

The Right to Banality: Interwar Jewish Global Thought between Eastern Europe and the Middle East

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Abstract

The global political order that emerged from 1919 inscribed Jews into two distinct legal roles under the League of Nations system: a model national minority in the new nation-states of Eastern Europe, and a virtual national majority in British Mandatory Palestine. Despite extensive scholarship on each of these stories, we know precious little about how they interacted in the interwar Jewish political imagination. In this article I track several key East European Zionist intellectuals through the period between World War I and the aftermath of World War II as they attempted to imagine a new geometry of transnational nationhood via international law. This account of their pursuit of national self-determination beyond sovereignty reveals the promise and limits of interwar Jewish worldmaking and provides an index of the changing meaning of nationhood itself in the interwar period.

Keywords: nationalism; internationalism; transnationalism; Israel/Palestine; Eastern Europe; League of Nations

The basic idea at Versailles was to recognize the impossibility of creating nation-states.
-- Abraham Revusky, “Jews in Post-War Settlement” (1941)¹

Introduction

“Enough with romantic dreams, religious pride, and metaphysical self-esteem,” wrote Max Lazerson in his 1925 book, *Pravo na banal’nost* (*The Right to Banality*). We, Socialist Zionists, simply seek “to transfer the fate of the Jewish people onto the normal rails of visible, unremarkable existence,” explained the Jewish politician and lawyer. Jews deserved “the right to be banal, the right to be like everyone else” (Lazerson 1925, 38, 43). Reading this statement today, seven decades after the creation of the State of Israel and the Nakba in 1948, that demand for banality easily equates with territorial sovereignty in Palestine. Zionism required Zion in the form of a Jewish nation-state. It is also hard not to hear echoes of Hannah Arendt’s 1963 book, *Eichmann in Jerusalem*. There, Arendt famously coupled her theory of the “banality of evil” at work in the Nazi Holocaust with a critique of Zionism’s own “abnormalities,” chief among them its fetishization of Jewish sovereignty at the expense of Palestinian rights (Arendt 1963, 253). Yet in his 1925 tract, Lazerson never once called for Jewish state sovereignty in Palestine. Nor did he seek an end to the global Jewish diaspora. Instead, he argued that the Zionist creation of a “national territory” in Palestine would provide a

“metropole” that would normalize Jewish existence in Eastern Europe. By establishing Palestine as the Jewish nation’s “heart” and its “vagina judaeorum,” [sic] its “Jewish birth-canal,” Zionism would secure the Jewish future in the diaspora. “A living nation,” he wrote, “cannot exist without a metropole” (Lazerson 1925, 77).

From today’s vantage point, the act of reverse-engineering a national homeland to preserve a global diaspora in support of international socialism reads like the antithesis of banality. Rather than merge nation and land into a single, seamless whole, Lazerson insisted on their separation. Colonial settlement would operate in reverse. In his gendered model, the countries of Eastern Europe, with a population of eight million Jews, would become Jewish colonies of Palestine, where less than one hundred thousand Jews lived at the time (Katz, Leff and Mandel 2017).

This complex vision raises several questions about the interwar Jewish political imagination. Absent territorial sovereignty and national citizenship, what structure would link Jews together into a single global polity? Where did Palestinian Arab nationhood reside on this European Jewish map of the world? Most fundamentally, how did Lazerson and so many other interwar Jews come to claim this idiosyncratic political vision as the quintessence of normality?

To answer these questions requires that we recall a cardinal fact of the post-1919 moment. The Western global order that emerged from the ashes of World War I at the League of Nations simultaneously inscribed Jews into two discrete legal categories: a protected national minority in the countries of Eastern and Southeastern Europe under the Minorities Treaties, and a privileged virtual national majority in Mandatory Palestine. In recent years, each of these histories has attracted the attention of scholars seeking better understanding of global politics in the interwar period. International and legal historians have found in the League’s venture into minority rights protection a crucial chapter in the pre-history of modern human rights (Loeffler 2018; Kurz 2021; Fink 2008; Motta 2013; Hiden and Smith 2016). Historians of colonialism and empire, meanwhile, have turned to Palestine and the Arab-Zionist conflict to document the colonial logic and violent consequences of the League’s model of international governance (Pederson 2015; Sinanoglou 2019; Robson 2017). Yet these two stories are rarely if ever studied together. This continual bifurcation of the interwar Jewish world obscures the way in which both Eastern Europe and Palestine fit into a single larger League system that set the measure of each – and established their connection to one another through international law. That bifurcation has left us with radically divergent images of interwar Zionism. In the estimation of Pederson (2015) and Robson (2017), Zionist representatives led a powerful European settler colonialist movement actively transforming policies on the ground in the Middle East, while for Fink (2008), Graf (2008) and Lichtenstein (2016), Zionist leaders comprised a weak self-defense network trying unsuccessfully to protect an imperiled European Jewry or even a colonial subaltern (Mogilner 2022). To bridge that gulf requires that we begin by looking more closely at how the Jewish historical actors themselves understood the relationship between Minorities, Mandates and sovereignty in the interwar period (Smith 2018; Wheatley 2023).

In this article, I place interwar Eastern Europe and Palestine back together in the same conceptual frame to examine how the League’s own design empowered and conditioned Zionist global thought. Thanks to excellent recent scholarship by Shumsky (2018), Gorny (2006) and Brenner (2018, 88-137) among others, we now know a great deal about how various interwar Zionist thinkers across the ideological spectrum borrowed political ideas from late imperial Eastern Europe to imagine the future of Palestine far beyond the confines of a sovereign Jewish nation-state. These studies reveal not only the large variety of alternatives proffered before the Second World War – bi-national states, multi-national states, federations, dominions, and other neo-imperial structures – but also the surprisingly late date at which the nation-state came to be understood as the inevitable outcome for Zionism. Of critical importance, this literature nevertheless remains focused on the context of Palestine itself and Arab-Jewish relations, leaving those ideas of non-sovereign Jewish nationhood in Palestine hovering in the realm of abstraction disconnected from the broader interwar world and the rest of the global Jewish population. Other scholarship does trace the bi-directional flow of people and ideas between interwar Eastern Europe and Palestine (Moss,

Nathans and Tsurumi 2021; Moss 2021, 221–53; Yona 2021; Heller 2017, 133–66) and the various global imaginaries of Palestine as part of European imperial and colonial projects (Imber 2024; Stern 2021; Dubnov and Robson 2019; Puchalski 2021, 118–226; Katz, Leff, and Mandel, 166–82). Still, with few exceptions (Rubin 2017), we learn very little about how Zionists imagined the two spaces in relation to one another in the context of the League of Nations, and its new legal framework of international governance. As a result, we still lack a clear picture of how East European Zionist thinkers understood the future legal status of the global Jewish diaspora, or its relation to other colonial and anti-colonial modernities. What we lack, in other words, is a history of interwar Jewish world-making (Wyrzten 2022; Getachew 2019; Goswami 2012; Aydin 2007; Samour 2017).

