

In Pursuit of Political Imagination: Reflections on Diasporic Jewish History

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In recent years, scholars of Jewish politics have invested political hopes in the revival of “political imagination.” If only we could recapture some of the imaginativeness that early Zionists displayed when wrestling with questions of regime design, it is argued, we might be able to advance more compelling “solutions” to the Israeli-Palestinian conflict. Yet how does one cultivate political imagination? Curiously, scholars who rehearse the catalogue of regimes that Jews have historically entertained seldom pose this question. In this Article, I revisit a historical episode—the appropriation of diasporic historical narratives by Zionists in mandatory Palestine—in an effort to cultivate a richer political imaginary. I analyze the labor Zionist deployment of Simon Dubnow’s influential master narrative, focusing on a 1926 speech in which David Ben Gurion depicts the autonomist regime that he advocates as a variation upon diasporic political practices. On my reading, this episode illustrates the dilemmas that confront thinkers who invest political hopes in regime design. To realize the promise that new political configurations may emerge from reflections upon Jewish history, I argue, we must develop a new account of political agency, once foundational assumptions of the nation-state have been suspended.

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INTRODUCTION

In recent years, scholars of Jewish politics have invested hopes in the revival of “political imagination.” By “political imagination,” scholars intend a willingness to entertain a variety of approaches to what the Zionist intellectual Berl Katznelson called “the question of regime”—the design of a governmental framework and its constituent institutions.¹ In this context, the historical figures celebrated as “imaginative” are those who experimented with less common regime types, resisting the hegemony of the nation-state—the template that has dominated political thought and practice in the modern west. Given the political predicaments that Jews confronted in Central and Eastern Europe and the contexts from which nationalist movements emerged, the annals of Jewish nationalism are replete with such “alternative” templates. These templates—and the historical controversies surrounding their design and adoption—have attracted increasing scholarly attention. In a challenge to received tropes of Zionist historiography, historians have showcased the diversity of Jewish political discourse in the late nineteenth and early twentieth centuries, restoring various schools of diaspora nationalism to the scholarly conversation.² Moreover, historians have showcased the diversity within Zionism itself, adducing anarchist, autonomist, and federalist currents as evidence that the movement was not wedded to the nation-state.³ Expanding upon this historical work, political theorists have lamented the relative impoverishment of the contemporary political lexicon, as compared to that of Jewish thought in the first half of the twentieth century.⁴ Whether implicitly or explicitly, critics who study this chapter within Jewish history promise that a revival of political imagination—releasing Jewish politics from the conceptual and practical confines of the nation-state—will enable us to navigate pressing contemporary controversies.

1 4 Berl Katznelson, *Le Sheelot Hamishtar Hamedini Baarez* [*Questions Regarding the Political Regime in the Land of Israel*], in WRITINGS 150 (1944) [Hebrew]. (Unless otherwise noted, all translations from Hebrew are my own).

2 For a useful overview, see David N. Myers, *Rethinking Sovereignty and Autonomy: New Currents in the History of Jewish Nationalism*, 13(1) TRANSVERSAL 44 (2015).

3 See NOAM PIANKO, *ZIONISM AND THE ROADS NOT TAKEN*; RAWIDOWICZ, KAPLAN, KOHN (2010); DMITRY SHUMSKY, *BEYOND THE NATION-STATE: THE ZIONIST POLITICAL IMAGINATION FROM PINKSER TO BEN-GURION* (2018); MICHAEL BRENNER, *IN SEARCH OF ISRAEL: THE HISTORY OF AN IDEA* (2018).

4 See Julie E. Cooper, *The Turn to Tradition in the Study of Jewish Politics*, 19 ANN. REV. POL. SCI. 67 (2016); Julie E. Cooper, *A Diasporic Critique of Diasporism: The Question of Jewish Political Agency*, 43(1) POL. THEORY 80 (2015).

Foremost among these controversies is a just resolution to the Israeli-Palestinian conflict. It is no accident that scholars have extolled the promise of resurgent imagination at a moment when the “solution” predicated on foundational assumptions of the nation-state (i.e., “two states for two peoples”) is widely perceived to have failed.⁵ In recent years, calls for annexation have gained currency, respectability, and international support.⁶ (Jewish) Israelis’ willingness to entrench the state’s jurisdiction over populations excluded from the “nation” risks creating a *de facto* “one state.” The “one state” of the one-state solution is either a civil state or an apartheid state—it is not a nation-state. In other words, the “question of regime” has been reopened, as the nation-state is subject to increasing challenge from competing visions for Jewish politics (some democratic, many blatantly undemocratic). Commentators eager to anoint a new scholarly trend have characterized the fixation upon the “question of regime” as a response to this predicament—“an intellectual attempt to cope with the feeling of political deadlock characterizing Israel/Palestine politics today.”⁷ Proponents of the political imagination, on this reading, hope that reconfiguration of the polity may succeed where attempts to reconfigure national identity have floundered. “After failure to counterbalance the overemphasis put on Israel’s ‘Jewishness’ through the evocation of democratic, universal values, the present effort is meant to tame the ‘state’ model itself.”⁸ If only we could cultivate the requisite imagination—or so it seems—we might be able to exploit whatever emancipatory potential lurks within these dizzying historical developments.⁹

Yet how does one cultivate political imagination? Curiously, scholars who rehearse the vast catalogue of regimes that Jews have historically entertained seldom pose this critical question. Deeper acquaintance with historical controversies surrounding regime design, it is assumed, will inspire the requisite

5 Editorial Board, *Israel Digs a Grave for the Two-State Solution*, N.Y. TIMES (Jan. 5, 2018), <https://www.nytimes.com/2018/01/05/opinion/israel-two-state-solution.html>.

6 See PEACE TO PROSPERITY: A VISION TO IMPROVE THE LIVES OF THE PALESTINIAN AND ISRAELI PEOPLE, <https://www.whitehouse.gov/wp-content/uploads/2020/01/Peace-to-Prosperity-0120.pdf>.

7 Arie Dubnov and Itamar Ben-Ami, *Did Zionist Leaders Actually Aspire Toward a Jewish State?*, HAARETZ (June 1, 2019), <https://www.haaretz.com/israel-news/.premium.MAGAZINE-did-zionist-leaders-actually-aspire-toward-a-jewish-state-1.7308427>.

8 *Id.*

9 See Julie E. Cooper, *The Nation-State Law: Undoing the Nation-State?*, 243 JEWISH Q. MAG. 14 (2019); Julie E. Cooper, *The Nation-State Law: The End of an Era*, 23(4) PALESTINE-ISR. J. 79 (2018).

creativity. Yet this assumption is faulty—or, at the very least, incomplete. Before pinning our hopes on the promise of “political imagination,” it would behoove critics to examine the exigencies of regime-oriented thinking and the kinds of political expectations it is reasonable to nurture. In particular, scholars must rethink the contribution that history can make to the expansion of the contemporary political lexicon. If a willingness to envision regimes other than the nation-state is a political desideratum for Israelis and Palestinians, does Jewish history provide resources for the establishment of a more just regime?

In this Article, I seek to initiate a radical rethinking of the foundations of political community, which rethinking is imperative, I argue, once the nation-state loses its default status. Toward that end, I examine the ways in which the turn to history has both advanced and impeded such a rethinking in the past. To couch my project in more general terms: I offer a situated, “provincial” intervention into canonical debates about the political-theoretical uses of history.¹⁰ To address these questions, I revisit a historical episode—the Zionist attempt to adapt diasporic political models to the political circumstances of mandatory Palestine. As we will see, this is not the first time that thinkers have hailed the resources that the Jewish political imagination provides toward resolution of the Israeli-Palestinian conflict. Skepticism regarding the nation-state’s ability to encompass multiple nationalities led some of the thinkers currently depicted as paragons of imagination (e.g., Berl Katznelson, David Ben Gurion) to scour diasporic Jewish history in search of alternative political templates. In what follows, I relate the story of these appropriations to illustrate challenges that confront thinkers who use history to rekindle the political imagination.

In Parts I-III, I analyze Simon Dubnow’s highly influential—and, as we will see, highly conflicted—attempt to isolate a diasporic Jewish approach to the design of political institutions. In Parts IV-VI, I examine labor Zionist appropriations of Dubnow’s master narrative, focusing on a 1926 speech in which Ben Gurion depicts the autonomist regime that he advocates in Palestine as a variation upon the political practices of diasporic Jews. To be clear: My point is neither to document nor celebrate the ostensible “diversity” of Zionist thought. Rather, I pose theoretical questions about the uses of history and the recycling of inherited political forms. Tracing the migration of autonomist tropes from Europe to mandatory Palestine reveals the ideological malleability

10 For provincialization, see DIPESH CHAKRABARTY, *PROVINCIALIZING EUROPE: POSTCOLONIAL THOUGHT AND HISTORICAL DIFFERENCE* (2000). For canonical debates, see Quentin Skinner, *Meaning and Understanding in the History of Ideas*, 8 *HIST. THEORY* 3 (1969).

of the regime itself: institutions designed to enfranchise Jews in Europe were advocated to dilute the power of the Arab franchise in Palestine.

