunal Cases per 1,000 Histadrut Members
1922	24,630	6,230	1,851	1,033	7	6.78
1923			2,000	1,252	55	43.93
1924			2,900	2,150	259	120.47
1925			3,700	2,650	305	115.09
1926	35,000	15,500	4,812	3,337	579	173.51
1927			4,600	2,500	374	149.60
1928			2,691	1,858	244	131.32
1929	38,500	15,800	2,929	1,837	236	128.47
Total					2,059	

* Numbers of workers do not include workers' spouses.

Source: See note 25. Data on tribunal activity was compiled by the author, based on the files of the various Labor Councils regarding the tribunals, at the Lavon Institute archives.

can be seen in the stability in the number of tribunal cases per 1,000 members. The trend of a steady increase in tribunal cases until the mid-1920s is graphically presented in Figures 2.1 and 2.2.

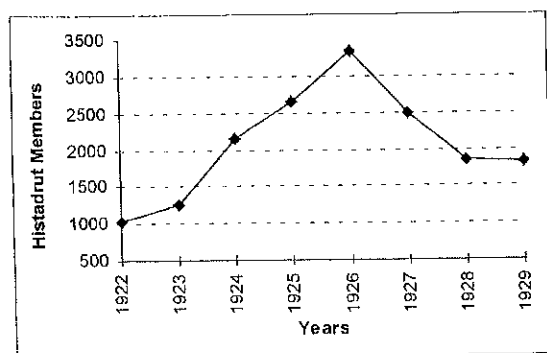


Figure 2.1 Histadrut members in Haifa, 1922-1929

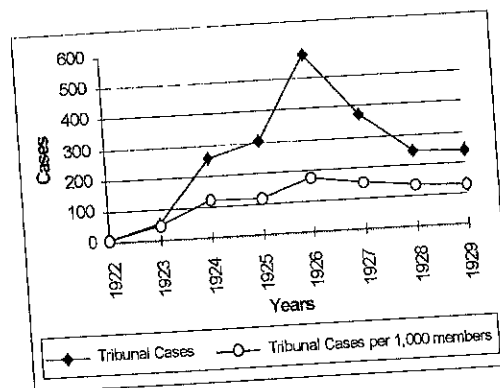


Figure 2.2 Number of tribunal cases in Haifa, 1922-1929

The large number of cases in this small Jewish workers' community reflected the centrality of the tribunal in its collective life. More significantly, it was associated with the sensitivity of the tribunal to labor market factors and to economic cycles. The growth in the number of cases

Table 2.2 Unemployment and strike activity among Jewish workers in Haifa, 1922-1929*

Year	Jewish unemployed	% unemployed Jewish workers	Strikes (Jewish sector)	Number of strikers	Strikers per 1,000 workers	Lost workdays due to strikes	Lost workdays per 1,000 workers
1922	350	18.9	4	53	28.63	973	525.66
1923	400	20.0	7	120	60.00	2,075	1,037.50
1924	290	10.0	8	141	48.62	867	298.97
1925	460	12.4	17	844	228.11	11,031	2,981.35
1926	1,249	26.0	2	43	8.94	193	40.11
1927	2,240	43.7	6	328	71.30	12,198	2,651.74
1928	674	25.0	2	?	?	?	?
1929	253	8.6	13	198	67.60	3,625	1,237.62
Total			59				

* Numbers of unemployed are annual averages. In 1923 and 1927 many Jewish workers left to another locality or abroad. Data on strikes could not be found for 1928.

Source: See note 25. Data on tribunal activity was compiled by the author, based on the files of the various Labor Councils regarding the tribunals, at the Lavon Institute archives.

in 1923-1924 seen in Table 2.2 reflected the effect of the 1923 downturn in Haifa's economy on the increase in unemployment.

The gradual increase of tribunal activity during the 1924-1925 economic boom can be explained by the fact that despite the boom, unemployment and labor market competitiveness went on unabated, particularly during the spring-summer period when construction activity was typically at a peak. This may have also reflected the aggravation of the internal social conflict within the Labor community following changes in the social constitution of Jewish immigration to Palestine, and as a consequence, a radicalization in labor relations. However the association of tribunal activity with unemployment was not clear-cut, as the data for the end of the decade demonstrate (Figure 2.3).

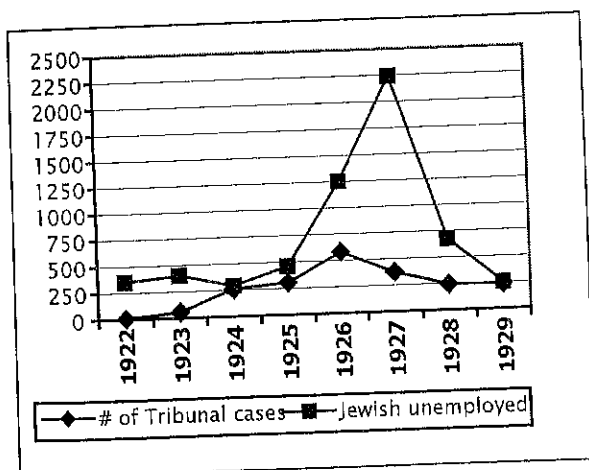


Figure 2.3 Number of tribunal cases and Jewish unemployed in Haifa, 1922-1929

The relationship between tribunal activity and strikes is unclear as well. While the number of strikes increased during the boom period of 1924-1925, their effect on tribunal activity was ambivalent. On one hand unrest in labor relations, could result in an increase in tribunal activity. Alternately, because strikes often functioned as collective events and as a substitute for the tribunal's collective-making function, the number of cases could decrease. Thus when strikes decreased, tribunal activity and enforcement of Labor's collective authority – a symptom of community – would increase. This was further reflected during the grave economic crisis

of 1926-1927 when unemployment soared, strike activity declined and, significantly, tribunal activity radically intensified.²⁶ To explain this ambivalent picture Table 2.3 shows an over-time correlation between measures of labor market activity and tribunal cases.

The correlations denote, first and foremost, the strong connection between the size of the Labor community and tribunal activity. Secondly, they emphasize the positive correlation over time between tribunal activity and unemployment. In the long-term perspective, the increase in unemployment resulted in an increase in tribunal cases. Finally, of the six measures relating to strikes as collective action, three were found to be related to tribunal activity: strikes per 1,000 workers, which correlated negatively, and strikes and lost workdays which correlated positively. In other words, when the amount of strikes per 1,000 workers decreased, the number of cases increased; and when strikes and lost workdays increased or decreased, so did tribunal activity.

Table 2.3 Pearson correlation coefficients between number of tribunal cases and relevant variables*

	Number of Tribunal Cases	Number of Cases per 1,000 Histadrut Members
Number of Jewish workers	0.94	0.84
Number of Histadrut members	0.97	0.87
Number of unemployed	0.58	0.52
Percentage of unemployed of workers	0.33	0.28
Number of strikes	-0.08	0.01
Number of strikes per 1,000 workers	-0.42	-0.32
Number of strikers	0.15	0.20
Number of strikers per 1,000 workers	0.00	0.07
Number of lost workdays	0.21	0.30
Number of lost workdays per 1,000 workers	0.06	0.16

* Significance tests were excluded as it is impossible to know the degree to which the tribunal cases analyzed are representative of all cases.