After 1919 the League linked the Jewish heartland in Eastern Europe with the putative homeland in Palestine in a single political and legal framework. This development catalyzed a new way of Jewish thinking about nations, states, and territory between the two World Wars. Suddenly, it became possible to imagine the Jewish diaspora not as an historical anomaly in the age of nation-states but as the vanguard of a new global order. That thinking took many different forms, as Jewish Zionists, non-Zionists, and anti-Zionists all re-imagined international migration, territorial resettlement, and world federation (Rabinovitch 2014; Almagor 2022). The most ambitious geometry of nationhood emerged from the minds of Zionist intellectuals hailing from turn-of-the-century Eastern Europe. Writing and acting as at home in the new postwar European states, abroad in the Zionist movement in Palestine, and within the international institutions of the League of Nations and the European National Minorities Congress, these men – and men they all were (Loeffler 2019a; Granick 2022) – conceptualized their own nationalism in terms of a quest to create Jewish minorityhood in Eastern Europe and Jewish majorityhood in Palestine at one and the same time. International law would provide the connective tissue between these entities, linking them and the rest of the Jewish diaspora into a single global collective.

The advocates for this bicameral model of nationhood registered the new spirit of post-1919 internationalism. They saw in cross-border cooperation, the rise of international organizations and legal institutions, multi-lateral diplomacy, and the spread of international socialism the signs of a dawning era of global interdependence. Western imperialism would yield to democratic self-determination of colonial peoples around the world. Socialism would transform global economic life. Nationalism would produce internationalism (Sluga 2013). At times, they even gestured in the direction of a full-blown transnationalism, imagining a global sphere of human national communities independent of states. A freestanding Jewish people, endowed with legal personality in international arena might finally overcome the tyrannies of scale, sovereignty, and territory in modern politics. Recognized as rightful members of the community of nations regardless of their small size and physical dispersion, Jews everywhere might claim a single national identity unbounded by land. Diaspora was an avant-garde form of political modernism.

Yet that transnational impulse contended with another key trope of Zionist thought: the desire to normalize modern Jewish existence by returning an ethnoreligious diaspora to its territorial homeland. In this view, there was no escape from demography and geography. Diaspora was an abnormal condition remedied by realigning nation with territory. Jews and Arabs might share land, but not power. Even non-sovereign ideals required Jews to possess Palestine and exert primacy. Hence any Jewish move towards the transnational undermined the national vis-à-vis Palestine.

The very structure of the League of Nations exacerbated this root tension within Zionist thought. From 1919 onwards, the League promoted a capacious notion of a transnational Jewish nationhood within a system compromised by built-in asymmetries of power, legal incapacities, and ideological blind spots regarding the very premise of national self-determination and its equal application to all peoples, notably Palestinian Arabs. National independence was pledged yet empires remained. The prize of sovereignty was preconditioned on civilizational metrics and international supervision (Renton 2007; Wallach 2021). International law was advanced as a check on imperial politics, but the Great Powers remained the arbiters of justice. By encouraging diasporas to conceptualize

themselves as split between kin-states and co-national minority populations, the system also triggered a move towards reciprocity as the grounds for arguments about collective justice and national self-determination. So too, the League recognized nationhood as theoretically distinct from territory, yet still required that legal personality be anchored in a physical homeland. The net result was an ideal of transnationalism in tension with itself.

Beginning with the emergence of this Jewish vision of world-making during World War I, I proceed here to trace its evolution through the 1920s and 1930s across the writings of five key exponents: Max Lazerson (1881-1951), Victor Jacobson (1869-1934), Nahum Sokolow (1856-1936), Hersch Zvi Lauterpacht (1897-1960), and Jacob Robinson (1889-1977). Together they represent a variety of origin points in the former Russian and Austro-Hungarian empires (present-day Latvia, Ukraine, Poland, Ukraine, and Lithuania, respectively), and diverse pathways through the landscapes of interwar Europe and the Middle East. Several were lawyers, others were diplomats, and some legal diplomats. Above all, they shared an interest in the explicitly global dimensions of the Jewish question – both what the new internationalism meant for the Jewish future, and what the new politics meant for the global present. I focus on key moments of confrontation that forced these activists to defend and adapt their internationalist visions, including the early 1920s challenges from both the League Great Power leadership and the Communist Left, the mid-1920s rise of Right-Wing authoritarian regimes in Eastern Europe, and the intensification of the Arab-Zionist conflict in Palestine at the decade's end. I close by discussing how the global crises of the 1930s transformed this idiosyncratic imaginary into the now conventional nation-state paradigm.

At the heart of this study lies the question of the relationship between law and power. The interwar Zionist global imaginary reflected Jewish world-making both *with* and *after* empire. These thinkers shared the views of contemporaneous anti-colonial intellectuals who saw international law as a vehicle for national self-determination and anti-imperial solidarity. Yet they accepted the Western liberal premise that European empires possessed a legal right to re-order the world and a responsibility to civilize humanity, including the Arabs of Palestine. They wrestled with the paradox by which international law served at once as an instrument of emancipation and a tool of hierarchy (Berman 2012; Shahabuddin 2016). In search of a way out of this conundrum, they posited an historical process by which modern empire would empower international law and then gradually yield to its authority to permit oppressed peoples to claim their places in the world. Events in their day severely challenged this faith. Pinned between Eastern Europe and the Middle East, stretched across a landscape of post-imperial states, neo-imperial territories, and empires proper, buffeted by violent realities on the ground in Palestine, these interwar Zionist thinkers struggled to fix the boundary line between idealism and pragmatism (Gorny 2015; Conforti 2019). Reexamining their quest to realize “the right to be like everyone else,” therefore, provides an index of the changing definition of normalcy itself in global thought after 1919.

The Allure of the Transnational

In January 1917, as the war raged on the Eastern Front and the Russian Empire teetered on the brink of collapse, the members of the Jewish Historical-Ethnographic Society in Petrograd (St. Petersburg), a veritable who's who of the Russian Jewish intelligentsia, convened for a series of lectures by the young law professor Max Lazerson under the title, “The International Formulation of the Jewish Question.”² Born in 1887 in Mitau (Mitava/Jelgava) in the Russian imperial province of Courland, Lazerson earned his doctorate in law at St. Petersburg Imperial University in 1911, then studied in Berlin and Heidelberg in 1913, before taking a master's degree in law at the University of Tartu in Dorpat. In 1916 he was appointed *privat-dozent* at the law faculty at the renamed University of Petrograd, with a specialization in constitutional law and legal philosophy (Likhovski 2022). At the same time, he emerged as a leader in the international Socialist-Zionist movement, then actively engaged in formulating proposals for the future of Jews in Russian society

and Jewish claims to Palestine. Those questions led him to the topic of international law and its bearing on the postwar Jewish fate.