Confronting Ben Gurion's failures of imagination leads me to conclude that Jewish history is best approached as a laboratory for studying dilemmas that arise when one tries to develop provincial political languages—rather than a catalogue of templates ready for adoption. Although the addition of federal, confederal, and autonomist “solutions” broadens a debate otherwise monopolized by the one state vs. two states rubric, it does not fundamentally alter the debate's framing. To change the stakes of contemporary political debate, I contend, we must develop a theoretical account of the grounds of political community, once the foundational assumptions of the nation-state have been suspended. With greater clarity regarding the burdens that regime design can reasonably be expected to bear, we are likely to advance a more compelling vision for mobilizing democratic opposition to the status quo.

I. SIMON DUBNOW AND THE RECOVERY OF DIASPORIC POLITICAL TRADITIONS

In a 1931 speech delivered at the third Mapai conference, Berl Katznelson recurs to diasporic Jewish models when wrestling with one of “the big questions involving the relations between the two peoples upon whom, by a decree of history, has been imposed the task of living together as neighbors”—namely, the challenge of designing a parliamentary system to replace the mandatory regime, which he dismisses as “colonialist and absolutist.”¹¹ Addressing his labor Zionist peers, Katznelson polemicizes against Zionists who were intent on establishing a “state” with all of the familiar trappings (including an oppressed minority), as well as “binationalists” who support a proposed Jewish-Arab legislative council (which Katznelson rejects on the grounds that it would enshrine Arab hegemony, given current demographics, and contravene socialist ideals).¹² Against these positions, Katznelson endorses an autonomist regime that would unite existing municipalities under a bicameral parliament that accords equal weight to its Jewish and Arab houses.

11 Katznelson, *supra* note 1, at 152, 155. Katznelson (1887-1944) was an influential editor, activist, and close colleague of David Ben Gurion. The labor Zionist Mapai party (The Workers Party of the Land of Israel) was founded in 1930 and dominated political life in the Yishuv and the early days of the State of Israel before merging into the Labor party.

12 For the intramural debate, see SHUMSKY, *supra* note 3, at 200-03; ANITA SHAPIRA, BEN GURION: FATHER OF MODERN ISRAEL 88 (2014).

Perhaps the most striking aspect of this speech, for our purposes, is the intellectual genealogy that Katznelson traces for his proposed regime. Partisans of the term “Jewish state,” Katznelson complains, have succumbed to a new form of “idolatry [*avodah zarah*].”¹³ They embrace “ruling concepts taken from a foreign reality,” concepts antithetical to Zionism’s emancipatory vision, which rejects “gaining control and privileges at the expense of the other.”¹⁴ Katznelson, by contrast, resists the importation of foreign models, drawing inspiration from the political institutions of diasporic Jews. Disclaiming novelty, Katznelson glosses his own proposal as a variation upon practices that date to the medieval *kahal* (the ruling council of the autonomous Jewish community):

National autonomy is nothing new for us. Its roots are deep in Israel’s history. Modern socialist thought since the days of Synopticus/Springer/Renner had raised the idea of a nationalities state versus a national state, and made sure to define the laws of national autonomy, its content and its domains. In the time of the *Haskalah* [Jewish enlightenment], the name “*kahal*” became a monstrosity, a target for every slander. The awakening of nationalist thought (Dubnow, Zhitlovsky) restored dignity to Jewish autonomism, and the socialist strands within Israel made the fight for the right to national autonomy their own. In the Zionism of the post-WWI period, one heard voices claiming that national autonomy in the land [of Israel] was nothing but a vestige of exile [*galut*], a delay of redemption [*geulah*]. Yet even in the period of grand political hopes, the workers’ movement in the land, with its deep territorial feeling, did not denigrate the creation of the tools for autonomous Jewish life, in the clear recognition that territorial cells and consecutive settlements would only strengthen the power of the *Knesset* [the Jewish legislative body in the land of Israel] and enrich its contents. The workers movement did not view national autonomy as a Jewish privilege, but rather as a form of organization and provision for the national needs of each national unit in the land [of Israel].¹⁵

Confronted with the challenge of accommodating the political demands of multiple nationalities, Katznelson vaunts the conceptual resources that Jewish history provides. Of course, autonomist political thought is not the exclusive purview of diasporic Jews, as Katznelson acknowledges with a nod toward the Austro-Marxists (Synopticus/Springer/Renner). Yet, with the claim that

13 Katznelson, *supra* note 1, at 161.

14 *Id.* at 161, 160.

15 *Id.* at 164.

autonomism's "roots are deep in Israel's history," Katznelson identifies an independent Jewish source for the political vision that he hopes to extend to Jews and Arabs living in Palestine. "English thought" has failed to enshrine democracy in the region, Katznelson contends, precisely because "national autonomy is foreign to them."¹⁶

As the above passage attests, from the earliest years of the conflict, the confrontation with Palestinian political claims led Zionist thinkers to scour the annals of Jewish history in search of viable political frameworks. At first blush, Katznelson's willingness to situate himself within a diasporic lineage may seem surprising, as it contradicts received assumptions about labor Zionists' determination to "negate the exile."¹⁷ By Katznelson's admission, his enthusiasm for diasporic political traditions was not universally shared. Yet, as we will see, Katznelson was not the sole labor Zionist to adapt diasporic political idioms to the situation in Palestine. Given that the thinkers whom Katznelson credits with the recovery of diasporic political models (Simon Dubnow and Chaim Zhitlowsky) were staunch Jewish nationalists, it is not altogether surprising that Zionists drew inspiration from their work.¹⁸

In what follows, I pursue Katznelson's suggestion that Dubnow was the thinker who excavated the autonomist political imagination and made it available for contemporary retrieval. As Katznelson indicates, proponents of the *Haskalah* generally "opposed all forms of Jewish political autonomy, which symbolized to them the supposedly inferior status of the Jews in

16 *Id.* at 166.

17 Admittedly, the essay is not free of negationist broadsides. See *Id.*, at 159. For the "embrace" of the *galut* among Poalei Tzion intellectuals, see Dmitry Shumsky, *Tzionut Be'merhaot K'foolot, Haim Haia Duvnov Lo Tzioni?* [*Zionism in Quotation Marks, or to What Extent was Dubnow a Non-Zionist?*], 77(3) *ZION* 369 (2012) [Hebrew]; Israel Bartal, *Me'erez Kodesh Le'erez Historit: 'Otonomizem Tzioni Bereshit Ha'mea Haesrim* [*From Holy Land to Historical Land: Zionist 'Autonomism' in the Early Twentieth Century*], in COSSACK AND BEDOUIN: LAND AND THE PEOPLE IN JEWISH NATIONALISM 152 (2007) [Hebrew].

18 Simon Dubnow (1860-1941) was one of the most influential Jewish historians of the modern period. He was also a highly influential public intellectual and activist, founding the Autonomist movement within diaspora nationalism. For Dubnow's biography, see ROBERT M. SELTZER, SIMON DUBNOW'S "NEW JUDAISM": DIASPORA, NATIONALISM, AND THE WORLD HISTORY OF THE JEWS (2014). Zhitlowsky does not figure in my story because he spent most of the period in the United States, lessening his influence on Eastern European Zionists. Dubnow acknowledges Zhitlowsky's influence in Simon Dubnow, *Jewish Autonomy*, in 8 *ENCYCLOPEDIA OF THE SOCIAL SCIENCES* 391 (Edwin R.A. Seligman & Alvin Johnson eds., 1932) [hereinafter: *Jewish Autonomy*].

medieval Europe.”¹⁹ Against the *maskilim* [enlighteners]—and against Russian polemics that caricatured the *kahal* in blatantly anti-Semitic terms—Dubnow “reinterpreted the Kahal to become the central symbol and most important memory image of his master narrative.”²⁰ Thus, to grasp what is at stake in the recovery of diasporic political traditions, we must first analyze the role that Dubnow assigns the political imagination in the unfolding of his signature historical narrative.

II. NOMOCRACY: A DIASPORIC POLITICAL INNOVATION?

Dubnow’s brief for diasporic autonomy entails a complex negotiation with the reigning pieties of European political thought. Throughout this negotiation, Dubnow uses history to provincialize hegemonic political assumptions. As befits a diaspora nationalist, Dubnow mounts a staunch defense of Jewish indigeneity. Against Zionists and anti-Semites alike, Dubnow declares that, “there is no more dangerous and likewise no more anti-historical error than the view that the Jews are ‘strangers’ and foreigners in Europe.”²¹ Yet the emphatic insistence on Jewish belonging does not prevent Dubnow from sharply criticizing a European political order that forces Jews to forfeit national independence. Dubnow identified as a liberal on the Russian-Jewish political spectrum, and he was scarcely averse to modernist currents within European thought, drawing inspiration from evolutionary theory, positivism, and J.S. Mill.²²

19 JOSHUA SHANES, DIASPORA NATIONALISM AND JEWISH IDENTITY IN HABSBURG GALICIA 27 (2012). For the Haskalah critique of the *kahal*, and its rehabilitation by Dubnow, see Anke Hilbrenner, *Simon Dubnov’s Master Narrative and the Construction of Jewish Collective Memory in the Russian Empire*, 2003(4) AB IMPERIO 143 (2003); Israel Bartal, *Dubnov’s Image of Medieval Autonomy*, in MISSIONARY FOR HISTORY: ESSAYS IN HONOR OF SIMON DUBNOV 11 (Kristi Groberg & Avraham Greenbaum eds., 1998); Jacob Katz, *A State Within a State: The History of an Anti-Semitic Slogan*, 4(3) PROCEEDINGS OF THE ISRAEL ACADEMY OF SCIENCES AND HUMANITIES 4 (1971).