The data thus illustrate the tribunals' contextualization in workers' market experiences and in the instability which accompanied the organization of the Labor Councils. However, their sensitivity to immigration and economic fluctuations was only a part of the explanation of why they struck roots. The fact, illustrated in Table 2.3, that the general magnitude of the correlation coefficients remained the same, even after

controlling for the increase of Histadrut membership, showed that many factors, and not only the numerical growth of the community, determined the intensity of the tribunal's operation.

Among these, top-down bureaucratic directions may be considered essential. Indeed as early as 1923, the tribunals' local-specific, autonomous development became an eyesore to Labor's power elite which ran the Histadrut from Tel Aviv, who feared that the tribunals might serve as overly decentralized foci of workers' power. The Histadrut sought to enhance its control over the social bases in the towns, particularly because of the increased competition for jobs and the intensification of wild-cat strikes. Thus the Councils, themselves undergoing regimentation by the Histadrut's power-center, became instrumental in the attempted top-down formalization of the tribunals' procedures. In general, the Councils were expected to portray the tribunals they created as a part of the Histadrut's general scheme of segregating the Labor market by providing workers with autonomous economic institutions specializing in contracting and marketing. Accordingly the tribunals were integrated in mid-1923 into the Histadrut Constitution, and formally structured in the centralized Histadrut Workers' Holding Company. The regulations, drawn by Labor politicians and Histadrut officials, and defined as "The Proposed Codex of the Comrades' Court," were vague and open-ended. No clear directives were handed down to the Councils as to how operate the system, how to adjudge and how to enforce verdicts. Apart from some basic procedural instructions which were handed down in a very unorganized and informal manner, and despite very vague directions that litigants should be dealt with commonsensically, in the spirit of the basic values of the Labor Movement, no basic code of laws was centrally formulated. Lacking basic juridical norms and not based on precedents, and because the tribunals were defined as an arbitration mechanism, formalization and centralization did not effectively alter the grass-roots foundations of tribunal activity.²⁷

Largely left to their own devices and reflecting the spatially fragmented nature of the formation of the Jewish Labor Movement, the emergence of the local tribunals cannot be reduced to mere market control, or to top-down bureaucratic orchestration. As will be suggested in the following analysis of a characteristic tribunal event, in expressing both social control mechanisms and workers' moral economy, they practically evolved into cultural institutions and a crucial constituent of a sense of community.

Informal Justice

The fully documented discourses of the tribunals and the arbitrations are a unique source of workers' individual strategies and Labor's attempts at their normative regulation, as they reveal the entire legal process and cover most of the urban localities. Transcripts often include the entire story, beginning with the detailed complaint, to the formal summoning of litigants and their witnesses, the presentation of the cases for the plaintiff and the defense, conversations with the judges and the accompanying correspondence, and ending with the detailed verdict. This allows us to examine, beyond the end-result of a litigation, the basic assumptions, expectations and frustrations of the litigants and the Labor bureaucrats, which were crucial to the tribunals' decision. The tribunals' minutes are unedited and uncensored, and enable us to "hear" the litigants and the judges talking, and sense their anger, deference and moral language. This aspect is significant in that during this formative period, the Histadrut's coercive powers of enforcement and exclusion were slack and the Histadrut's governance of its members was in the main achieved culturally, through "local knowledge" and cultural domination over words and deeds. In the case under discussion, these were much more telling of the workers' collectivity as a socializing experience, than the recorded manipulative actions of Labor's collusive bureaucrats.²⁸

Tribunal events often began when sides to a conflict were warned and threatened. Thus groups of construction workers competing with the Council's Labor Exchange over a construction job were threatened with exclusion from the Histadrut. The Council repeatedly warned new immigrants that unless they ceased to attempt independent absorption into the labor market, they would not be eligible for Histadrut support services, particularly those of the Sick-Fund, the Workers' Kitchens and the Loan-Fund. Recruiting groups and small unions were warned that closing their ranks to new immigrants, women and the unemployed would result in demeaning them in job allocation or tribunal litigation. Furthermore, at the beginning of a tribunal session it was quite common for the judges to warn the litigants not to use the tribunal for defamation and slander. A warning against future misbehavior often replaced more severe sanctions, and though often ineffective, it sometimes served to resolve a conflict without the need for further litigation. Warnings and threats functioned therefore as a constant reminder to defiant workers of their rights and duties, of the

option to reverse their practices, and thus to initially create an atmosphere of legal fairness.²⁹

Bureaucratic steps were a prerequisite for the convening of a Comrades' Court. A worker or a Council institution wishing to summon a tribunal had to file a letter of complaint, or to have the administrators of the tribunal system, translate an oral complaint into an official complaint addressed to the tribunal judges, which endowed it with the necessary sense of authority. The form detailed the names of the plaintiffs and litigants, and of their fathers; the litigants' addresses and occupations; and the details of the complaint. When relevant, names and addresses of possible witnesses were included, followed by the signature of the plaintiff and remarks by the judges. This formalization linked the tribunal administration with other bureaucratic arrangements at the Labor Council and also gave individual litigants a sense that their complaint had received respectful treatment, written proof that their complaint had been heard. This was significant as the complaint form was then transformed into a formal subpoena sent to the litigants, and followed by a signed letter of acceptance. The letter of acceptance was again addressed to the judges and included confirmation by the litigant to appear before the tribunal on a specified date. It usually ended with "With comrades' greetings" and a signature, which endowed formal exchanges with a sense of the reality of community.³⁰

The pattern of workers' responses to being summoned reflected a crucial characteristic of the tribunals. While formally all Histadrut members were obliged to turn to the tribunal for dispute resolution before turning to any other legal authority, in practice, this obligation and its entailed commitments remained ambivalent. As part of an institutional enclave, the tribunals were intended to close the Labor community to external legal authority and thus to limit the introduction of non-labor ("alien" or "bourgeois") legal norms. The Councils often discouraged workers from turning to the British police or from using the magistrate courts when disputes could be resolved within the boundaries of the Labor community. However, because the tribunals confined themselves to issues that involved the experiences of the Histadrut member, a worker could turn to other legal institutions for non-labor issues, such as matrimonial or grave criminal cases. This bounded legal insularity, emphasized by the uncertainty whether defendants would appear at an arbitration or a trial, may have reflected Labor-Zionism, its principled openness to non-workers

and future Jewish immigrants, and its strategy of remaining a part of the *Yishuv* society; it may also have expressed Labor's desire to propagate its tenets outside the workers' community, thus emphasizing its pretension to social and political hegemony in the *Yishuv*. Whatever the explanation, the complete shutting-off of the members of the Histadrut opposed Labor's fundamental logic regarding the necessity of not alienating workers from the *Yishuv*, and of striking alliances and accommodations with non-Labor sectors in Jewish society. This was instrumental in the Labor community's project of limiting, insofar as possible, the free play of market forces and in lessening the impact of the authoritarian practices of the Mandatory regime.³¹