With the dawn of the twentieth century, Lazerson informed his audience, a global legal revolution had begun. The old system of international law between states was yielding to the true, “authentic inter-*national* law” that would recognize “not only states, but nations as lawful subjects, regardless of whether they are constituted as sovereign nation-states or ... non-state nationalities.” This shift portended a moment of enormous opportunity for Jews seeking their place within the global order, he explained. Now, regardless of their size or geographical location, Jews might claim a corporate personality as “a legal subject in international affairs” (Lazerson 1917, 6-7, 11, 55).

Nineteenth-century European imperial humanitarian interventions and minorities protection schemes treated distant Jewish communities as passive objects of aid, he continued. Those few European and American Jewish elites who took part in these campaigns remained closely aligned with state-based diplomacy and deeply constrained by anxieties of emancipation at home. That approach had become untenable in the twentieth century:

The Jewish nation can no longer rely for the defense of its common national interests on voluntary philanthropist-diplomats. It can no longer accept that the airing of questions concerning its existence and normal development be considered on a non-legal international basis. The Jewish people, recognizing itself as a nation, can no longer present its legal claims in the form of appeals to the “good will” of diplomats. It strives for legally recognized action for the realization of its rights.

Three core elements of the modern age -- “national consciousness, legal consciousness, and self-determination” – now came together in the demand for “Jewish democracy” (Lazerson 1917, 35-36, 10-11).

Several strains of contemporary thought fed into Lazerson’s vision of Jewish internationalism. Already in the 1880s and 1890s, the Russian Jewish nationalist thinkers Leon Pinsker (1821-1891) and Asher Ginsberg (Ahad Ha’am) (1856-1827), issued calls for Jews to establish a national homeland in Ottoman Palestine in order to normalize Jewish status in the diaspora (Shumsky 2018, 43-49, 90-123). Beginning in 1897, the Zionist movement led by Theodor Herzl (1860-1904) demanded “a home [Heimstätte] for the Jewish people in Palestine” and “the organization and binding together of the whole of Jewry by means of appropriate institutions, both local and international” (Vital 1982, 131-32; Sokolow 1917; Dubnov 2017, 183-84). That same year, the Russian Jewish historian and politician Simon Dubnov (1860-1941) launched an influential campaign to re-constitute Jews as a non-territorial national minority in the Russian Empire. Meanwhile, various Austro-Marxist socialist theoreticians proposed reconciling nationalism and socialism in the multi-national contexts of Eastern Europe through pairing national-cultural autonomy with democratic citizenship. In the opening years of the twentieth century, that vision proved attractive to both the anti-Zionist socialists of the Jewish Bund and the Russian Socialist Zionists (Rabinovitch 2014; Frankel 1981, 288-364; Silber 2014). Lazerson belonged to a group within the latter camp, the *Poale Zion* movement. Their revolutionary strain of Zionism merged Marxist socialism with Jewish nationalism. They saw the creation of a Jewish proletariat in Palestine as a precondition for global class struggle – and the normalization of Jewish existence (Hazan 2009; Balshan 2004).

The efflorescence of Jewish autonomist politics dovetailed with a shift in European legal thought toward new conceptions of rights-bearing associations and public bodies mediating between citizen and state. Labor associations, professional societies, national minority organizations, and other group-based entities represented a new kind of public associational life. In Russia there emerged the St. Petersburg school of legal realism, which championed psychological subjectivity as a core principle of modern law (Polyakov 2018, 1-35; Timoshina 2022, 249-65; Walicki 1987, 283-84). Influenced by the rise of the disciplines of sociology and psychology, the Polish politician and

lawyer Leon Petrażycki (1867-1931), with whom Lazerson studied and worked at St. Petersburg University, pioneered a constructivist approach to law as a human-made product of transcendent values rather than an extension of sovereign authority. This dovetailed with the larger continental neo-Kantian revival of natural law theory, championed by Lazerson's teacher at Heidelberg, the legal philosopher (and future Weimar Minister of Justice) Gustav Radbruch (1878-1949). Lazerson drew on these ideas to formulate his legal argument that nationhood did not depend on territorial sovereignty. In fact, as he explained in his 1917 lectures, current events revealed that the "territorial principle leads to a whole array of difficult conflicts, we might say, to the situation of ceaseless war." Exclusive focus on territory failed to match the real social-psychological nature of modern nationhood. As such, Jews should liberate themselves from "a slavish commitment to the territorial basis" for national existence and seek legal recognition as a freestanding people. The world ought to recognize the Jews of "Russia, Galicia, Romania, Palestine, and other countries" as one independent nation equipped with "national rights and national autonomy" separate from the states in which they lived (Lazerson 1917, 11, 55). "Both practicing politicians and political theoreticians," he wrote elsewhere at the time, must shift "the center of gravity in their thinking about statehood from the narrow attributes of territory and population counts to the psychology of the individual members [who comprise the] state" (Lazerson 1915, 92).

The events of 1917 only increased Lazerson's conviction that a new relationship between nationhood and sovereignty was at hand (Lazerson 1920). With the fall of the Russian Empire and the rise of a multi-national democracy in March that year, he entered the Kerensky provisional government as deputy director of national minorities affairs in the Ministry of the Interior. Then November brought the British Balfour Declaration and the formal entrance of the United States into the war. The Wilsonian rhetoric of world democracy and national self-determination and the promise of a new global governance structure in the form of the League of Nations further stirred the Zionist imagination in Eastern Europe and beyond. In fact, a variety of Jewish groups, some exclusively Zionist, and others combining Zionist and non-Zionist ideologies, announced goals for the postwar peace in the years 1916 to 1918. Some thirty different Jewish political congresses were held across Europe, the Middle East, South Africa, and North America, many of which voiced demands for transnational Jewish rights framed as encompassing territorial nationhood in Palestine and non-territorial nationhood, the two linked by international legal recognition in the form of Jewish membership in the League (Kesler, Alperin, and Daymond 1941, 35; Mendelsohn 1981, 94-95; World Socialist Union of Jewish Workers 1915); Rybak 2022, 199-243).