20 Hilbrenner, *supra* note 19, at 161. Dubnow confronts the anti-Semitic polemic in PINKAS HA-MEDINAH XXIV (RECORD BOOK OF THE COUNTRY 1924) (Simon Dubnow ed., 1925) [Hebrew], <https://www.hebrewbooks.org/pdfpager.aspx?req=22078&pgnum=1>.

21 SIMON DUBNOW, NATIONALISM AND HISTORY: ESSAYS ON OLD AND NEW JUDAISM 104 (1958) [hereinafter NAH].

22 For Dubnow’s intellectual influences, see SIMON RABINOVITCH, JEWISH RIGHTS, NATIONAL RITES: NATIONALISM AND AUTONOMY IN LATE IMPERIAL AND REVOLUTIONARY RUSSIA (2014) at 18; Koppel Pinson, *The National Theories of Simon Dubnow*, 10(4) JEWISH SOC. STUD. 335, 337 (1948); Jeffrey Veidlinger, *Simon Dubnow*

Yet Dubnow repeatedly attacks the (western) European political settlement, which entails “a theory of national suicide that demands that Jews give up their national rights in exchange for rights as citizens.”²³ Dubnow’s immediate political context was that of a multinational empire (imperial Russia), rather than a nation-state. In this period, Jews were not the only minority to advocate for non-territorial autonomy within a multinational framework.²⁴ Writing in a region where the nation-state is not yet hegemonic, Dubnow nevertheless feels compelled to advance his own program by attacking the fatal concessions that European nation-states extracted from newly emancipated Jews. With this anti-assimilationist polemic, Dubnow positions autonomism as a provincial alternative to the “wicked and crude government” which rules in the west and threatens to extinguish Jewish nationality in the east.²⁵

Yet one could object that, as a “native European,” it may be difficult for Dubnow to forgo reliance on regnant political concepts. Can Dubnow confect a rival political idiom from the institutional precedents that Jewish history affords? Dubnow’s political program is predicated on the dissemination of a distinctive master narrative, in which Jewish history presents as an ongoing quest for national independence. Surveying the course of Jewish history, Dubnow discerns an “indomitable urge to autonomous life and to the preservation of the greatest measure of social and cultural individuality while amidst alien peoples.”²⁶ Indeed, in the methodological introduction to the *Weltgeschichte*, Dubnow’s multi-volume opus, he identifies pursuit of autonomy as the motor of Jewish history:

This nation, endowed with perennial vitality, fought always and everywhere for its autonomous existence in the sphere of social life as well as in all other fields of cultural activity. Even at the time of the existence of the Judean state, the Diaspora had already attained high development and had its autonomous communities everywhere. Later on, it also had central organs of self-administration, its own legislative institutions (corresponding to the Sanhedrin, the Academies and Patriarchs in Roman-Byzantine Palestine; Exilarchs, Geonim, and legislative academies in Babylonia; the *aljamas* and congresses

Recontextualized: The Sociological Conception of Jewish History and the Russian Intellectual Legacy, in SIMON DUBNOW INSTITUTE YEARBOOK 3, 411 (2004).

23 NAH *supra* note 21, at 110. See also Jewish Autonomy, *supra* note 18; RABINOVITCH, *supra* note 22, at 22, 50.

24 For Dubnow’s relationship to the Austro-Marxists, see RABINOVITCH, *supra* note 22, at 67-69.

25 NAH, *supra* note 21, at 113.

26 *Id.* at 339-40.

of communal delegates in Spain; *kahals* and *vaads*, or congresses of *kahals*, in Poland and Lithuania, etc.).²⁷

Dubnow does not merely identify diasporic “organs of self-administration” as the proper object for the scientific study of Jewish history and the key to its periodization. Rather, he imputes an irrepressible agency to the instinct for autonomy. With this insistence on the inextinguishable “vitality of the idea of Jewish autonomy,” Dubnow puts an emphatically political aspiration at the heart of Jewish history.²⁸

I want to bracket questions surrounding the accuracy and plausibility of Dubnow’s historical narrative and focus on its theoretical underpinnings. If Dubnow’s first characteristic historiographical move involves provincialization of Western norms, the second involves adducing historical evidence to advance political-theoretical claims. Specifically, Dubnow offers a historically informed account of the conditions for national autonomy. From the study of Jewish history, Dubnow concludes that a well-designed network of local institutions can confer national independence. Indeed, Dubnow’s central claim is that the political status of diasporic communities subject to external jurisdiction is not qualitatively different from that of the ancient Hebrew state. On the narrative that Dubnow relates, sovereign power over territory is not a precondition for self-rule. A nation can achieve meaningful forms of freedom and independence in dispersion. In the most radical iterations of the claim, Dubnow celebrates the diasporic condition as the culmination of national existence, rather than an unfortunate deviation from the statist norm.

This demotion of sovereignty and territory—factors “generally regarded as a necessary condition for national existence”—is most explicit in Dubnow’s first letter, “The Doctrine of Jewish Nationalism.”²⁹ Here, Dubnow presents an evolutionary theory of nationalism, tracing a progression from “lower,” “material” forms of national consciousness to “higher,” “spiritual” forms.³⁰ A function of natural processes and geographical influences, national identity first crystallizes in a primitive, tribal form, Dubnow argues. When tribes master their environment and develop a shared culture and values, they enter the second stage of nationality, the territorial-political type, in which “an organized political authority subjects the whole state to fixed laws and protects

27 *Id.* at 338. For similar passages, see *Id.* at 84, 229; Simon Dubnow, *Diaspora*, in 8 ENCYCLOPEDIA OF THE SOCIAL SCIENCES (1932), *supra*, note 18, at 126-30 [hereinafter: *Diaspora*]; PINKAS HA-MEDINAH, *supra* note 20, at xi.

28 Jewish Autonomy, *supra* note 18, at 393.

29 NAH, *supra* note 21, at 80.

30 *Id.* at 76.

its frontiers against the attacks of foreign nations.”³¹ Yet the true “test of the full development of the national type,” the index of its spiritual “maturity” and resilience, Dubnow contends, is the loss of external bonds such as state, territory, and national language.³² In this taxonomy, the Jews constitute “the very archetype of a nation, a nation in the purest and loftiest sense, which has attained the highest stage of nationality,” precisely because they have maintained national identity in dispersion.³³ The state is not the pinnacle of national aspiration, the template to which Jews must approximate under involuntary constraint. Rather, the territorially bounded state constitutes an intermediate phase that Jews have felicitously transcended. In Dubnow’s metaphor, political and territorial independence are “shells” that have historically been “placed around this precious kernel – the freedom of the nation – in order to protect it,” but prove dispensable when the national will is sufficiently strong.³⁴

Having dethroned the state, Dubnow undertakes a sweeping reassessment of the *kahal*. It is no accident that Dubnow fixates upon the *kahal*, for the existence of an independent legislative body is critical for substantiating the theoretical claim about diasporic self-determination. Throughout his oeuvre, Dubnow employs an emphatically political terminology that elevates the humble (to western eyes) community council to the standing of a *bona fide* polity. Thus, in the encyclopedia entry on the Council of the Four Lands (an umbrella organization of Polish *kehillot* [communities] that met from the middle of the sixteenth century until 1764), Dubnow contends that “a Jewish community, with its administrative, judicial, religious, and charitable institutions, constituted a unit of self-government.”³⁵ In other passages, Dubnow presses the claim for diasporic self-rule by positioning the *kahal* as a “surrogate state.”³⁶ In the introduction to his critical edition of the *Pinkas* [record book] of the Lithuanian *kehillot*, Dubnow asserts that kingship never ceased in Israel because the *kahal* served as a “kingdom [*meluchah*] in miniature” within whose bounds Jews exercised “self-rule [*shilton atzmi*].”³⁷ Striking a polemical note, Dubnow re-signifies the anti-Semitic slur according to which Jews constitute a seditious “state within a state.” Addressing an imagined anti-

31 *Id.* at 78.

32 *Id.* at 80.

33 *Id.* at 89, 262.

34 *Id.* at 88. *See also Id.* at 263, 342.

35 Simon Dubnow, *Council of Four Lands*, in 4 THE JEWISH ENCYCLOPEDIA 304 (Funk & Wagnalls eds., 1901-1906).

36 NAH, *supra* note 21, at 330; *See also Id.* at 138; Diaspora, *supra* note 27, at 129.

37 PINKAS HA-MEDINAH, *supra* note 20, at xi. For a similar formulation, see NAH, *supra* note 21, at 330.

Semite, Dubnow replies, “Indeed, a kingdom [*meluchah*] within a kingdom, an internally autonomous group existing within an outer, governmental group; and so by nature it should be.”³⁸ Here, Dubnow does not merely reject the modern Western “principle that no intermediaries might intervene between the individual and the state.”³⁹ He dignifies said intermediary (the *kahal*) as the functional—or, perhaps, moral—equivalent to the gentile state.