The fundamentally non-coercive nature of the tribunal event was further reflected in the nature of the judging authority. The judges were not chosen by the litigants, as some forms of arbitration would have it. They were either elected by members of the Histadrut on the day of the election of the Labor Council representatives, or chosen by the plenary body of the Labor Council, once a year, when a judge asked to be replaced. The judges' status and legitimacy thus depended on two sources. One was their origin in the ranks of the workers themselves and the fact that they were non-professional, unpaid, and attentive to the specific problems of the public from which they came. Secondly, because many judges were elected from the ranks of the activists of the Labor Council (mainly local Labor officials and trade-unionists), they could be expected to act according to Council policies. The pattern of the judges' election showed, however, that there was no clear party control over the tribunals, nor was there political selection of judges by the Labor elite. Moreover, some of the local judges politically opposed the dominant Achdut Ha'avoda party, and often expressed their anger at politicians' attempts to intervene in tribunal decisions.³²

In order that the popular standing of the judges be endowed with some semblance of power, the litigants signed an "undertaking." By this, they agreed to turn their individual dispute over to the Khever-Shoftim (literally the Jury of Judges, workers' representatives who served as judges), and to accept its verdict (or to appeal within seven days). This commitment to accepting the voice of community was enhanced by the somewhat formal atmosphere of the opening stage of a tribunal session. Dominant in this stage was the language of legality and entitlement, by which an individual worker prosecuted or was prosecuted on matters of

rights to economic or political protection or duties as a Histadrut member. The worker who broke the rules of the Labor Exchange, who sided with Arab workers when fellow workers were unemployed, the worker who was denounced to the British police and consequently arrested, a workers' cooperative deteriorating into bankruptcy without taking care of its members, a union shirking responsibility towards its members, or a Labor Council's institutions sued for unfair or unequal treatment of workers – all used a similar language which gave the tribunal its equal, fair quality.³³

At this stage, the formal subpoenas and undertakings of the disputants were exchanged and, naturally, the initial individual or institutional presentation of the matter was typical. As the litigants presented themselves, unaided by councillors for the prosecution or the defense, and as the judges handled the cases without a code of laws, the participants in the tribunal events could demonstrate their basic understanding of the formal nature and implications of their case. It was at this stage that voices of challenge to authority, resistance to misconduct, and Labor's formal explication of wrong-doing, could be heard. The tribunals evolved as a site where experience could be mediated in informal and morally- and politically-laden terminology as they handled the most basic issues of workers' lives, and particularly their economic experiences as immigrants attempting to become absorbed in Palestine's urban economy.³⁴ The issues (financial, honor and violations) dealt with by the tribunals are shown in Table 2.4. Financial issues included Histadrut membership-tax evasions, compensation claims and various individual claims. Honor issues included slander, defamation, insults, hitting and spitting. Violations included organizational disobedience and breach of organization and strike solidarity. Mixed issues refer to cases dealing with more than one issue.

What breathed life into the tribunals was therefore not only their intensive use by Labor bureaucrats and workers, but the fact that the agenda set by the issues brought before them – from absorption into the market and weakness vis-a-vis employers and the British authorities, to organizational conflicts – was the most meaningful to workers' lives in the harsh economic and political conditions of the 1920s. Thus, when the Labor Council summoned to its comrades' court a construction worker who had violated the Council's Labor Exchange rule of not approaching an employer independently, it in fact brought before the court the question of the Council's weakness in challenging Jewish employers' preference for Arab workers. And, in the same manner, when a carter claimed compensation

Table 2.4 Tribunal activity at the Haifa Labor Council, 1922-1929*

Years	Financial	Cases by Issue (Judge's Definition)			Total
		Honor	Violations	Mixed	
1922-3	30	1	5	12	48
1924-5	196	39	20	58	313
1926-7	278	47	24	37	386
1928-9	114	26	22	21	183
Total	618	113	71	128	930

* 858 (of 2,059) cases were found in the archive. The 930 total indicated that some cases dealt with more than one issue.

Source: See note 25. Data on tribunal activity was compiled by the author, based on the files of the various Labor Councils regarding the tribunals, at the Lavon Institute archives.

from the carters' union committee, which had forced him to employ a fellow-worker he did not want, one who had harmed one of his mules causing him grave economic loss, he in fact brought before the arbitrators the question of his personal failure to survive in the Arab-dominated cart-transport business.³⁵

The users of the comrades' courts, both the workers and the institutions of the town Labor Councils, related to them as powerful collective arenas, both because distinctive individual economic experiences were mediated through the tribunals into common collective experiences; and because of the actual need of those who submitted their issues to communal arbitration, to translate their distinctive stories into an informal legal discourse. The tribunals thus gave the workers a sense of communal protection while they themselves took part in its construction. For the immigrants-turning-into-workers, who were manipulated by State-building elites and whose survival was threatened by the neglect of Imperial authorities, by Arab domination of the labor market and by the fragility of Jewish communal institutions, this was crucial. The initial act of transferring economic experience into an informally-run mediation situation, which was also perceived as fair, was essential in linking the harsh reality of economic inferiority of the individual Jewish worker and Labor's attempt at collectively organized neutralization of market forces.³⁶

Furthermore, the ceremonial aspect of the tribunal situation served as a persistent, ritualistic reminder to the disputants and to Labor's organizers of the circumstances in which they lived. In the context of British sovereignty over Palestine and the Arab majority in the towns, this

reminder served as a warning against misbehavior and, more significantly, as a signal of the dangers facing Jewish workers and their organization. The fact that the tribunals often served workers who contested the power of local Histadrut leaders taught the latter of the reality of workers' experience, and allowed them to consolidate their power but also limited their options. However, formality never masked the intimacy created by the integrity of the tribunal event, by the lack of distance between the disputants and the arbitration authorities, and by the relatively democratic selection of the judges. This was one reason for the tribunals' popularity and why they attracted even unorganized workers. The feeble legal-material and legal-procedural framework gave the tribunals their definition as an informal, cultural and non-coercive justice system; and also endowed them, particularly in the eyes of many town-workers whose activities were regularized by other much more centralized Labor institutions, a fair and alternative-like aura. In a sense, the tribunals became havens in an alienating world: for local Labor leaders, seeking to convey the essence of collective action, they compensated for their powerlessness in promoting workers' interests; for the workers at large, they served as a substitute for the chaos and harshness of the unfavorable market economy.³⁷

Legitimization Through Classification

The formality of the opening of a tribunal session soon gave way to a much more highly-charged atmosphere. Moral language began to infiltrate the "theatrical" juxtaposition of the opposing disputants and classificatory terms took the place of formal language. The terminology of responsibilities and social obligations among workers, as well as between workers and the Labor community, became dominant; and the disputant's individuality was now contextualized and discursively "collectivized". The carter who suffered economic loss could now hear that his responsibility towards his unemployed fellow-carter was more important than his weakening market position. The construction worker who approached an employer without the permission of the Labor Exchange could hear voices accusing him of weakening the collective and its necessary hierarchical structure. The Communists who supported Arab-Jewish class solidarity, spoke Yiddish in Labor assemblies and opposed the Zionism of Labor

leaders, could now hear the moral and political rationale for their exclusion from the community.³⁸

The shift could be the result of the individual litigant's desire to cling to a collective authority, or of the tribunal judges who deemed it legitimate to speak in the name of Labor as a communal entity in the making. In both cases, individual experience was discursively enfeebled, and the voice of the nascent community took over. Resistance and challenge, characteristic of the earlier procedural phase, dissolved into collective understandings as expressed by the judges' probing. In fact, the boundaries between the individual and the community became vague, and collective notions of labor market action overrode individuals' narrative of their tribulations. In this sense, the moral codes exemplifying the need for a cohesive community masked the narrative of economic reality, and often seemed to be a manipulation of the individual experience for the sake of the collective.