The strongest articulation of this vision came from another Russian Jew with whom Lazerson worked in the leadership of the World Zionist Organization, Victor Jacobson. Born in Simferopol in imperial Russian Crimea, Jacobson took an early part in the Zionist movement as a political activist and journalist (Shlomi 2022, 56-69; *La Tribune Juive* 1934). After studying chemistry in Berlin in the 1880s, he lived in Beirut, Istanbul, and Berlin before relocating in 1914 to neutral Copenhagen from where he headed the central office of the World Zionist Organization. In late October 1918, he authored a set of formal demands for the coming January 1919 peace conference in Paris that came to be known as the Zionist movement's Copenhagen Manifesto, which was formally ratified at the Carlsbad Conference of the World Zionist Organization in 1921:

- The establishment of Palestine, within the limits fixed by historical tradition and political and economic necessities, as the national home of the Jewish people, as well as the creation of the essential conditions for the unhampered building up of this home.
- Full and actual equality of rights for the Jews of all countries.
- National autonomy, cultural, social and political, for the Jewish population of countries largely populated by the Jews, as well as of all other countries whose Jewish population demands it.
- The Jewish people must enter the League of Free Nations as the equal of its fellow-members (Jacobson 1920, 23).

Precisely what kind of global vision was this? The subtle, complicated wording of Jacobson's text placed Palestine at the core of the global Jewish imagination as the future location for "the national home." Silent on sovereignty, that phrase nevertheless made plain the geographical orientation of Zionist politics. At the same time, the Arab presence received no mention save for the oblique reference to "political and economic necessities." Before and after World War I, Jacobson pursued efforts to forge a joint Arab-Jewish organization to plot a post-Turkish future for Palestine (Shlomi 2022, 56-69). Yet in 1918 formulation Palestinian Arab rights were downgraded to the status of structural impediments rather than competing counterclaims. As a result, the text remained glaringly silent on whether Palestine could serve as the Arab national home, too.

In the third clause, Jacobson defined Jews as entitled to "national autonomy" in any country in which objective demography obtained *or* subjective self-interest demanded. This awkward formulation suggested Jewish nationhood was an undeniable social reality in some contexts and an optional, elective affinity in others. The choice aimed to allay fears of non-Zionist Jewish leaders in Western countries such as Germany, United States, France, and England who perceived talk of national autonomy as fundamentally incompatible with their own hard-won liberal citizenship (Loeffler 2015).

Against these ambiguities, the final clause flatly pressed a demand for Jewish membership in the League as an independent nation regardless of territory or citizenship. Bold on its face, that assertion still obscured the precise relationship between land and nationhood. Were the claims to Palestine and national membership severable? Or did they depend on one another? These questions spoke more deeply to an epistemological uncertainty about international law and politics. Did law merely ratify political reality or create it? Paris beckoned as a chance to resolve all these questions. Yet the answers supplied by the Peace Conference would prove surprising.

Crisis and Confidence, 1919-1925

"When we speak of Jewry," wrote the Polish Zionist leader Nahum Sokolow in 1919, "we speak of a ... nationhood, existing potentially in its unity" across the world, and "we wish to prepare for it a sort of central Metropolis, an organic *chef-lieu* in Palestine" in order to grant Jews a "normal life" (Sokolow 1919, vol. 2, 5). Sokolow penned these phrases in the conclusion to his two-volume *History of Zionism*, completed precisely during the months he spent at the Paris Peace Conference as one of the principal leaders of an ad hoc coalition of Jewish delegations from around the world, the *des Délégations Juives auprès de la Conférence de la paix*. His choice of words was telling. Writing in English, he employed the French phrase "*chef-lieu*," signifying a main town and a prefecture, a local administration that represented and stood in for the larger state. In his imagery, Zion would serve as the physical embodiment of a larger Jewish world polity whose geography and structure remained undefined. Yet Sokolow also insisted that "the creation of an independent 'Jewish State' was never a part of the Zionist programme." His model therefore left open the question of precisely how to link the local to global in a single frame (Sokolow 1919, vol. 1, xxiv).

Born in Wyszogród (Vyshgorod) in Russian Poland, Sokolow moved at the age of twenty to Warsaw, where he became the most renowned Hebrew journalist of his generation as well as secretary-general of the World Zionist Organization. After spending the war in London, he arrived in Paris determined to forge a unified position among the diverse roster of Jewish delegates who hailed from all over the world, including Western and Eastern Europe, the Middle East, South Africa, and the United States. Over the course of the conference, the Comité went beyond the Copenhagen platform to propose what amounted to Jewish self-governance in the emerging states of Eastern Europe and in post-Ottoman Palestine, including substantial administrative autonomy on matters of religion, education, welfare, and taxation along with collective reparations for Jewish material losses during the previous five years of war and autonomous control of international Jewish migration (Comité des délégations juives 1919; Janowsky 1933, 388-90).

The Comité also began plans for a permanent body, the “Universal Jewish Congress” [Congrès juif universel], to enter the League and represent global Jewry.³

These demands met a mixed fate at Paris (Rabinovitch 2014, 257-63). The Great Powers recognized Jews as a distinct national community entitled to self-determination. Yet they balked at the idea of independent Jewish membership in the League. Polish leaders protested that full national autonomy for Jews, not to mention international supervision, would violate their own hard-won sovereignty. For their part, the Big Four leaders from Great Britain, France, Italy, and the United States dismissed extraterritoriality as unnecessary and unnatural (Robinson, Karbach, Lazerson, Robinson and Vichniak 1943, 33). Publicly committed to the premise of self-determination, they nevertheless viewed the world in civilizational, racialized hierarchical terms in which not every population merited equal status. Equally crucially, every population had to be territorialized in some way. As a result, they approved the Jewish national claim to Palestine in the League’s 1920 Covenant and 1922 British Mandate, supervised by the Permanent Mandates Commission, as well as the Jewish suggestion that national minorities (Jewish and other) in Eastern Europe receive international minority rights protections as enshrined in the constitutions of newly created independent states and enforceable via the League’s Minorities Bureau (Kuzmany 2020, 324). In doing so, the League architects created a new set of categories: the majority and the minority (DuParc 1922, 1-13; Struve 2004; Pauk and Pergher 2019, 1-15; Robson 2016; White 2011).