With this equivalence, Dubnow imputes a certain grandeur to Jewish communal organizations. According to Dubnow, a council of limited power and jurisdiction can nevertheless perform some of the most critical functions of a state, ensuring national cohesion. Yet Dubnow asserts the *kahal*’s political standing in ways that risk perpetuating the state’s paradigmatic status. At times, Dubnow depicts the *kahal* as a poor man’s “substitute for government, for a state, and for citizenship, which under the old order were completely absent from Jewish life.”⁴⁰ (On a more charitable reading, Dubnow reaches for the “surrogate state” rubric to situate Jewish autonomism with reference to a more readily intelligible regime.) Even Dubnow—the *kahal*’s fiercest advocate in the annals of Jewish historiography—struggles to articulate the *kahal*’s political standing without reference to the “standard” state form.

In at least one essay, however, Dubnow advances a more ambitious claim for the novelty of the diasporic imagination. In “The Secret of Existence and the Law of Existence of the Jewish People” (1912), Dubnow credits diasporic Jews with the invention of a historically unprecedented regime, nomocracy.

Then comes the destruction of the Second Temple. The political center in Judea is destroyed and replaced by a regime which has no parallel in world history: a regime of “nomocracy,” the rule of laws, “hedges” and “fences.” Israel lays aside the weapons of the zealots, the defenders of political freedom, and takes up other weapons which in fact it wielded in a limited way even before the fall, and which it uses now almost exclusively “to fence itself in.”⁴¹

On this account, the *kahal*’s founders do not merely miniaturize existing templates—rather, they invent an innovative mode of political organization. The nomocrat’s critical insight is that, absent geographical concentration and military might, one can constitute a viable polity solely on the basis of rabbinic (i.e., non-state) law. Yet in the very essay where Dubnow extols diasporic political creativity, he recurs to the image of the *kahal* as surrogate

38 PINKAS HA-MEDINAH, *supra* note 20, at xi.

39 Katz, *supra* note 19, at 30.

40 NAH, *supra* note 21, at 138.

41 *Id.* at 329-30.

state. “In the same way that the synagogue had become a ‘miniature Temple’ [*mikdash m’at*] the autonomous community becomes part of a living, self-supporting body – a token (surrogate) for the state [*medinah*], a miniature state.”⁴² Granted, Dubnow builds the argument upon a phrase—“miniature Temple”—with a richly evocative resonance within rabbinic Hebrew. Yet Dubnow’s reflexive classification of the *kahal* as a “state” betrays a lack of confidence in the resources that rabbinic discourse provides for the development of a freestanding political language.

The taxonomical conundrums that ensue when Dubnow asserts the *kahal*’s function betray his profound ambivalence regarding the boundaries of the political. Apparently, rehearsing the catalogue of diasporic communal institutions does not automatically release one from hegemonic political norms. More work is required—and Dubnow’s inclination to undertake this work varies. At times, Dubnow goes so far as to withdraw the *kahal*’s standing as a polity, categorically denying the political complexion of Jewish nationalism. Thus, in his second letter, Dubnow defines the Jews “as a spiritual (cultural-historical) nationality in the midst of political nations.”⁴³ The Jewish community lies below the threshold of the political, on this rendition, because its members are bound together by “common emotions and attitudes,” while the members of a state (which here exhausts the political) “are united by common needs.”⁴⁴ Contradicting his own claim that the autonomous Jewish community constituted “a miniature state,” Dubnow declares that “the Jews are not a state within a state but a nationality among nationalities.”⁴⁵ Granted, in the immediate context, Dubnow has ample reason to maintain a strict separation between the political and the national, and to designate the latter as spiritual/cultural. Against anti-Semites and Jewish assimilationists, Dubnow hopes to demonstrate that “spiritual or cultural nationalism is not at variance with the general civic obligations of the various Jewish groups in the different countries.”⁴⁶ Yet Dubnow’s retreat is not motivated solely by apologetic concerns. Nor does the taxonomic vacillation reflect shifting positions adopted over the course of Dubnow’s career (or appeals to diverse audiences). For Dubnow wavers on the definition of “politics” within the confines of a single essay. In the encyclopedia entry on “Jewish Autonomy,” Dubnow identifies as the theorist “who conceived of the Jewish nationality as one bound together by only spiritual and cultural ties and which therefore needed neither a territory nor any other

42 *Id.* at 330.

43 *Id.* at 100.

44 *Id.* at 110.

45 *Id.* at 330, 110.

46 *Id.* at, 110.

political forms for its national existence.”⁴⁷ Here, the noteworthy fact about Jewish history is not merely the absence of a territorially bounded state, but also that Jews did not need “any other political forms” in order to thrive. Yet the essay begins with an exhaustive catalogue of the institutions of “Jewish self-government” from the Hellenistic period to the present. In the space of one essay, Dubnow showcases the breadth of Jewish jurisdiction—“they tried criminal as well as civil suits and would impose sentences of imprisonment, corporal punishment, and even death”—only to withdraw the adjective “political” from non-sovereign bodies.⁴⁸

III. THE SOURCES OF HISTORICAL AND POLITICAL AGENCY

When Dubnow asserts the resolutely spiritual character of Jewish nationalism, he risks implying that the autonomy that Jews enjoyed in the past and demand in the present is confined to language, customs, and folkways. In practice, Dubnow’s concrete political demands—as the founder of the Russian Folkspartey—reflected a maximalist conception of Jewish autonomy. The Folkspartey platform went beyond education and language to demand “rights to national self-government in all realms of internal life” (including mandatory taxation) and the convocation of a Russia-wide Jewish assembly.⁴⁹ In other words, the lack of conceptual clarity surrounding the boundaries of the political did not prevent Dubnow from advancing an assertively “political” program.⁵⁰ Dubnow’s vacillation nevertheless warrants further scrutiny as an index of the weight (or lack thereof) that he assigns to regime design. For Dubnow does not merely waver on the definition of the political—he also wavers on the role that mundane institutions and practices have played in the maintenance of national independence.

The conceptual gyrations that Dubnow performs while struggling to articulate the character of diasporic self-determination reveal a deep seated ambivalence regarding the sources of historical agency. Throughout his oeuvre, Dubnow offers competing, sometimes conflicting, answers to the animating historiographical question: “What force, then, was it that kept alive this dispersed nation, without state and territory, all these centuries?”⁵¹ At times, Dubnow implies that material/political factors—e.g., a comprehensive network

47 Jewish Autonomy, *supra* note 18, at 393.

48 *Id.* at 391.

49 RABINOVITCH, *supra* note 22, at 100.

50 Unlike the Russian Bund, whose demands were exclusively “cultural.” *See Id.* at 115.

51 NAH, *supra* note 21, at 84.

of well-designed institutions—explain the tenacity of Jewish national identity. This materialist mode of historical explanation is evident in the obsessive attention that Dubnow lavishes on personnel, procedure, and organizational structures. To substantiate the claim for uninterrupted Jewish autonomy, Dubnow undertakes a minutely detailed, even tedious, analysis of communal institutions—the title and number of officials presiding in a given locality, the nature of their responsibilities, the extent of their competence and jurisdiction. Thus, he describes the Polish *kahal* as “an oligarchic institution whose members, elected annually during Passover week, owed their position to either learning or wealth. The *kahal* appointed from its own members an executive of seven persons (known as *roshim* and *tuvin*, elders and optimates) and several groups of officials: judges (*dayanim*), tax collectors, curators (*gabaim*) of schools, synagogues, and charities.”⁵² In Poland, Dubnow relates, local *kehillot* were bound together in provincial networks that were themselves subordinate to periodic regional congresses. Dubnow details the frequency with which these congresses convened, the cities in which they met, and the realms of their jurisdiction (legislative, administrative, financial, judicial, spiritual, and cultural).⁵³ The details matter here, Dubnow implies, because the ingenuity displayed in designing this comprehensive web of institutions was what enabled Jews to remain independent. “The Diaspora has survived for twenty-five centuries,” Dubnow writes, “not only because of religious unity but also because it always preserved national autonomy in cultural institutions, organized communities and unions of communities and will continue to do so by adapting itself to new political and cultural institutions.”⁵⁴ In these passages, Dubnow adduces historical evidence to make a theoretical claim about the power of regime design, predicating Jewish autonomy on skills of community organizing and institution building.