This situation harbored a paradox: the more intensively workers brought their individual economic tribulations to the tribunal, the more they became exposed to the intervention of an overpowering language which turned their personal market ordeals into collective experiences. While their claims actually challenged the authority of collective organization and its failures in the labor market, and demanded individual resolution and a personal outlet, they in fact became more dependent on the tribunal's collectivist discourse. To go before a tribunal was not only to create it, and enhance its institutional status, but to expose oneself to molding and to a variety of judgmental references, which in themselves depended on the case-material brought before the tribunal. In this sense rhetoric aimed at deepening social homogeneity was fragmented by workers' survival strategies. Still, as workers became conscious of this process, they were driven to look for other, non-Histadrut, legal frameworks.³⁹

The rhetoric of homogenization and collectivity was illustrated in a variety of utterances which related to the authority structure of the Labor Council and of the workers' community as a whole. The personal loyalty of the worker to the Labor Movement became the measuring rod for the success of the Histadrut's collective action in the market. The responsibility of individuals to help restrain opposition to the Histadrut emerged as a fundamental precondition for their economic survival and that of the community. This language of authority could be understood in terms of social control; nevertheless, it also gave the individual a place in the structure of decision-making and tactical action. The redefinition of economic

experience in terms of its relation to authority was predicated on the individual's dependence on collective organization as well as vice versa.

As judges and litigants came from, and were part of, the same context, the tribunal was allowed to use the language of insinuation and unspoken assumption. Because of their popular and non-professional standing, the judges often based their handling of the tribunal process on undefined ethical codes that took their deliberations in unexpected directions, expressing fairness and a variety of possibilities which the local political elite did not always espouse. Furthermore, as many of the judges were themselves workers, and had to sit on cases at the end of a day's work, they often postponed the opening of the tribunal and took a long time to deliberate. Because of the extended deliberations, as well as workers' mobility when seeking jobs, many cases were never resolved, even after recurrent hearings and despite complaints by litigants. This was the reason for the weak boundaries between the court's authority and the litigants, between the tribunal as a mediating and educational institution and the community of workers at large. Based on this integrative quality, the local workers' communities of the Histadrut in the urban sector became communities of action and meaning, created not simply through aggregation of politically mobilized individuals, but through the interactions among individual workers, individual Labor organizations, and in a larger contextual sense, among widely spread, weakly connected Labor localities.⁴⁰

The discursive transformation was not planned, nor was it based on a clear set of directives from Labor's political and bureaucratic elites, which were to a great degree disconnected from local Labor. It was rather a reflection of the pressure felt by all sides participating in the tribunal, which happened to pattern the problems faced by workers and their organization into clear and structured codes of meanings that would enable them to understand their economic, political and social environment, and to act upon it. In this sense, the tribunals produced and reproduced these codes in spontaneous reaction to the matters brought before them, much more than as channels through which an ideology, structured elsewhere, was expressed.

The patterning of codes and boundaries, in which the language of classification and polarization played a central role, organized the economic, inter-personal and political experiences of Jewish workers in juxtaposed, but closely interrelated, external and internal spheres. The first cluster of oppositions in the external sphere related to transgressions of

Labor's autonomy. Workers who turned to the British Mandate police to intervene in a conflict, or who, particularly Communists, incited Arab workers against Zionism, or those who, in one way or another, drew a too-radical image of the Histadrut, were discursively joined together in the wrongful act of deepening the political intervention of the authorities in the affairs of the community.⁴¹

Economic activity and its contextualization in the external sphere was treated in a similar manner, focusing on the implications of workers' strategies on perpetuating market inferiority. The manner in which tribunal language constructed the transgression of the political boundaries of Labor, and the need to delimit Palestine's political integration under colonial rule, applied also to the economic sphere, and particularly to the labor market. Black-leg workers who breached strikers' solidarity, who offered themselves to employers without the mediation of the Histadrut Labor Exchange, who were willing to reduce their demands concerning pay and working conditions in order to individually compete with cheap Arab labor, were collectively integrated into the wrongful act of supporting the free play of natural economic forces – that is, the market domination of cheap Arab labor and the cost-benefit calculations of employers. In both senses, the Jewish Labor community was not only threatened by political and economic incursions into its autonomy, it was also stripped of its capacity to artificially limit them. In a sense, the political unity of Palestine, exemplified by the presence of the British authorities in community life, and the country's economic unity, reflected in the exposure of workers to the impact of uncontrolled forces, were viewed by the tribunal's educational and morally binding language as needing to be checked and restrained.⁴²

However, this constricting of the workers' repertoire of strategies was strongly dependent on the essence of membership in the community. Workers who hit each other, spit in each other's faces, became small-scale contractors and employed other workers in a harsh manner, were all aggregated as importers of the normative mores of the world outside the community – the Arab or the bourgeois Jewish – and as blurring the distinctive, solidaristic values of the Zionist Labor community: simplicity, frugality, asceticism and anti-individualism. Furthermore, workers who violated authority, who defamed the leaders of Labor and who fractured the ranks by aggravating factional, social or political strife, were collectively depicted as destabilizing the internal political and social consensus of the workers' community. In these senses, social deviants and

violations became boundary markers as they allowed for the free operation of social tension and inner conflict, and as they disrupted the ongoing construction of the workers' community as a force purporting to attempt to limit the inroads of the outside world.⁴³

This discursive linking of the external and internal, the presence of the outside world in the community and the significance of its internal make-up to its projected operation outside it, focused the mediative role of the Comrades' Courts on the translation of the material experiences of Jewish workers into the practice of Jewish segregation and autonomy. It demonstrated that beneath Labor's institutional network, exemplified in the character of the Histadrut as a defensive enclave, operated a sort of a "moral economy": a cultural structuration of a network of moral understandings among Jewish workers, a symbolic sphere which constituted, for the workers within, and for various forces outside it, a consciousness of community and a sense of Labor as representative of workers' identity. The tribunal event was crucial in molding a legitimacy language by transforming disputes between workers, and between them and Labor institutions, into polarized codes and symbolic boundaries, into a signifying system which described and inscribed sanctioned individual and collective action. In relation to the need for both external and internal restraint of communal transgression, the tribunals acted not as a coercive institution, but as an educational framework in which binary thinking, denotation and connotation, and the construction of communal and anti-communal codes overrode. The Judges' conclusions of the cases and their verdicts taught the litigants that in order that their economic, social and organizational claims be legitimate, they should be transformed into a terminology of autonomy and segregation, and remain secondary to it. That this mediatization of the issues brought before the Comrades' Courts operated in the most sensitive foci of workers' lives, and was accompanied by a variety of ritualistic, organizational and moral sanctions, gave it constitutive powers: it turned Labor into a community of action, in which workers constrained their individual relations, actions, and survival strategies in the harsh economic and political conditions of Palestine, in favor of Zionist Labor's larger political project.⁴⁴