The turn of events at Paris surprised Lazerson and other Zionist colleagues (Lazerson 1922, 6). They had reckoned that Palestine would prove to be a greater stumbling block than extraterritoriality or Jewish League membership. Instead, Jews won a legal right to territory without formal, equal status within the international organization. As these realities came into focus in the summer of 1919, Sokolow pushed on with the idea of a universal Jewish congress. His main partner in this endeavor was the Russian Zionist leader Leo Motzkin (1867-1933). Hailing from the town of Brovary, near Kiev, Motzkin left Russia for Germany at age 16 to enroll at the University of Berlin. There he began a doctorate in mathematics, before dropping out to focus exclusively on Jewish politics. After attending the First Zionist Congress in 1897, he went on to be a key Zionist leader in Eastern Europe and a prime architect of the *Gegenwartsarbeit* program that emphasized a focus on national rights and communal needs in the diaspora. In the second half of 1919 Motzkin and Sokolow inaugurated the renamed Comité des délégations juives or *Vaad ha-aratzot*, formally charged with defending Jewish rights in the diaspora. Its elder sibling, meanwhile, the World Zionist Organization, would handle Palestine affairs (Chasanowitsch and Leo Motzkin 1919, 74-84; Nesemann, 2007; Jilek 2013, 286-361).⁴

Already at the first full meeting of Comité held in Paris in January 1920, Sokolow sounded a note of pessimism. Unfortunately, the Jewish people and the League of Nations at present share “the same condition” of partial construction. Intended to gather the world, he lamented, “the League of Nations had thus far only been able to include a portion of humanity” (Graf 2005; Ha-tsefira 1921). Germany, the United States, and Russia among others remained conspicuously outside the League, as did the enormous Jewish populations of the latter two countries. By the same token, the Comité had failed to secure membership for a Jewish nation within the League, or even to encompass all the world’s Jewish population into its ranks. Sokolow’s analogy suggested how the League’s own architecture would shape the Zionist imagination of the contours of Jewish nationhood in the interwar arena.

Across 1920 and 1921, the Comité struggled to finish building a transnational Jewish polity. Petitions calling on the League to intervene in Eastern Europe to stop the ongoing anti-Jewish violence and mass expulsions proved ineffective (Do’ar ha-yom 1920; Granick 2012). Significant violence between Jews and Arabs in British-controlled Palestine flared for the first time. Meanwhile, the Arab nationalist leaders of the Syro-Palestinian Congress (convened in August 1921 in Geneva) challenged the Mandate itself as an illegal form of foreign rule contrary to the principle of self-determination. In their estimation, Article 22 of the League’s Covenant guaranteed the population of the territory of Palestine a majoritarian plebiscite to determine its status as a state (Kattan 2009,

117-45; Quigley 2010, 20-51). Within the Zionist ranks, debates erupted over the movement's goals and tactics, including whether to continue diaspora-oriented advocacy or exclusively focus on Palestine (Feinberg 1985, 57-58; Kubowitzki 1948, 27-28). The exit of the United States from the League project and the consolidation of Bolshevik control in the Soviet Union, both of which walled those Jewish populations off from the League, weakened the prospects for convening a truly global "Jewish World Congress" (Kaz 1922; Giladi 2021, 58).

Considering those problems, however, it is striking to observe just how much faith the League itself continued to inspire among many East European Zionists after 1920. A case in point is the lawyer and Zionist activist Hersch Zvi Lauterpacht. Born in Zholkiev, in Habsburg Galicia, Lauterpacht grew up in Lvov (Lwów/Lviv/Lemberg), where he served in the Austrian army in World War I before enrolling as a law student at the city university. In 1920, after suffering through the pogroms and chaos that engulfed the region during the Polish-Ukrainian war, he joined thousands of other Jewish students who fled to Vienna. There, he continued his legal studies, and in 1922 founded the World Union of Jewish Students to protect Jewish students from postwar antisemitism at European universities (Loeffler 2019b). He would continue to lead the organization after relocating to England in 1923, where he launched a stellar career as the leading international legal scholar of his generation.

Examining the emerging global picture in 1921, Lauterpacht agreed with Lazerson that a new era was finally at hand: the dawn of the "world sovereignty of the international legal order" (Lauterpacht 1921, 84). The League itself had reshaped the character of global governance, opening a new space for international law to expand its reach across and into states (Robinson et al, 1943, 33-34). The dual inventions of international minorities protection and international mandatories had together modified sovereignty. The latter impressed Lauterpacht as indicative of how international law had transcended its imperial roots. The unprecedented self-restraint exercised by imperial powers had allowed for a new approach to peoples and territories. Though not a Socialist Zionist, Lauterpacht shared their critique of colonialism, "The history of the colonial conquests of the European powers has in fact been a history of the most ruthless economic exploitation of native peoples, maintained by the despotic rule of military administrations [in which] land was taken away from the natives and sold to European settlers and companies." Now, though, the new Mandate system fundamentally departed from that pattern. The proof lay in Great Britain's decision not to annex Palestine but rather to rule it under League supervision. Accordingly, he argued, Palestine technically now belonged to the world itself via the League of Nations (Lauterpacht 1921, 80-84; Lazerson 1922).

In Lauterpacht's eyes, the post-Turkish fate of Palestine exemplified a new global democratic trend in the post-1919 world. In his reading of the Mandate for Palestine and the League Covenant, the League pledged itself legally to Jewish national self-determination in the territory of Palestine. These legal documents provided proof in his eyes of a departure from the old pattern of colonial annexation:

The Mandates system has to protect the populations of extensive areas from misuses of previous colonial policy and to further the development of these peoples; it has to erect the independent Arab State of Mesopotamia and to put into practice the re-establishment of a Jewish national home in Palestine; it has to found independent communities in Syria and in the Lebanon.

Lauterpacht acknowledged that the Palestine Mandate featured built-in "euphemisms, vagueness, contortions, limitations and partial contradictions." Yet he explained away these structural defects as the result of "a compromise between a cultural-ethical requirement and the pure principle of power." It remained the job of all who cared about justice to support the League's Mandate system in order to elevate it "from the world of politics and power into the realm of the positive legal norm" (Lauterpacht 1921, 80, 84). Elaborating on this theme in his 1922 doctoral dissertation written in

Vienna under Hans Kelsen, he offered an idealistic credo for the future of Mandate legality: “*Virtutem credant habere et habebunt*. Let only the international society believe that the actual rules are true law, and the rest will come” (Lauterpacht 1922, 115).⁵ Lauterpacht would return to this phrase in a 1925 article in which he argued that international law had increasingly shifted to become not merely the province of sovereign states but “the world-embracing law of humanity” recognizing international organizations, non-state actors such as corporate religious bodies and public associations, and individuals (Lauterpacht 1925b, 309–10).

Joining Lauterpacht in London in the early 1920s, Jacobson, too, remained confident that a new kind of cooperation between nations within the framework of states was possible. Within the Zionist leadership he advocated for Arab-Jewish cooperation in Palestine and hailed the parallels between the Middle East and Eastern Europe. It was no coincidence, he wrote in 1922, that the League’s Council had confirmed the Palestinian Mandate at the same time as the Lithuanian parliament adopted an expansive plan for Jewish national autonomy. The latter was “not a generous gift from a sovereign people, but a treaty between different nations dwelling in the territory of the state and building [it] together.” He even claimed that the Lithuanian decision might have influenced the British to offer their support for the Zionist position in Geneva, reflecting the interdependent character “of the two inseparable parts of the great Jewish national program – for Palestine and for the Galuth [diaspora]” (Jacobson 1922, 1).