At other moments, however, Dubnow withholds historical agency from institutions and practices, relying instead on transhistorical forces—foremost among them the national spirit. This spiritualizing tendency is especially pronounced in the letters that betray Dubnow’s debt to Ahad Ha’am.⁵⁵ Thus, in the first letter, Dubnow insists that the tenacity of Jewish nationality must be explained with reference to the transhistorical constant underlying the shifting “forms” (e.g., “the written law of the Bible, the ordinances of the Talmud and the decisions of the rabbis”) that Judaism has historically

52 Jewish Autonomy, *supra* note 18, at 392. See also NAH, *supra* note 21, at 133.

53 See Dubnow, *supra* note 35, at 306.

54 Diaspora, *supra* note 27, at 130.

55 The Hebrew essayist Ahad Ha’am (Asher Ginsberg 1856–1927) is conventionally hailed as the founder of cultural Zionism.

assumed.⁵⁶ Without discounting the contributions of Jewish legal jurisdiction, communal organization, and gentile hostility, Dubnow nevertheless ascribes historical agency to a vitalist-sounding “national will”:

The source of vitality of the Jewish people consists in this: that this people, after it had passed through the stages of tribal nationalism, ancient culture and political territory, was able to establish itself and fortify itself in the highest stage, the spiritual and historical-cultural, and succeeded in crystalizing itself as a spiritual people that draws the sap of its existence from a natural or intellectual “will to live.”⁵⁷

This framing renders autonomous Jewish institutions epiphenomenal, mere “external manifestations” of the true motive force, the “determined national will.”⁵⁸ This vitalist rhetoric renders the invention of *nomocracy* parasitic upon the “way of the spirit.”⁵⁹ “Out of the depths of the Jewish soul the gigantic force of the past bursts into the open and combines with the forces of the nation that are currently active and leads them to the cleared path, the path of life.”⁶⁰ In these passages, Dubnow does not merely refuse the state’s hegemony as a political form—he risks denying historical agency to politics as such, according priority to immaterial (and seemingly transhistorical) forces.

Upon closer inspection, then, Dubnow’s work is marked by a profound ambivalence surrounding the definition of the political and the sources of historical agency. What contemporary scholars call “the political imagination”—an innovative approach to regime design—plays a comparatively minor role in the unfolding of Dubnow’s narrative, ceding precedence to an irrepressible life force. Significantly, Dubnow anticipates the objection that invocations of the national will may discourage political engagement. To the critic who asks, “Is not everything predetermined and don’t we merely have to place our trust in the favors of history?” Dubnow replies that “a living, active, and effective faith” derived from historical analysis “is tied to action, to practical commandments.”⁶¹ Faith is indispensable, Dubnow implies, for those who discern the spirit’s operation in history will gain the fortitude to persevere.

For our purposes, the key question is not whether this rejoinder is convincing, but how it configures the political task. Here, we encounter a third use of history that recurs throughout Dubnow’s oeuvre: Dubnow presents the Jewish

56 NAH, *supra* note 21, at 84.

57 *Id.* at 84–85.

58 *Id.* at 84, 85.

59 *Id.* at 332.

60 *Id.* at 333.

61 *Id.*

past as a storehouse of political models which each generation updates in accordance with current conditions. The injunction to adapt traditional models demotes creative thinking about regime design to an auxiliary role, that of devising external “forms” to temporarily house the spirit. In practice, the “adaptations” that Dubnow sought were far-reaching and modernist in ambition.⁶² Yet Dubnow’s somewhat mechanical deployment of historical templates suggests that, no matter how much emphasis he places on the contingencies of local context, the spiritualizing, transhistorical tendencies are never far from the surface. Autonomy is the “eternal driving force of Jewish history,” it would seem, because an indomitable will directs history and decrees the infinite repetition of a single political template.⁶³ In the encyclopedia entry on “Jewish Autonomy,” these tensions are encapsulated in the paradox that, at the time of writing, Jewish autonomy is both immortal, an eternal vital force, and a “dead letter” with the collapse of minority rights treatises, the intensification of majority nationalism, and widening fractures within the Jewish community itself.⁶⁴

IV. DAVID BEN GURION: THE DUBNOVIAN STRAND WITHIN LABOR ZIONISM

In 1931, writing in the pages of the Brit Shalom journal *Sheifoteinu*, Gershom Scholem observed that Dubnow had ironically scored his greatest victory amongst Zionists. “‘Dubnow’ (if I may use this name purely as a symbol) actually triumphed through the triumph of Zionism; that is the summation of the paradox of the Zionist movement.”⁶⁵ The Zionist movement proves unwittingly Dubnovian, Scholem contends, because it displays more interest in revitalizing European Jewish community than in the rebuilding of Zion. Once Zionist activism unleashed the spiritual forces necessary to rejuvenate European Jewry, the establishment of a national center lost urgency for all but the most zealous activists. “Zionism is ‘Dubnovian’ in practice,” Scholem concludes, “(although it is Revisionist in theory).”⁶⁶ Scholem is correct to note the Dubnovian cast of Zionism in the period. Yet this Dubnovianism often manifests in a different way than Scholem intended—one that renders Dubnow’s victory even more ironic. For Dubnow’s cachet as a theorist (rather

62 See RABINOVITCH, *supra* note 22, at 79.

63 NAH, *supra* note 21, at 338.

64 Jewish autonomy, *supra* note 18, at 393.

65 Gershom Scholem, *Bemai Ka Mipalgei* [What is the Root of Their Disagreement?] II(6) SHEIFOTEINU 193, 199 (1931) [Hebrew].

66 *Id.*

than a symbol) was especially high among labor Zionists whose attachment to the land of Israel was arguably greater than that of Scholem himself. In the text to which I now turn, David Ben Gurion revisits Dubnovian topoi in an effort to determine the modes of political organization appropriate to a nation determined to root itself in the ancestral soil. When Ben Gurion adapts Dubnow's conceptual framework, he also inherits Dubnow's skepticism regarding the efficacy of mundane institutions and practices (absent transhistorical reinforcement). Yet by implanting autonomism in the land of Israel's ostensibly more solid ground, I argue, Ben Gurion evacuates autonomy's traditional political content, replacing ideals of self-rule with those of administration.

In 1926, Ben Gurion delivered a speech (subsequently published in essay form as "National Autonomy and Neighborly Relations") to the Jewish Yishuv's second Assembly of Representatives in which he vaunts the suitability of autonomist political arrangements to regions, such as mandatory Palestine, that host a diverse population. As the essay's opening pages reveal, what Katznelson calls "the question of regime" assumed greater urgency in this period following the confrontation with Palestinian political claims. Ben Gurion prefaces his proposal with an exhaustive catalogue of the myriad religions, sects, tribes, social classes, and languages which any regime must strive to encompass. Said diversity, Ben Gurion contends, militates against the establishment of a unitary, centralized regime. "In a land such as this – with such a great variety of races, communities, religions, international political ties, and social and cultural forms – it is inconceivable that one legal and political order will suit all of the land's inhabitants."⁶⁷ With this paean to Palestine's uniquely variegated population—which is not free of blatant ethnic chauvinism—Ben Gurion joins an internal Zionist debate about regime design.⁶⁸ A proposal advanced by Shlomo Kaplansky at the Fourth Conference of Ahdut Ha-Avodah (1924) sparked renewed debate surrounding the design of legislative institutions (with an eye toward the "Arab Question"). Kaplansky proposed, as a democratic and socialist alternative to the British legislative council, the erection of a bicameral parliament with one house based on proportional representation, another featuring equal numbers of Jewish and Arab representatives. Given demographic realities, Kaplansky's plan would

67 DAVID BEN GURION, ANAHNU VE'HASHHENIM SHELANU [WE AND OUR NEIGHBORS] 111 (1931) [Hebrew].

68 Centralized government proves impracticable, Ben Gurion contends, in a territory that houses both "primitive types of wandering tribes" that he dismisses as "holdovers from the middle ages" and "the most sophisticated type of modern European society" (i.e., the Jewish Yishuv). *Id.* at 111-12.

have granted Arabs a decisive majority in the proposed parliament (and, implicitly, recognized Palestinian national claims).⁶⁹

At the 1924 conference, Ben Gurion countered that Kaplansky had effectively forfeited Jewish rights to Arab leaders seeking domination, “real power and control.”⁷⁰ Moreover, Ben Gurion objected to the establishment of Jewish self-determination on the basis of personal, rather than territorial, autonomy. In the 1926 speech, Ben Gurion continues the polemic against Kaplansky, expanding upon the justifications for a regime of territorial autonomy. This polemical context is crucial for appreciating what is at stake in Ben Gurion’s 1926 revival of diasporic political concepts. Like Katznelson, Ben Gurion mobilizes the tropes of Dubnovian autonomism to counter proposals that were arguably more democratic, in that they involved modes of representation that reflected the demographic composition of mandatory Palestine (which was overwhelmingly Arab).⁷¹

V. TERRITORIALIZING AUTONOMY

Ben Gurion’s fundamental premise, as a proponent of autonomism, surrounds the resoundingly territorial orientation of Zionist ideology. “We came here to renew our life as a territorial nation, we came here (to speak in the language of political programs) to solve the Jewish question.”⁷² It is all the more striking, then, that Ben Gurion recurs to Dubnovian historiography in the 1926 speech when outlining a regime consistent with these territorial aspirations.⁷³

69 For the debate surrounding the legislative council, see ANITA SHAPIRA, *LAND AND POWER: THE ZIONIST RESORT TO FORCE, 1881-1948*, 131-39 (1999); Shabtai Teveth, *Ideology, Naiveté or Pragmatism?* in DAVID BEN-GURION: POLITICS AND LEADERSHIP IN ISRAEL 69, 73-74 (Ronald W. Zweig ed., 1991); SHUMSKY, *supra* note 3, at 196-99.