The drawing of boundaries brought the tribunal experience to a climax. The tribunals' vibrancy, punctuated as it was by economic circumstances, was essential in setting the stage for the Labor Council to constitute itself as a symbolically bounded workers' community, and in the filtering of the

larger aims of Labor-Zionism through local and particular needs. While the Judges were preparing their conclusions, the litigants resorted to what was left of their attempts to convince, to appear just. The voice of the community heard through the authoritative stances of the judges closed the circle initially opened by challenge and resistance. Even in the most mundane cases, such as membership-tax evasions and abstention from showing up at trial, implicit and explicit treatment of those who could continue to be considered part of the community, and those who belonged to the world beyond, could be identified. Communal codes and anti-codes now found their fullest expression, and the logic of the tribunal theatre as based on classificatory and binary notions was now fully exposed. Zionist national images, as well as, obviously, worker-solidarity metaphors, played a vital role in this last stage of boundary-work; and they were well-connected to the morality of the community, to allocating credentials and, naturally, to the maintenance of Labor's hierarchical collectivism. Economic experience was reconstituted and socially institutionalized in terms of friends and foes, trustworthy and traitor. The languages of Zionism and of Labor's moral community became interrelated and mutually manipulative.⁴⁵

The role of the tribunals in the normative construction of a local Labor community was further enhanced by the sanctions entailed by the tribunals' verdicts. The problem of enforcement was already reflected, as noted above, in the uncertainty that individual litigants would show up for tribunal sessions, and in the drawn-out, often 'never-ending' nature of a tribunal event. Furthermore, it was never clear whether sanctions would be fulfilled. This open-ended quality of the tribunal was affected by the high residential mobility of Jewish workers, itself influenced by job opportunities. It could also be the consequence of the restraint of the Labor Councils, in the harsh circumstances of 1920s in Palestine towns, which chose not to exert additional heavy material pressure on workers that could revive opposition to authority and dwindle the ranks of organized Labor. This was characteristically reflected in the question of communal exclusion. While the tribunals' most powerful sanctioning weapon, namely, ousting defiant, rebellious members from the Histadrut, served as a threat, it was, in fact, enforced only with regard to what were perceived as irrevocable norms – the violation of strike solidarity and Communist anti-Zionist activity. Even in many such cases, exclusion was only temporary. Labor's need for a large social basis, and for maintaining its attraction to incoming Jewish immigration, was instrumental in this.

institutional restraint, though undoubtedly the use, albeit minimal, of exclusion in extreme cases of communal "misbehavior" reflected the extent of the threat these posed to the Labor community.⁴⁶

In this context, stigmatizing sanctions became dominant. The use of fines, usually effected in disputes over theft and non-payment of debts, reflected this pattern. Fines were usually small-scale in financial terms because of the chronic poverty of workers. However, as there was no certainty that the fines would be paid (either because of economic hardship or because defendants took advantage of the laxity of the system to evade them) they were used to moralize and educate. This testified to the "voluntary" nature of the tribunal situation. A worker could be fined by working without pay on the construction of one of the Council's buildings, or by losing his place in the line for job-allocation at the Labor Exchange. Groups of workers indicted for breaching institutional rules could be broken up, but their members as individuals would not lose their place on the lists of the Labor Exchange. There were cases which ended with more severe punishments, such as denial of Histadrut communal services, and workers who evaded paying membership taxes could be punished by annulling their right to Histadrut services. Again, in most cases the punishment was temporary and could be overruled after an appeal to the Council's plenary body. The gravest sanction, ousting a member from the Histadrut, was hardly used. Labor's fear of alienating itself from its social base was instrumental in this restraint.⁴⁷

The tribunals' recurrent use of public rebuke (with accompanying labels such as "parasite", "traitor", "saboteur") testified to the ritualistic and stigmatizing nature of this "educational" institution. Turning independently to an employer without first registering at the Labor Exchange, violating collective market struggles, or aggressive behavior toward other workers, often earned warnings, public rebuke and disrepute. Pardoning was widespread, mainly for economic reasons, but also widely publicized as a warning and as an occasion for the entire community to share the story of a misbehaving or defiant worker. As a strategy of community-construction, this symbolic boundary-making was crucial.⁴⁸

Response From Above

The tribunals' striking root and their role in the constitution of a workers' community were well reflected during the grave economic crisis in

Palestine in 1926-1927. The crisis revitalized the proletarianization of Jewish immigrants. The Jewish urban sector, in particular construction, on which the Jewish economy depended, was most severely affected. Unemployment soared (see previous Tables), and many workers were either de-skilled or lost their jobs. Skilled workers in manufacture and industry were now more willing to work in low-paid jobs as unskilled laborers. Recently arrived immigrants who settled in Palestine's towns in the beginning of 1926 found no work for months on end. Unemployment and the low demand for skilled work resulted in the deterioration of living standards, particularly hitting those urban workers who had begun to enjoy better living and working conditions during the 1924-1925 boom. Workers' struggles to improve working conditions lessened, unemployment again became the central concern of many workers, and workers' dependence on rapprochement with Jewish employers and on Zionist national capital increased. Jewish workers' incapacity to compete with Arab workers and to make Jewish employers support them became severe conflicts both among the Jewish workers and between them and the Labor Councils.⁴⁹

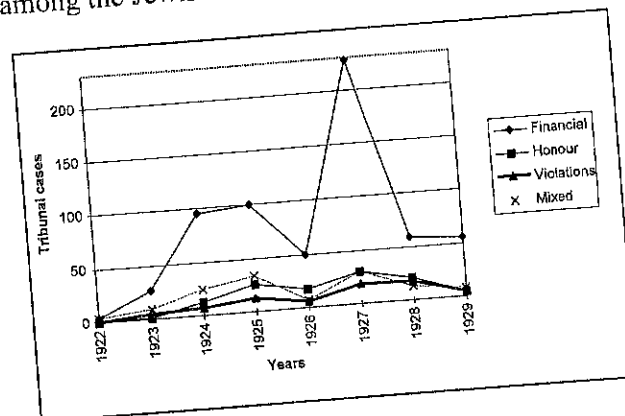


Figure 2.4 Tribunal cases by issues

A radical change in the subject-matter of tribunal activity could be discerned, as financial issues, much more than market competition or rule-breaking, became their central concern. This is clear from Figure 2.4.