The Right to Banality

Taken together, the Palestine Mandate and the Minority Treaties regime reinforced a sense of sovereignty tempered in the immediate post-1919 era. They suggested to many Zionist thinkers that Jewish nationhood might yet become a transnational project, linked to Palestine, legalized in Eastern Europe, but not wholly concentrated in a single territorial form (Robinson 1922, 133). A whole generation of intellectuals and activists joined Jacobson in interpreting the intertwined developments in Palestine and in non-Bolshevik Eastern Europe, including Hungary, Czechoslovakia, and Poland as the dawning of a new age of global Jewish nationhood. The three new Baltic states heralded an especially promising start. There, Lithuania, Estonia and Latvia had formally embraced Jews as a national part of the polity with expansive national rights beyond the dictates of the League’s Covenant. From 1918 onwards, to varying degrees and at various paces, state-building in each of these countries included robust forms of Jewish national-cultural autonomy.

Among those drawn to this new opportunity was Lazerson. He left Soviet Petrograd for Riga in 1920. There, he taught law and entered parliament as a representative of the Socialist Zionist party. Like other East European Zionist parliamentarians, Lazerson quickly found that the government viewed Jews as particularly useful domestic political partners because their territorial claims lay firmly outside of the region. “The Sejm deputies and Latvian statesmen proclaimed that the Jews were the most faithful minority,” he recalled later, “because they made no political demands and lacked any territorial romanticism of restoration” (Lazerson 1953, 423–24). That geographical anomaly freed Lazerson and others like him to continue to imagine nationhood beyond territory after 1919. Yet his comment also suggested that the tie to territory remained an inescapable part of the global order in his own calculus. State and nation might be held apart, but Zionist transnationalism remained tethered to Palestine.

The attachment of East European Jews to Palestine hardly bothered many East European regimes who saw a potential destination for their “surplus” Jewish population, or even, in the case of some Polish political thinkers, a colonial destination (Zahra 2017; Trębacz 2018). Yet the Zionist tie to territory triggered profound challenges from within the Jewish political world. Jewish Bundists, Autonomists, Bolsheviks, and other anti-Zionist groups continued to ask whether Zionism would only export Western imperialism to Palestine rather than advance global justice. If bourgeois nationalism remained the enemy of the proletariat and the tool of right-wing

authoritarian regimes, why insist on territorializing Jewish nationhood in Palestine? Lazerson took up this question in his 1925 book, *The Right to Banality*. The book was written in response to an attack on Socialist Zionism from the Bolshevik Left. In 1922, the prominent Bolshevik Jewish intellectual Mikhail Gershenzon (1869-1925) published a well-publicized tract, *Sud'by evreiskogo naroda* [The Destinies of the Jewish People], in which he condemned Zionism as a false idea in violation of the laws of history. Born in Kishinev, Gershenzon graduated from Moscow University in 1894 and worked as a literary critic and journalist until after the revolution, when he joined the Bolshevik People's Commissariat for Education (Narkompros). He went on to chair the Moscow Writers' Union and head the Moscow Academy of Artistic Sciences in the early 1920s. In his 1922 book, first written in Yiddish and then again in Russian, Gershenzon explained that he proudly identified with the Jewish nation, yet he could not abide Zionism's "myopic and presumptuous" imitation of the most "banal and conventional forms" of European nationalism. The abnormal Jewish destiny as a diasporic, truly international people should be celebrated and preserved, "I will not forfeit chosenness in exchange for the mess of pottage known as territorial-political nationalism" (Gershenzon 1922, 31-32; Horowitz 2013, 139-274).

Gershenzon's book arrived just as Lazerson was engaged in trying to build an international alliance between parliamentarians representing national minorities in Poland, Lithuania, and Latvia and socialist blocs in Germany, British, and other West European parliaments (*Ha-Poel ha-tzair* 1923). The Bolshevik Left challenge to Socialist Zionism threatened not only Jewish interests but the larger rapprochement between the East European minority rights movement and international socialism (Rybak 2019). In response, he insisted that Zionism was much more than an anachronistic plan to wedge Jewish nationhood into an antiquated state form. Nor was it a utopian scheme at odds with the direction of history. The world truly had begun to move past the "old forms" of a state-based international order to one of "supra-state legal regulation of international relations" and separation of nation and sovereignty within states. The broad-minded pursuit of Jewish national freedom on a global scale had little in common with the old-fashioned "political Zionism" that aimed at the "negation of the diaspora." Socialist Zionists well understood that the territorial state could never become the be-all and end-all of Jewish existence (Lazerson 1925, 63-64).

Despite his insistence that advances in public law – both in its constitutional and international forms – had shifted in the direction of decoupling nationhood from sovereignty, Lazerson readily acknowledged that in the present "humanity continues to be defined in terms of states and not peoples." Since "we Jews will not [immediately] change this... dominant system," Zionists possessed every right to normality through demanding both a "Jewish Palestine" and a continued national diaspora linked together in a single legal and political identity. Neither was out of step with the modern world, he insisted. The proof lay in the experience of other nations now living in new global configurations beyond state borders (Lazerson 1925, 77-78).

Lazerson's defense of the "right to banality" was as much an apology for international law as it was a political brief on behalf of Zionism. As the Great Powers continued to exert firm control over many functions of the League, some observers grew cynical about law's sovereignty. By 1925, Lauterpacht had shifted his tone, grimly noting the reality of what the League had become. "The victory" of international law and peaceful relations "over lawless international anarchy was bought in Versailles and Geneva for a price which some regard as too expensive," he wrote. "It legitimates and sanctions political and territorial order, whose main foundation is the will of the victors and their power" (Lauterpacht 1925a). Jacobson also conceded the challenges at hand:

The Mandates system is the first attempt to create new political forms under the aegis of international law and signifies an emergence from the wretchedness of the imperialistic and militarist epochs, an attempt to put an end to the abuses of the application of capitalistic principles to the relations of peoples and cultures ... Any Mandate may become a fig-leaf

serving to disguise concealed imperialistic and materialistic aims, and ... repulsive and ugly elements of barefaced and brutal violation.

Still, he insisted, there was cause for optimism. The future remained open, he concluded, and it “depends in the first instance on the League of Nations and its constituent peoples” (Jacobson 1925).

The question in 1925 for Jacobson, Lauterpacht, Lazerson, and others was how to democratize the League given that its very structure left stateless peoples and national minorities voiceless and disempowered. They pinned their hopes on a new pan-European national minorities movement that appeared that year, the Congress of National Minorities. That effort produced some of the most expansive Jewish articulations of transnationalism after 1919. Yet the process also fully exposed the danger that League’s architecture posed for the Jewish populations enclosed within it.