70 David Ben Gurion, *Otonomia Leumit ve'yahasei Shhenim* [*National Autonomy and Neighborly Relations*], in THE FOURTH CONFERENCE OF AHDUT HAAVODAH IN EIN-HAROD 28, 38 (1926) [Hebrew] [hereinafter: FOURTH CONFERENCE].

71 For Ben Gurion’s opposition to proportional representation, see Gil Rubin, *Beyond the Zionist Nation-State*, TABLET, (Jan. 9, 2019), <https://www.tabletmag.com/jewish-arts-and-culture/276607/beyond-the-zionist-nation-state>.

72 BEN GURION, *supra* note 67, at 117.

73 Ben Gurion advances autonomist positions in many texts from the period. See *Id.* at 6-7, 73, 82, 144, 146, 186-87, 189, 190-91. With the exception of the 1926 speech, Ben Gurion neither cites Dubnow, nor does he “affirm” the *galut*. Indeed, in the rebuttal to Kaplansky, Ben Gurion uses openly “negationist” language (e.g., “the sick mind of the ghetto Jew”) to dismiss proposals based on personal autonomy. See FOURTH CONFERENCE, *supra* note 70, at 29. However, Ben Gurion

Against Zionists who contend that, “in the land of Israel, of all places, there is no place and no need – perhaps there might even be a loss – for autonomy for the Jewish settlement,” Ben Gurion contends that autonomist traditions provide resources tailored to advance the Yishuv’s political goals.⁷⁴ To justify his position to a Zionist audience, Ben Gurion situates his proposal within an unbroken lineage dating to the demise of the biblical state.

The aspiration for an autonomous life and the need for an autonomous life are not unique to Jews in the land of Israel. From the moment that our political independence in the land of Israel ceased, the Jewish people has never stopped striving to organize its internal affairs in an autonomous fashion. And, despite the lack of a territorial basis, throughout Hebrew history, attempts to found autonomous institutions for the Jewish people have never ceased in all the lands of the diaspora. In Babylonia, in the land of Israel after the destruction, in the western European diaspora, in Turkey, in eastern Europe – the *Nasi*, the *Resh Galuta*, the Council of the Four Lands, the *Kehillah* [organized Jewish community], the Millet in Turkey – all of these were (in different ways and under different conditions in accordance with the historical situation and local conditions) autonomous enterprises of the Jewish settlement in the lands of their dispersion.⁷⁵

Although Dubnow is not mentioned by name, the passage contains a near verbatim precis of the familiar Dubnovian catalogue of diasporic legislative bodies. Presumably, audience members would get the allusion. Conventional interpretations have not prepared us for such a resounding endorsement of diasporic politics from the eventual architect of the Israeli state. With the

expresses admiration for diasporic institutions in at least two other texts. *The Land of Israel: Past and Present* (1918)—a Yiddish work coauthored with Yitzhak Ben Tzvi—traces the history of Jewish autonomy within the Ottoman Empire. See DAVID BEN GURION & YITZHAK BEN ZVI, ERETZ ISRAEL BA’AVAR VE’BAHOVE [THE LAND OF ISRAEL: PAST AND PRESENT], 105-13 (1979) (1918) [Hebrew]. Similarly, in a 1929 essay, Ben Gurion warns against disparaging the political tools that the *kehilla* provided to diasporic Jews. See BEN GURION, *supra* note 67, at 177-78. As late as 1945, in a speech that presents the establishment of a state as a sine qua non for Jewish survival post-Holocaust, Ben Gurion describes the *kehilla* as a “state [*medinah*] within a state” and mourns the loss of the “limited and partial independence that we maintained in diaspora.” See DAVID BEN GURION, EIN ATID LANU BLI MEDINA [THERE IS NO FUTURE WITHOUT A STATE] (1950) [Hebrew], <https://benyehuda.org/read/12028>.

74 BEN GURION, *supra* note 67, at 110.

75 *Id.* at 114.

admission that autonomy is possible absent a “territorial basis,” Ben Gurion exhibits a surprising appreciation for local institutions, their ability to foster self-rule absent territorial contiguity and sovereign power. Moreover, Ben Gurion treats diasporic traditions as authoritative precedents for Zionist political organization.

These autonomist proclamations—which deviate from the statist paradigm familiar from Ben Gurion’s subsequent career as prime minister—have provoked intense controversy surrounding what one might call their “sincerity” (or lack thereof). Biographers have cast doubt on Ben Gurion’s sincerity, glossing such passages as a public relations strategy, a delaying tactic, or a strategic move in a “long game” whose ultimate goal was always the establishment of a Jewish nation-state. For example, Tom Segev glosses Ben Gurion’s 1929 proposal for a federation of cantons as “a partition plan”—implying that this federalist plan foreshadowed the Peel Commission report and the 1947 U.N. partition.⁷⁶ Although Anita Shapira evinces more interest in Ben Gurion’s early forays into regime design, she too presents them as opening bids in the campaign for a full-fledged state: “He contended that the combination of autonomy and land was the basis for developing Jewish sovereignty.”⁷⁷ To counter what they view as the teleological bias of mainstream historiography, revisionist scholars have sought to demonstrate “the ideological authenticity and internal coherence” of Ben Gurion’s autonomist proposals.⁷⁸ This historiographic

76 In 1937, the British Peel Commission first recommended partition. TOM SEGEV, *A STATE AT ANY COST: THE LIFE OF DAVID BEN-GURION* 219-20 (2019). *See also* 255-56, 264. Segev does not mention any of the autonomist proposals that Ben Gurion advanced prior to 1929.

77 SHAPIRA, *supra* note 12, at 84. Shapira bases this claim on Ben Gurion’s 1924 rebuttal of Kaplansky. In that speech, Ben Gurion does, in fact, define Zionism’s foundational content as the “aspiration to a Jewish state [*medinah*], the aspiration to the land and to territorial rule.” *See* FOURTH CONFERENCE, *supra* note 70, at 30. Yet in the passage’s continuation, Ben Gurion uses the terms “*medinah*” and “*avtonomiyah*” interchangeably. “In our state [*medinah*], we aspire to rule over ourselves, to self-rule, to national autonomy [*avtonomiyah*] that is based on the ground.” Moreover, as Kedar reminds us, in his later work Ben Gurion favored “*mamlachah*” and its cognates precisely because, in biblical and rabbinic Hebrew, the word “*medinah*” designated a town or province, rather than a “state.” Indeed, the Hebrew word “*medinah*” only emerged as a counterpart to the English word “state” after the 1942 Biltmore conference. *See* Nir Kedar, *Ben-Gurion’s Mamlakhtiyut: Etymological and Theoretical Roots*, 7(3) ISR. STUD. 117, 120 (2002). For Ben Gurion’s use of the term “*medinah*” in the 1920s and 30s, *see also* BEN GURION, *supra* note 67, at 95, 158, 173, 188-96.

78 SHUMSKY, *supra* note 3, at 189. *See also* Bartal, *supra* note 17, at 152-69.

controversy offers a powerful reminder that Ben Gurion's regime proposals cannot be evaluated independent of their context—whether the relevant context is minority nationalism in Eastern Europe or the political campaigns (e.g., “Hebrew labor”) that Ben Gurion pursued simultaneously in Palestine. Yet my aim, in analyzing Ben Gurion's deployment of Dubnovian motifs, is neither to divine his “true” political intentions nor to correct the ostensible “mistakes” of reigning historiography. Rather, I hope to discern the kinds of (theoretical and practical) work that Ben Gurion assigned to regime design, the role that institutional frameworks occupy in his broader political imaginary. If we suspend the debate about Ben Gurion's “sincerity,” focusing instead on his fraught negotiation with diasporic traditions, we will see that, like Dubnow before him, Ben Gurion accords the design of political institutions a secondary role in the process of national revival, relying instead on a transhistorical constant.

In Ben Gurion's case, the land, rather than the national spirit, functions as the anchor that threatens to render mundane practices of self-rule epiphenomenal. We can see as much if we examine Ben Gurion's attempt to adapt autonomist frameworks to the exigencies of a nation striving to root itself in the ancestral soil. Although Ben Gurion acknowledges a shared aspiration running throughout Jewish history—namely, the impetus “to order our lives in an autonomous fashion”—he posits a “great,” “fundamental,” and “essential” difference between the Yishuv's autonomist aspirations and those of his diasporic predecessors.⁷⁹ “When, in diaspora, we tried to preserve our individuality,” Ben Gurion relates, “we were forced to build our autonomy solely on a personal basis. In no place were we a territorial population – that is, a population that constitutes a majority in a given place.”⁸⁰ In the Yishuv, by contrast, patterns of Jewish settlement, economic and vocational practices, and the dominant political tendencies all demand the establishment of *territorial* autonomy. What does this mean, in practice? Ben Gurion envisioned a decentralized regime in which authority for matters not requiring large-scale coordination (e.g., postal services, railroads, currency) would devolve to local units. (Perhaps because he assumes that large-scale projects will remain within the Mandate's purview for the foreseeable future, Ben Gurion scarcely addresses procedures for their administration, thereby skirting the fraught question of Jewish-Arab cooperation.) Each municipality with a Jewish majority would constitute an autonomous unit empowered to govern its internal affairs (e.g., water, electricity, sanitation, public health, safety, culture, charity, workers' rights, and local courts). A regime of personal autonomy modeled on the *kehillah*—

79 BEN GURION, *supra* note 67, at 115.

80 *Id.* at 115.

limited to education, culture, and social welfare—would be extended to Jews living in majority Arab cities. The Jewish autonomies would answer to an umbrella national council charged (among other things) with “establishing neighborly relations” with non-Jewish municipalities “on the basis of mutual aid and cooperation” on matters of common concern.⁸¹ Again, Ben Gurion neglects to specify procedures for jointly addressing these matters—nor does he advocate the creation of a Jewish-Arab legislative body.