Financial litigation by Labor institutions against individual workers intensified, particularly in matters of evading the payment of Histadrut and Sick-Fund membership dues, and non-payment of debts to the Labor Exchange and Workers' Kitchens. Furthermore, financial litigation

between individual workers, particularly compensation claims and claims of personal debts, intensified as well.

Table 2.5 Plaintiffs at the Haifa Labor Council Tribunals, 1922-1929 (person and organizations)*

Years	Person Total	Person v. Person	Person v. Org.	Org. Total	Org. v. Person	Org. v. Org.	Various	Total
1922-3	23	11	12	23	10	13	2	48
1924-5	162	101	61	122	76	46	2	286
1926-7	221	159	62	133	98	35	4	358
1928-9	93	80	13	70	57	13	3	166
Total	499	351	148	348	241	107	11	858

* The term "organization" includes the Haifa Labor Council, one of its institutions, and Labor groupings such as cooperatives, unions and work recruiting groups.

Source: See note 25. Data on tribunal activity was compiled by the author, based on the files of the various Labor Councils regarding the tribunals, at the Lavon Institute archives.

The change in the tribunals' agenda, shown in Table 2.5, reflected the deepening of workers' economic dependence on the Labor Councils and on each other. Furthermore, it pinpointed the extent to which the community was perceived, particularly during this time of crisis, as a lifeline, without which collective action in the labor market would be unimaginable. In this perception, the tribunals' dual appearance of both regulative and fair, played a key role.

The tribunals' change of agenda occurred, however, without the Histadrut Supreme Court, which served as an appeal instance for the local tribunals and was able to impose regulatory and procedural standardization. This gap deepened the conviction of local Labor leaders, particularly in the mixed Arab-Jewish towns such as Jerusalem and Haifa, that the tribunals should focus on mobilizing the workers in the normative and symbolic sense. For Labor's politicians at the Histadrut's power center, the local tribunals came to be seen as the epitome of their desired control of dispersed urban workers who otherwise lacked any structural framework other than their formal Histadrut membership. This made the tribunals' grass-roots development and the local specificity of their deliberations ever more threatening. From the original purposes of market control, setting an alternative to the *Yishuv* and mobilization of workers, the tribunals' agenda was now reoriented to dealing with the collective's

dependence on its social base, or with internal problems of membership, issues from which Labor's national bureaucracy was, in effect, distant.⁵⁰

The tribunals' boundary-work reflected the extent to which community-making was a central feature in the evolution of Labor in 1920s Palestine, and the focus of communal discourse on the necessary and reciprocal linkage between economic, social and political projects. However, this focus and its reflection of grass-roots power soon triggered a bureaucratic response from the power-center of the Histadrut. In early 1927, the national leaders organized a general convention of the Histadrut, aiming to draw conclusions from the crisis and set a blueprint for future activity. Among its decisions, the most significant were Labor's turn toward achieving political hegemony in the *Yishuv*, the deepening of segregationist policies, and the coalescence of mainstream political parties to these ends. In organizational terms, these political decisions entailed further control and centralization: of trade-union activity, of policies regarding organizational cooperation with Arab workers, and of the regimentation of town-workers through the Histadrut Labor Councils and their mobilization practices.

In this scheme, the tribunals, which had operated since 1923 under a "proposed codex", were perceived as needing standardization. Following the 1926 Arbitration Ordinance issued by the British Mandate, the procedures of the Histadrut Comrades' Courts had to be formalized, or tribunal verdicts would not be recognized by the district courts. In practice, formalization required treatment of problems of judges' professionalization, of efficiency in the handling of suits, and of the enhancement of enforcement procedures. These decisions depended on the local Councils and particularly on the tribunal judges. Accordingly, the Supreme Court of the Histadrut asked the local tribunals to draw up plans for standardization, thus perpetuating the dependence of the Histadrut power-center on local initiative. When local proposals reached the Histadrut Executive, they were barely dealt with, and the politicians handed them over to professional jurists, who pondered over the proposals for a long time. The hesitation of Labor's national elite in itself reflected its incapacity to resolve the tension created by the gap between its larger market-control orientation and its local community strategies. A formal procedural Codex (which still refrained from legal substance) was affirmed only in 1932, after four years during which central legal deliberations were molded by local practices.⁵¹ Thus the local tribunals taught the politicians the extent to which economic segregation depended not only on the sophisti-

cation of segregationist ideologies or on market control but, significantly, on the strategies of urban community-making.

The market-centered analysis characteristic of the new historiography of Labor in Palestine proved to be essential in drawing the context for Labor formation. However, as the workings of labor tribunals in the localities demonstrated, the materialization of the links between Labor and Zionism evolved in a much more complex manner. Tensions between center and periphery, the interplay between individualism and collectivism, and the negotiated process which characterized the making of community boundaries, affected the fate of the project of market control no less than the other way around. These local developments of Labor as a community would play a major role in the centralized state-building practices of the Labor Movement during the 1930s and 1940s, and in Labor's centrality in the Arab-Jewish conflict, and thus deserve further scholarly treatment.

Notes

The minutes (in Hebrew) of the Comrades' Courts of the Histadrut (Mishpat Khaverim, hereafter MK) on which this chapter is based, are found in the archives of the Labor Movement in the Lavon Institute in Tel Aviv (hereafter LA). All articles in the journals *Ha-Mishpat*, *Hed Ha-Mishpat* and *Davar* are in Hebrew. Other Hebrew sources are noted in parentheses.

¹ MK 147, 9 March 1924, LA/250-27-1-1891.

² For Labor-Zionism, see Mitchell Cohen, *Zion and State: Nation, Class and the Shaping of Modern Israel* (Oxford: Blackwell, 1987).

³ Geoff Eley, "Nationalism and Social History: Review Essay," *Social History* 6 (1981): 83-107; David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (London: Verso, 1991); Benedict Anderson, *Imagined Communities: Reflections on the Origins and the Spread of Nationalism* (London: Verso, 1991); John Coakley, ed., *The Social Origins of Nationalist Movements: The Contemporary West European Experience* (London: Sage, 1992).

⁴ For the new approach, see Gershon Shafir, *Land, Labor and the Origins of the Israeli-Palestinian Conflict, 1882-1914* (Berkeley: Univ. of California Press, 1996); Michael Shalev, *Labour and the Political Economy in Israel* (Oxford Univ. Press, 1992).

⁵ For earlier historiography, see Yosef Gorny, *Achdut Ha-Avoda, 1919-1930: Ideological Foundations and Political Method* (Tel Aviv: Hakibbutz Hameuchad, 1973, Hebrew); Anita Shapira, *The Futile Struggle: Hebrew Labor, 1929-1939* (Tel Aviv: Hakibbutz Hameuchad, 1977, Hebrew); for an ideological approach, see Zeev Sternhell, *The Founding Myths of Israel: Nationalism, Socialism, and the Making of the Jewish State*, trans. D. Maisel (Princeton Univ. Press, 1998); for the relational

approach, see Zachary Lockman, *Comrades and Enemies: Arab and Jewish Workers in Palestine, 1906-1948* (Berkeley: Univ. of California Press, 1996).