The Reciprocity Trap

In October 1925 three hundred and thirty individuals representing twelve nationalities from fourteen countries gathered in Geneva to constitute themselves as the “Little League of Nations” (Smith, Germane, and Housden 2019). For Jewish leaders, the Congress of National Minorities represented a chance to unite all the non-territorial European minorities – from Catalans in the west to Ukrainians in the east – into an international political alliance to operate more effectively at the League of Nations and advance the reign of international law. Lazerson attended, along with Motzkin, who was elected president of the new body. But the spirit of the founding event was best captured by another colleague, Jacob Robinson, who delivered a legendary speech in defense of transnationalism.

Born in Seirijai (Serej) in Russian Lithuania, Robinson studied law at the University of Warsaw before serving in the Russian army during World War I. He returned afterwards to newly independent Lithuania, where he led the country’s Zionist movement and its Jewish faction in the parliament, building a brief-lived multi-national coalition, while also representing the Lithuanian state abroad in international legal disputes (Loeffler 2016). The year 1919 had ushered in a revolutionary change in terms of “political independence and nationhood,” Robinson told the crowd in his Geneva address. The twentieth century had witnessed a turning point in terms of the relationship between nations, states, and territory. The nation had liberated itself from the primitive technology of the state. “The modern state is not a police state but a constitutional state (*rechtstaat*),” he explained, and its essence lay in the government’s “self-limitation” from the local affairs of society. That self-restraint created a vigorous civil society, and empowered local units, including minorities, “to administer their own affairs via national-cultural autonomy” (Congress of European Nationalities 1926, 47-48; *Der Moment* 1925).

Transposed into the international realm, this new model of politics also allowed for the possibility of a more robust form of democratic internationalism. As he remarked in a 1928 speech to the same body, capitalism, art, technology, and science had all become “transnational [*superétatique*]” phenomena, unbounded by state borders, “So why not nations? ... We simply wish to live inside the transnational nation as one lives in a city and we don’t particularly care in which street of this city we live” (*Cri des peuples* 1928, 17). In a speech of his own, Lazerson echoed the idea that the basic forms of nation and state had fundamentally changed, “The nation is no longer identical with the concept of territorial people or national territory ... and national territory is no longer an essential feature of the state.” Moreover, international law does not peoples “derive from the state” or “federation of states, but a league of peoples, that is, a union of those individual groups, those ‘populations,’ on whose existence the states depend.” For proof, he noted how both international labor law and “the protection of the rights of national minorities, yes, even the granting of Mandates... These and similar norms and institutes bear witness to the emergence of a legally effective, centralized, public-legal, overarching association, which is not accidentally called the League of Nations.” All of us can now move from the status of “object of international law to

subject of international law... [both at] the League of Nations and also there [at home] ... where we live our day-to-day lives.” (Congress of European Nationalities 1928, 33-35, 41; Lazerson 1927)

The problem with this lofty vision was that not all nations were created equal. With the exception of the Jews and the Catalans, all of the national minorities who gathered yearly in Geneva to voice demands for greater recognition possessed kin-states. In fact, as the Jewish leaders of the Congress knew, the enterprise had been engineered by German *Auslanddeutsche* political activists, with the collusion of the German Foreign Ministry. Both Robinson and Lazerson recognized the exceptional position of Jews. “In the map of nationalities of Europe,” Robinson remarked, “nearly all the nationalities possess sister nations beyond the borders of the state where they live and the majority also have a nation of origin (mother-nation).” The population politics of minorities and majorities, or “kin-states” and their “co-national” minorities spread across the borders between “political *patrie* and spiritual *metropole*” (Cri des peuples 1928, 17, 20). This relationship reflected the underlying symmetry of a system based on reciprocity. In Lazerson’s words: “Each state stands security for the rights of the ‘foreign minority’, in order that ‘its own’ minority in the other territory should receive the same rights there” (Lazerson 1953, 80). Yet this symmetry left Jews, a minority without a kin-state in Europe, even more vulnerable, Robinson noted, quoting a popular joke in League circles: “I protect your minority, you protect my minority. I hit my Jews, you hit your Jews” (Robinson 1971, 73).

As Robinson and others recognized, the Jewish *metropole*, its logical kin-state, did exist, at least in a partial state of becoming. Yet it lay outside of Eastern Europe in Palestine. Hence the League’s structure pushed Diaspora-oriented Zionists like Robinson and Lazerson in the 1920s to advocate for exclusive Jewish territorial claims to Palestine even as they argued that nation and state need not be perfectly synchronized. The irony that the legal “majority” for whom Palestine was to still become their “metropole” was a numerical minority in comparison to the territory’s Arab population was hardly lost on them (Lazerson 1922, 6). As Zionist lawyer Jacob Stoyanovsky wrote in 1928, “The Mandatory has assumed an obligation not towards the actual but the virtual population of Palestine (Stoyanovsky 1928, 42). Yet few of these Zionist intellectuals showed any interest in partnering with Palestinian Arabs, or other Middle Eastern groups, including Mizrahi Jewish communities, to build transnational structures akin to the European Congress of National Minorities. The closest moment came in the late 1920s, when the Left branch of Lazerson’s Poale Zion sent a Jewish delegation from Palestine to attend the League against Imperialism’s First and Second Congresses. Both in 1927 and 1929, they clashed fiercely with pan-Arab and Palestinian Arab groups, a sign of the worsening crisis in Palestine that would soon change the Zionist calculus decisively (Tannoury-Karam 2020, 119-25).

The Lure of Land

In 1929, a series of riots in response to conflicts over Jerusalem’s Jewish and Muslim holy places rippled across Palestine leaving hundreds of Jews and Arabs dead (Cohen 2015). The British responded by announcing new restrictions on Jewish immigration to deescalate political tensions. The decision outraged East European Zionists such as Lauterpacht and Robinson (Loeffler 2018, 29-31, 49-50). Faced with growing economic devastation and rising fascism across Central and Eastern Europe, they saw Jewish immigration to Palestine as essential to the future of both regions. In Geneva, a more measured Jacobson took the occasion to propose a bold plan for the reconstruction of Palestine as a federal state along the lines of Switzerland, with Arab, Jewish, and mixed Arab-Jewish cantons, in which statehood and nationhood remained separate (Halamish 2004, vol. 2, 157-58; Gorny 2006, 59-61). Recognizing that the other Middle Eastern Mandates might soon achieve full independence, he offered a blueprint for Arab-Jewish coexistence in Palestine with two separate “sovereign, autonomous” polities, a Jewish “Eretz-Yisrael” [Land of Israel] and an Arab “Palestine,” that would eventually enter together into a larger Middle Eastern confederation (Caplan 2015, vol. 2, 25). Yet such complex concepts of shared governance and international law

failed to inspire other Zionist and Arab nationalist leaders consumed with immediate grievances about land, power, and migration across the late 1920s and early 1930s.