What kind of “imagination” is at work in the translation of autonomy from a diasporic to a territorial context? At the most basic level, Ben Gurion advances a maximalist vision of Jewish self-rule—and he presumes that territorial concentration (e.g., majority status within a discrete territory) is a prerequisite for expansion of Jewish jurisdiction. In diaspora, Ben Gurion complains, “the community council was recognized to deal with spiritual matters alone, matters detached from the ground,” such as religion, social welfare, and education.⁸² By contrast, the first Zionist settlements were established by farmers pressed to devise institutions for agricultural cultivation—with the result that the autonomous Jewish sphere expanded to encompass emphatically material concerns. As Ben Gurion relates, “The council of the *moshavah* [agricultural colony] was the nucleus of a territorial authority, it did not deal with spiritual matters, because the ties connecting the local inhabitants were not merely personal; the council of the *moshavah* dealt with matters of land, matters of defense, security, irrigation, the provision of water, and other matters that every territorial or municipal authority deals with.”⁸³

On closer inspection, however, the contrast drawn is not merely between narrow and broad spheres of jurisdiction. Rather, Ben Gurion indicts the supposed pathologies of diasporic existence, not all of which derive from subordination to external jurisdiction. On Ben Gurion’s diagnosis, diasporic existence entails a problematic “doubleness”—“all of our lives were cut in two”—since Jewish and general needs fall under different jurisdictions.⁸⁴ Here, the administrative redundancy and extra tax burdens that characterized the *kehillah* system point toward a deeper ontological predicament: the loss of a holistic form of Jewish existence. The return to the land holds out a more radical promise than expanded jurisdiction—namely, the overturning of distinctions that severely constrained what counts as “Jewish.” With the restoration of holistic Jewish experience, Ben Gurion promises, comes an enhanced sense of material reality. For the *kehillah*’s resolutely spiritual orientation reflects

81 *Id.* at 129.

82 *Id.* at 115.

83 *Id.*

84 *Id.* at 120.

the fundamental unreality of diasporic existence—in diaspora there is literally “no ground under our feet.”⁸⁵ This tendentious assertion—surely, diasporic Jews were not suspended in mid-air—echoes the negationist rhetoric that we have come to expect from labor Zionists. Extolling the merits of the “first farmers” and “first pioneers” who established “autonomy in the land of Israel on newer, healthier foundations,” Ben Gurion ascribes transformative power to territorial concentration.⁸⁶ Indeed, Ben Gurion predicates recovery from the supposed pathologies of ghetto life on cultivating an intimate and material relationship to the land. When Ben Gurion distinguishes the Zionist political tendency from those of diaspora Jews, he identifies territorial concentration as the dominant political aspiration, rather than freedom or self-legislation. One begins to suspect that, in Ben Gurion’s acceptance, “self-determination” derives more from the physical labor of digging an irrigation system, than from the communal exchange of views regarding whether, where, and when to irrigate. With the move to establish autonomy on territorial foundations, the term’s original jurisprudential connotations (“self-rule”) begin to recede.

VI. THE “ARAB QUESTION”

Although Ben Gurion demotes practices of self-rule to an auxiliary role in this essay, he cannot dispense with them altogether. Significantly, the moral and political vocabulary traditionally associated with ideals of autonomy (e.g., freedom, equality, rights) recurs when Ben Gurion addresses “the Arab Question.” Confronting “the decisive political question in the land of Israel, the question of the relations between Jews and Arabs,” Ben Gurion invokes what he considers Zionism’s animating moral commitments.⁸⁷ “We will only conquer our independence in the land of Israel,” Ben Gurion contends, “if the sense of justice and uprightness will flourish in the world, if there will be a moral understanding of our needs; and the moral consciousness of the true Judaism – not the false Judaism espoused by people and groups far from moral life – obliges us to adapt this moral principle in relations with our neighbors.”⁸⁸ Ben Gurion insists that Zionists extend to non-Jews the same moral consideration that they demand for themselves. In this context, Ben Gurion deploys a strict definition of autonomy (giving the law to oneself)

85 *Id.* at 116.

86 *Id.*

87 *Id.* at 121.

88 *Id.* at 123.

to counter one of the characteristic temptations of territorial settlement: the desire to impose a heteronomous order on others.

Our aspiration is not to rule over others, not to be a ruling nation like the other ruling nations, our goal is to be self-determining, *no more and no less than that* – and we will not achieve this goal unless we realize it in day to day life, in our economic life, our cultural, political, social, and public life here in the land of Israel.⁸⁹

Autonomist models featuring decentralized and devolved authority are most consistent with Zionist moral convictions, Ben Gurion suggests, because they preclude rule over others. “If anyone thinks that we should cancel the autonomous order in Tel Aviv so that we can rule over Jaffa – that is a subversion of our very existence. We are forbidden to do this.”⁹⁰ In these passages, Ben Gurion mobilizes autonomy’s legal and political connotations in an attempt to sever rootedness in the land from sovereign power over territory. The injunction against heteronomy illustrates the political purchase of provincializing uses of history. Mobilizing minor traditions allows Ben Gurion to resist entrenched political assumptions (e.g., that territorial settlement entails rule over others).

Yet the provincializing gesture only goes so far. As the caution against encroachment upon Jaffa reveals, Ben Gurion is dimly aware that territorial ambitions may run counter to autonomism’s animating ideals. The alacrity with which Ben Gurion dispatches this threat, however, suggests that he is not sufficiently vigilant against the evacuation of autonomism’s traditional political content. The moral norms that Ben Gurion invokes to justify what he considers fair treatment of Arabs do not derive, in any obvious way, from the agricultural practices that he celebrates as harbingers of the anticipated territorial regime. How does Ben Gurion expect to instill deep commitments to the moral and political values he professes? On Ben Gurion’s narrative, territorial autonomy in the land of Israel emerged not from a quest for legal and political rights (as in eastern Europe), but from the exigencies of agricultural settlement. Arriving in the Ottoman period, the first settlers unwittingly erected the foundations of an autonomous territorial regime—farming communities established without government initiative or official sanction. “We need not invent this arrangement, we merely need to see what already exists in the land of Israel and use it for our purposes.”⁹¹ Recall that Ben Gurion presents the council of the *moshavah* as the “nucleus of territorial rule.” These councils rest on “healthier foundations,” Ben Gurion insists, because they assume

89 *Id.* at 118.

90 *Id.* at 123.

91 *Id.* at 118.

responsibility for “matters of land, matters of defense, security, irrigation, the provision of water, and other matters that every territorial or municipal authority deals with.”⁹² Expanding beyond traditional Dubnovian concerns (courts, education, and culture), Ben Gurion taxes majority Jewish municipalities with responsibility for the provision of water, electricity, sanitation, paving roads, community improvement, public health, and security.⁹³ Dubnow’s term “nomocracy” is scarcely appropriate here, since pioneering activity is not directed toward the achievement of moral or legal freedom, nor does it assume a legislative cast. Thus, Ben Gurion is correct to note a “great,” “fundamental,” and “essential” difference between diasporic and territorial autonomy. While diaspora Jews honed legal, judicial, and deliberative practices, the pioneers achieved independence through practices of settlement, labor, and agriculture.

In Arendtian terms, the signature concerns of territorial autonomy belong to the realm of labor—“the activity which corresponds to the biological process of the human body”—rather than the realm of action and politics.⁹⁴ Arendt famously warns that the social has a tendency to devour the political which, left unchecked, causes “the eclipse of a common public world” and the practices of speech and action necessary for its maintenance.⁹⁵ Determined to root autonomy in the soil, Ben Gurion neglects to specify practices that would instill the *political* values on which he relies when exhorting Zionists to “neighborly” conduct. Indeed, Ben Gurion is more concerned with multiplying the spheres over which Jewish jurisdiction extends than with designing just procedures for the collective exercise of Jewish jurisdiction (or cooperation with Arab autonomies). Once political ideals of freedom, justice, and equality have been eclipsed, replaced with norms of efficiency, it is unclear how Ben Gurion intends to restrain Jewish impulses toward domination.

On the evidence of this essay, territorializing autonomy does not inspire a sufficiently probing analysis of the demands that autonomist ideals place on Zionists in Palestine, in a context marked by competing national claims and demographic contestation. Ben Gurion exhibits deficient “imagination” in two senses. First, Ben Gurion minimizes the conflict between an ethos that glorifies physical labor and the political ideals that he professes when wrestling with the Arab Question. Here, we encounter a variation upon the tension that marked Dubnow’s account of historical agency. Like Dubnow, Ben Gurion assigns the design of political institutions a secondary role (on the assumption that agricultural work will inspire the desired transformation).