- ⁶ For the Histadrut as a community, see David De Vries, *Idealism and Bureaucracy in 1920s Palestine: The Origins of "Red Haifa"* (Tel Aviv: Hakibbutz Hameuchad, 1999, Hebrew).
- ⁷ Discussion was inspired by David F. Crew, "Class and Community: Local Research on Working-Class History in Four Countries," in *Arbeiter und Arbeiterbewegung im Vergleich*, ed. K. Tenfelde (Munich: R. Oldenbourg, 1986), 279-336; Sami Zubeid, "Class and Community in Urban Politics," in *État, Ville et Mouvements Sociaux au Maghreb et en Moyen-Orient*, ed. K. Brown et al. (Paris: Harmattan, 1989), 77-71; Sally E. Merry, *Getting Justice and Getting Even: Legal Consciousness Among Working-Class Americans* (Univ. of Chicago Press, 1990); David Gilbert, *Class, Community and Collective Action: Social Change in Two British Coalfields, 1850-1926* (Oxford: Clarendon Press, 1992); Eduard P. Thompson, *Customs in Common* (London: New Press, 1993), ch. IV and V.
- ⁸ For a general perspective, see *The Comrades' Court: A Collection* (Tel Aviv: Supreme Court of the Histadrut, 1936, Hebrew).
- ⁹ Sally Engle Merry, "The Social Organization of Mediation in Nonindustrial Societies: Implications for Informal Community Justice in America," in *The Politics of Informal Justice*, ed. R. L. Abel (New York: Academic Press, 1982), 2: 17-45; Marjorie S. Tatz, *Producing Legality: Law and Socialism in Cuba* (London: Routledge, 1994).
- ¹⁰ Asher Gulak, *Foundations of Jewish Law* (Tel Aviv: Dvir, 1967), bk. IV, ch. 2 (Hebrew); Salo W. Baron, *The Russian Jews Under Tsars and Soviets* (New York: Macmillan, 1976), 103-106; Yitzhak Levitats, *The Jewish Community in Russia, 1844-1917* (Jerusalem: Posner, 1981), 129-146; Assaf Likhovski, "The Invention of 'Hebrew Law' in Mandatory Palestine," *The American Journal of Comparative Law* 46 (1998): 339-373; Yisrael Bar-Shira, "On Analyzing the Nature of the 'Comrades' Court," *Ha-Mishpat* 4 (1920): 103-107; Alfred Witkon, "Autonomous or State Jurisdiction," *Hed Ha-Mishpat* (February 1957): 118-121.
- ¹¹ Kay T. Erikson, *Wayward Puritans: A Study in the Sociology of Deviance* (New York: John Wiley, 1966); Piers Beirne, ed., *Revolution in Law: Contributions to the Development of Soviet Legal Theory, 1917-1938* (New York: Armonk, 1990); Stefan Berger, *The British Labour Party and the German Social Democrats, 1900-1931* (London: Clarendon Press, 1994), 133-134.
- ¹² Richard T. De George, *Soviet Ethics and Morality* (Ann Arbor: Univ. of Michigan Press, 1969); Peter H. Solomon, Jr., *Soviet Criminal Justice under Stalin* (Cambridge Univ. Press, 1996), 3-48; Christine Synnwich, *The Concept of Socialist Law* (Oxford: Clarendon Press, 1990), 51-53.
- ¹³ Harold J. Berman and James W. Spindler, "Soviet Comrades' Courts," *Washington Law Review* 38 (1963): 842-857; William E. Butler, *Soviet Law* (London: Butterworths, 1983), 128-130; Yisrael Bar-Shira, "On the Courts of the Histadrut," *Ha-Mishpat* 1 (1927): 49-52.
- ¹⁴ For a local perspective, see the 1923-1927 reports of the Labor Councils in Haifa and Jerusalem, LA/250-27-1-273 and 2108, LA/250-27-5-146, LA/250-36-1-2171.
- ¹⁵ David De Vries, "Proletarianization and National Segregation: Haifa in the 1920s," *Middle Eastern Studies* 30 (1994): 860-882.

- ¹⁶ MK 107, January 1924, LA/250-27-1-1904; MK 122, February 1924, LA/250-27-1-1866; MK 138, March 1924, LA/250-27-1-1882.
- ¹⁷ David De Vries, "Haifa's Workers during the Third Aliya Crisis: The Tension between the Leadership and the Rank-and-File and the Emergence Bureaucratic Idealism in the Labor Movement in Palestine," *Hatsiyonut* 17 (1993): 117-153 (Hebrew); David De Vries, "Dock Labor in Palestine: The Ports of Jaffa, Haifa and Tel-Aviv during the British Mandatory Period," in *Dockworkers, 1790-1970: International Explorations in Labor History*, ed. S. Davies et al. (Ashgate: Aldershot, forthcoming); for details, see MK 122, February 1924, LA/250-27-1-1866; MK 147, 9 March 1924, LA/250-27-1-1891; MK 635, 16 June 1926, LA/250-27-1-1819.
- ¹⁸ MK 148, 9 March 1924, LA/250-27-1-1892; MK 415, 16 May 1925, LA/250-27-1-1990; MK 634, 13 July 1926, LA/250-27-1-1818; Moshe Lissak, "Strategies of Class Formation: The Case of the Labor Movement in the Jewish Community of Palestine, 1918-1948," in *Comparative Social Dynamics: Essays in Honor of S.N. Eisenstadt*, ed. E. Cohen et al. (Boulder, CO: Westview Press, 1985), 245-261.
- ¹⁹ 1923 Report of the Haifa Labor Council, LA/250-27-5-146; 1921-1927 Report of the Haifa Labor Council, LA/250-27-1-273 and 2108; 1927 Report of the Jerusalem Labor Council, LA/250-36-1-2171; MK 122, February 1924, LA/250-27-1-1866; MK 156, 26 March 1924, LA/245-2-80.
- ²⁰ MK 358, 11 March 1925, LA/250-27-1-870; MK 1476, February-July 1927, LA/250-27-1-1013.
- ²¹ Assaf Likhovski, "Between 'Mandate' and 'State': Rethinking the Periodization of Israeli Legal History," *Mishpatim* 29 (1998): 689-721 (Hebrew); Richard D. Schwartz, "Social Factors in the Development of Legal Control: A Case Study of Two Israeli Settlements," *The Yale Law Journal* 63 (1954): 471-491; *The Comrades' Court and Its Problems* (Tel Aviv: Supreme Court of the Histadrut, 1955); R. Makover, *Rule and Administration in Palestine, 1917-1925* (Jerusalem: Yad Yitzhak Ben Tzvi, 1988); S. Ottolenghi, *Arbitration: Law and Procedure* (Tel Aviv: n.p., 1991), 3-4 (Hebrew); David De Vries, "The Making of Workers' Morality: The Comrades' Court of Histadrut in Palestine's Urban Sector in the 1920s," in *The Proceedings of the Eleventh World Congress of Jewish Studies* (Jerusalem: World Union of Jewish Studies, 1994), 227-234 (Hebrew); Pnina Lahav, *Judgment in Jerusalem: Chief Justice Simon Agranat and the Zionist Century* (Berkeley: Univ. of California Press, 1997), 48-54.
- ²² Citation from the 1921-1927 Report of the Haifa Labor Council, LA/250-27-1-273 and 2108.
- ²³ Citation from Yisrael Bar-Shira, "On the Courts of the Histadrut," *Ha-Mishpat* 1 (January 1927): 49; see also Bar-Shira, "On Analyzing," 103-107; Dov Levin, *Legal Tribunals in the State of Israel: Special and Internal Courts* (Tel Aviv: Avuka, 1969, Hebrew). For a recent treatment of nationalism and law in Palestine, see Ronen Shamir, *The Colonies of Law: Colonialism, Zionism and Law in Early Mandate Palestine* (Cambridge: Cambridge Univ. Press, 2000).
- ²⁴ D. H., "In the Courts of the Histadrut," *Ha-Mishpat* 2 (July-August 1927): 101; for moral entrepreneurs, see Paula J. Byrne, *Criminal Law and the Colonial Subject: New South Wales, 1810-1830* (Cambridge: Cambridge Univ. Press, 1993), 6; see also Christine B. Harrington and Sally E. Merry, "Ideological Production: The Making of Community Mediation," *Law and Society Review* 22 (1988): 709-735; for a general perspective on community-making, see Rosabeth M. Kanter, *Commitment and*