92 *Id.* at 116.

93 *Id.* at 127.

94 HANNAH ARENDT, *THE HUMAN CONDITION* 7 (1989).

95 *Id.* at 257.

Indeed, Ben Gurion may have evinced flexibility with respect to regime design precisely because he viewed the regime as a technical instrument for the advancement of his primary aims (territorial settlement and a Jewish majority). Although Dubnow vacillated regarding the transformative power of political institutions, he remained committed to autonomism's animating political ideals. Having placed his hopes for national regeneration in the land, Ben Gurion weakens autonomism's political purchase, abandoning resources necessary for rendering sound moral judgments.

Second, Ben Gurion uses the inherited infrastructures of "autonomism" to defer a more holistic analysis of the conflict. When addressing Arab claims, Ben Gurion repeatedly invokes ideals of equality. Given demographic realities, however, establishing Jewish and Arab autonomies on "equal" terms would have likely impinged upon Arab self-determination. With the insistence that Zionists honor their own "demand for complete national equality" by granting the same to Arabs, Ben Gurion effectively uncouples legislative representation from demography.⁹⁶ "It makes no difference whether we are in the minority and others are the majority, or whether we are the majority and others are in the minority."⁹⁷ This attractive sounding commitment—fealty to autonomism is not contingent upon demographic fluctuations—appears somewhat disingenuous when one recalls the polemical ends to which Ben Gurion deployed these proposals. In this debate, Ben Gurion—who openly avowed his intention to create a Jewish majority—sought to counter binational proposals based on proportional representation.

Revisiting this debate, we can see how the political valence of autonomist "forms" changes once implanted in the soil. If Dubnow sought to enfranchise minority communities, Ben Gurion deployed autonomism to counter modes of political representation that would have accorded Arabs political power proportionate to their percentage of the population. This episode illustrates the limitations of what I have called the third Dubnovian use of history: the search for recyclable regime templates. Like Dubnow before him, Ben Gurion treated the Jewish past as a catalogue of regimes awaiting contemporary adaptation. Dubnow advocated this approach because he believed that, in moments of historical transition, "the forms of autonomy changed, although its substance remained essentially the same."⁹⁸ Yet this assumption is questionable. When labor Zionists recycled Dubnovian tropes, autonomism's "substance" changed from a vehicle for minority enfranchisement to a gambit for denying Palestinian national claims. In the story that I have related, regimes lack a

96 BEN GURION, *supra* note 67, at 122.

97 *Id.*

98 Jewish Autonomy, *supra* note 18, at 391.

consistent ideological tendency—which is not to say that regimes are neutral instruments, merely that context shapes their emancipatory potential. Thus, it would be imprudent to attach too much significance to the mere fact that Ben Gurion endorsed autonomism. The relevant considerations, for scholars hoping to ignite political imagination, are the ends toward which he mobilized this endorsement and the hopes he invested in regime design. If Ben Gurion’s case is any indication, willingness to entertain alternatives to the nation-state does not, in and of itself, guarantee the cultivation of a robust democratic imagination.

CONCLUSION

Post-Oslo, the political vision associated with the nation-state—that is, “two states for two peoples”—has gradually receded from the roster of viable “solutions” to the conflict.⁹⁹ A convincing rejoinder to dominant ideological currents in Israeli-Jewish society—from the Nation-State Law to calls for annexation—must establish the viability of democratic alternatives to the nation-state.¹⁰⁰ This realization is arguably one of the insights motivating the turn to political imagination. Too often, however, historians of the political imagination evince unwarranted faith in the transformative power of exposure to autonomist alternatives. As this episode reveals, willingness to entertain a variety of institutional infrastructures does not invariably yield an outpouring of egalitarian imaginativeness. To advance contemporary debate beyond the repeated gesture of excavating (ostensibly more attractive) “paths not taken,” I submit, we must embrace critical aspects of the Dubnovian legacy while discarding those that encourage fixation upon “recyclable” regime templates. Dubnow’s contribution to contemporary debates is methodological (i.e., deriving theoretical claims from the study of historical political experience) rather than substantive (i.e., the autonomist platform itself). Immersed in

99 The Trump administration’s “vision” for peace—which essentially endorses the proposals of the Israeli center-right—pays lip service to the idea of a Palestinian “state.” Yet the plan also legitimizes annexation and, more importantly, downplays the importance of national sovereignty as traditionally understood. PEACE TO PROSPERITY: A VISION TO IMPROVE THE LIVES OF THE PALESTINIAN AND ISRAELI PEOPLE, *supra* note 6, at 9: “The notion that sovereignty is a static and consistently defined term has been an unnecessary stumbling block in past negotiations. Pragmatic and operational concerns that effect security and prosperity are what is most important.”

100 See Julie E. Cooper, *Can Jewish Ethics Speak to Sovereignty?*, 4(2) J. JEWISH ETHICS 109 (2018).

Jewish history, Dubnow was able to offer a contrarian take on the power of communal institutions and the grounds of political community. Without such a framework, we are liable to assign exaggerated weight to the regime type itself (e.g., nation-state vs. federation), instead of studying the significance ascribed to everyday practices of self-rule in a given political imaginary.

Absent a theoretical analysis of the kind that I have undertaken, paeans to the diversity of the Zionist (or Jewish) political imagination can be somewhat deceptive. Perhaps the greatest irony of the story that I have related is that supposed paragons of the political imagination did not actually evince much faith in the powers of unaided imagination. Dubnow credited the persistence of Jewish national identity to the workings of an invincible national spirit, while Ben Gurion predicated “healthy” forms of national independence on establishing an intimate relationship to the land. In this tradition, openness to a relatively broad spectrum of political forms coexists with a marked skepticism regarding the adhesive power of the forms themselves. Yet scholars have seldom paused to evaluate the cogency of Dubnow’s and Ben Gurion’s respective visions of political agency. The controversy surrounding the “naiveté” of Dubnow’s proposals, and the “sincerity” of Ben Gurion’s, has blinded us to a more fundamental issue: their reluctance to treat mundane institutions and practices as the primary catalyst for political mobilization. Presumably, few scholars today defer to the workings of the spirit or impute transformational power to the land. Having renounced such “false” consolations, we have pinned our political hopes on the regime itself. To persuade skeptics that these expectations are well-founded, critics must provide a fresh assessment of the contribution that non-state institutions can make to democratic self-determination.

That is, it behooves advocates of a just, negotiated settlement to the Israeli-Palestinian conflict to examine what they want, expect, and need from regime design—before investing political hopes in any given proposal. Do we expect alternative regime proposals to serve as the primary catalyst for mobilizing democratic opposition to the status quo? Or, like Dubnow and Ben Gurion, do we tacitly rely on other sources of political agency? A single-minded focus on the regime type (e.g., federation vs. confederation) risks obscuring more fundamental questions about the sources of historical and political agency. Critics who neglect reflections of this kind are liable to perpetuate the mechanical approach to Dubnow’s legacy on display in Ben Gurion’s essay. With their emphasis on the recovery of forgotten forms, contemporary projects risk a similar blindness to contextual factors that determine whether a given template is likely to concretize democratic commitments.

More importantly, the recovery of forgotten alternatives does not materially alter the terms of contemporary debate. When scholars showcase the variety

of regimes that Zionists have historically entertained, they expand the menu of available options within a debate hitherto monopolized by the choice between one or two states. Yet the debate's framing and stakes largely remain intact. To change the terms of debate—which is arguably a prerequisite for breaking the current impasse—we need a novel theoretical account of the conditions for self-rule, once foundational premises of the nation-state have been suspended. The rise of the nation-state enshrined a set of assumptions about the grounds of political community: that there is no polity without sovereign power, that sovereignty extends over a discrete territory, that membership in the demos derives from national identity, that self-determination requires a perfect correspondence between nation and state. (The one state solution predicates political membership on territorial jurisdiction, but defines the nation in civic, rather than ethnic, terms.) To revitalize political imagination, I would argue, it is not enough to expand the menu of “solutions” via the addition of a few dishes with a more exotic pedigree. A truly imaginative reframing of the conflict would require a novel conception of what counts as a regime and, more importantly, what “self-determination” means in the absence of sovereign power or territorial grounding.

In his critical moments, this is precisely the kind of account that Dubnow sought to elaborate with reference to Jewish history. Admittedly, Dubnow's project proved fraught, given the weight of hegemonic norms and his own vacillation regarding the sources of political agency. But appreciating these tensions is crucial for scholars who would lay claim to a Dubnovian inheritance. On the account that I have offered, the power of historical argument derives from its ability to confront us with the theoretical and political dilemmas encountered when critics resolve to rethink the grounds of political community in light of diasporic traditions. Offering a contemporary resolution of these dilemmas lies beyond the scope of this Article. Rather, my aim has been diagnostic and critical: To situate contemporary debates within a historical trajectory and thereby specify the kinds of normative and practical guidance that it is reasonable to expect from revisiting Jewish controversies surrounding “questions of regime.”

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