- Community: Communes and Utopias in Sociological Perspective* (Cambridge, MA: Harvard Univ. Press, 1972).
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- 27 *The Second Convention of the Histadrut*, LA/Library (1923, Hebrew); *The Sixth Council of the Histadrut*, LA/Library (March 1923, Hebrew); "Rules of the Palestine Histadrut Comrades' Courts," *Ha-Mishpat* 1 (January 1927): 65-66; Moshe Smoira, Secretary of the Histadrut Supreme Court, to the Comrades' Courts of the Labor Councils in Tel Aviv, Jerusalem, Haifa and Afula, 4 January 1927, LA/245-2-81; Yisrael Bar-Shira, "On the Questions of the Comrades' Court and its Organization," 16 October 1928, LA/245-2-81.
- 28 Clifford Geertz, *Local Knowledge* (New York: Basic Books, 1983); Albert Hunter, "Local Knowledge and Local Power: Notes on the Ethnography of Local Community Elites," *Journal of Contemporary Ethnography* 22 (1993): 36-58.
- 29 Minutes of the meetings of the Haifa Labor Council, 15, 16 and 17 July 1923, LA/250-27-1-615; MK 36, August 1923, LA/250-27-1-2115.
- 30 See, for example, MK 1476, 14 July 1927, LA/250-27-1-1013.
- 31 The Sixth Council of the Histadrut; MK 10, February 1923, LA/250-27-1-268; MK 671, 10 May 1926, LA/250-27-1-1762; MK 697, 27 July 1927, LA/250-27-1-1800; Rules of the Palestine, 65-66; *The Comrades' Court and Its Problems* (Tel Aviv: Supreme Court of the Histadrut, 1955); On the larger question of boundaries, see Sonya O. Rose, "Class Formation and the Quintessential Worker," in *Reworking Class*, ed. J. R. Hall (Ithaca: Cornell Univ. Press, 1997), 133-166.
- 32 MK 91, 12 January 1924, LA/250-27-1-1908; MK 148, 9 March 1924, LA/250-27-1-1892; MK 415, 16 May 1925, LA/250-27-1-1990; MK 767, September 1926, LA/245-2-80.
- 33 MK 124, April 1924, LA/250-27-1-1871; MK 415, 16 May 1925, LA/250-27-1-1990; MK 1476, 14 July 1927, LA/250-27-1-1013.
- 34 MK 416, 8 February 1925, LA/250-27-1-1923; MK 1297, 25 March 1927, LA/250-27-1-998.
- 35 Minutes of the Haifa Labor Exchange, mid-August 1923, and of the Executive of the Council, 20 August 1923, LA/250-27-1-615; MK 1476, 14 July 1927, LA/250-27-1-1013; see also Ze'ev Feller, "On the Comrades' Court," *Davar* (16 November 1926); Shlomo Shivo, "On the Issue of the Comrades' Court," *Davar* (12 May 1927).
- 36 MK 19, March 1923, LA/250-27-1-2115; MK 20, April 1923, LA/250-27-1-268; MK 101, May 1924, LA/250-27-1-1918; Minutes of the Haifa Jury of Judges, June 1924, LA/250-27-1-408.
- 37 MK 105, 25 January 1924, LA/250-27-1-1902; Chaim Shreibman, "More on the Question of the Comrades' Court," *Davar* (18 June 1926); Ze'ev Feller, "On the Comrades' Court;" Arnold L. Epstein, "The Case in the Field of Law," in *The Craft of Social Anthropology*, ed. A. L. Epstein (London: Tavistock, 1967), 205-230.

- 38 MK 156, March 1924, LA/245-2-80; MK 161, March 1924, LA/208-1-1-31-b; David Cohen to the Histadrut Executive, 23 March 1924, 250-27-1-275-a; MK 1476, 14 July 1927, LA/250-27-1-1013.
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- 41 For concepts, see Peter Harries-Jones, *Freedom and Labor: Mobilization and Political Control on the Zambian Copperbelt* (New York: St. Martin's Press, 1975), 208; Craig Calhoun, "Community: Toward a Variable Conceptualization for Comparative Research," *Social History* 5 (1980): 102-127; Jeffrey C. Alexander, "Citizen and Enemy as Symbolic Classification: On the Polarizing Discourse of Civil Society," in *Cultivating Differences: Symbolic Boundaries and the Making of Inequality*, ed. M. Lamont and M. Fournier (Univ. of Chicago Press, 1992), 289-308; for examples, see MK 644, July 1926, LA/250-27-1-1811; MK 122, February 1924, LA/250-27-1-1866; MK 194, 11 May 1924, LA/250-27-1-32-b; MK 233, 19 January 1924, LA/250-27-1-1910.
- 42 For examples, see MK 122, February 1924, 250-27-1-1866; MK (no number) 11 March 1925, LA/250-27-1-870.
- 43 For examples, see MK (no number) 3 March 1925, LA/250-27-1-853; MK 630, 8 June 1926, LA/250-27-1-1794; MK (no number) 25 February 1927, LA/250-27-1-1039.
- 44 Anthony P. Cohen, *Whalsay: Symbol, Segment and Boundary in Shetland Island Community* (Manchester: Manchester Univ. Press, 1987), 11-21; Veena Das, "Sufferings, Theodicies, Disciplinary Pictures, Appropriations," *International Social Science Journal* 154 (1997): 569-570.
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- 47 MK 47, August 1923, LA/250-27-1-2115; MK 86, 5 April 1924, LA/250-27-1-1902; MK 194, 11 May 1924, LA/250-27-1-32-b; David Cohen to the Sick-Fund, 8 April 1924; David Cohen to 'Shomron' Construction Group, 8 April 1924, LA/250-27-1-275-c.
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