A case in point was Lazerson himself, who arrived in Tel Aviv in 1934 in the wake of a political coup in Latvia. There, he immediately threw himself into local enterprises, among them the founding of a school that would become the Tel Aviv University Law School.⁶ In 1935 Lazerson published a book about the legal foundations of the Palestine Mandate. Abandoning his earlier position that legal personality did not require territory, he now praised the Mandate for granting “international recognition” and legal subjectivity to Jews “throughout the world” akin to diasporic Poles, Lithuanians, Latvians, Austrians, and Czechs (Lazerson 1935, 22, 24–25). From transnational nationals, Jews had morphed into virtual citizens of a homeland still ruled by the League in their name.

What, then, of Palestine’s Arabs? Strikingly, Lazerson freely admitted that the Palestine Mandate conferred “special Jewish rights, which provide the most important basis for the complaints of the Arabs against the legality of the Mandate.” The Mandate’s articles undoubtedly possessed “a distinctive Jewish colouring, because they tended to provide opportunities for self-determination to the Jews, who constituted the weaker element of the Palestine population as compared with the Arabs” (Lazerson 1937, XIX). He went so far as to concede that “the law, especially the public constitutional law,” which had long been used to deny Jewish rights in “our exile,” now “in the Land of Israel operate[s] in our favor (for our own benefit)” (Lazerson 1935, 5).

This was an important admission, acknowledging as it did the British Mandate’s inequitable privileging of Zionist claims over Arab ones vis-à-vis Palestine. Lazerson attempted to justify this unfair reality in two ways. First, by virtue of historical right, the Jews retained greater historical connection to Palestine (Wheatley 2015). Second, the League had already supplied Arab nationhood its opportunity for self-determination elsewhere:

In Syria and Iraq, the Arabs have, so to speak, attained their ‘majority.’ Both Syria and Iraq have been internationally recognized as ‘Arab’ nation-states. That is why, in reliance on Article 22, the Palestine Arabs cannot demand a third or fourth independent Arab state in Palestine. For there can be only one ‘nationhood’ for any given people (Lazerson 1937, XIX).

Behind this blatant denial of a distinctive Palestinian Arab national identity, which would become a mainstay of Zionist diplomacy, lay a psychological-cum-legal theory of nationhood born of the interwar Zionist experience of the League (Doumani 2007). Palestinian Arab self-determination would come through a relationship to an Arab territorial polity elsewhere. In other words, Palestinian Arabs would acquire the status of diaspora Jews. Since territory could never be fully synonymous with nationhood, as “the essence of the nation remains its psycho-ideal complex,” Arab Palestinians could claim self-determination as co-nationals of the Arab nation with national minority rights in Jewish-led Palestine. The “mutuality in this agreement” would provide precisely the same kind of reciprocity and symmetry as Jews had experienced in Europe (Lazerson 1937, XX, XXII–III).

Unsurprisingly, arguments of this kind failed to convince many Arab nationalist leaders in Palestine, especially given the tortuous logic by which the existence of *multiple* Arab homelands were possible, just not in Palestine (Qafisheh 2008). Palestinian leaders responded with their own legal advocacy efforts, including extensive petitioning of the League’s Permanent Mandates Commission and the development of new pan-Islamic and pan-Arab international organizations (Wheatley 2017; Hoffmann 2007; Cleveland, 1985; Makdisi 2019, 163–201). At the 1937 Bludan Congress on Palestine, Arab nationalist leaders from Palestine, Syria, Lebanon, and elsewhere called for the annulment of the Palestinian Mandate and the creation of an independent “Arab state in Palestine” in which the Jews “shall be treated in the same way as are minorities the world over” (Kedourie 1981: 116–17).

Such Zionist arguments found more favor with authoritarian East European regimes eager to shed their Jewish populations in the 1930s (Trębacz 2018). Yet the ironic convergence between the aims of Zionism and East European nationalist regimes did little to help vulnerable Jews in the region. Instead, the interlocking components of the League combined to jeopardize Jewish security on a scale previously unimaginable. Increasingly, the once complementary structures of mandates and minority rights fused into a single deadly trap. The adjudication of Jewish rights-claims vis-à-vis antisemitic persecution in Europe at the League of Nations could not be disentangled from the politics of Palestine.

By 1933, even Jacobson had come to reassess the larger reality of the post-1919 era. In the early days, he remarked, we were led to believe that the League might represent “all of humanity,” recognizing “not only nations organized within the borders of a state, but also public-social bodies that are not formally contained within state bodies: the socialist workers’ International, the Catholic Church, Islam, Judaism and so forth.” Yet it was not to be: “The League of Nations has not yet become a league of peoples but at present exists only in the form of a league of governments” (Jacobson 1933).

Were the Jews a global religious community like Islam and Catholicism? An international sociopolitical movement like the Socialist International? Or an ethnic collective requiring national self-determination? Jacobson’s comments captured the conceptual ambiguity that haunted Zionist global thought throughout the interwar period. In theory, international legal personality did not require a nexus with territory or even nationhood. For international lawyers like Lazerson, Lauterpacht, and Robinson, it made sense in principle to speak of non-governmental public bodies entering legal existence alongside the traditional roster of states. Yet the experience of the League taught that national territorial sovereignty was the main criterion for collective membership and legitimacy in the global order. Jacobson recorded his own distress at this condition of passive anonymity:

Every time I sit at the session and follow the voting as an observer, my soul grows depressed. I am a Jew, one of a people numbering 17 million individuals, a people which introduced something unique to the treasure-store of human thought... [including] the entire worldview from which the League of Nations itself grew... Yet I remain unable to vote on any of its laws... And then I swear to myself an eternal oath: We must descend from the viewing stands to the room of representatives and mount the stage to place our own voting-slip in the ballot box (Jacobson 1933).

Jacobson’s lament also pointed to the central problem of international law in global governance. Only those collectives accepted into ranks of sovereign states were authorized to legislate on behalf of humanity. Jewish civilizational value (its contribution of the League’s “entire worldview”) counted for nothing in the rigid hierarchy of state-based power.

Conclusion

In September 1930, an anonymous essay entitled “International Law,” appeared in a Lithuanian Yiddish newspaper. Dedicated sarcastically to the League of Nations, the feuilleton offered a biting satire of the global system, and a stunning critique of the gap between law’s promise and its reality for national minorities and colonial peoples. There are two kinds of historians in the world, the author wrote. The “legal historian” naively celebrates international law’s growth as an inevitable mark of progress, reverently recording “the laws engraved upon the modern tablets of humanity, his eyes blinded by the two suns of state and international society: Sovereignty and International Law.” Then, there is the “cultural historian,” who looks past international law as written to document how it operates in real life. “Wonderful ‘Sovereignty,’” he finds, “instead of delivering joyous shouts of national freedom, has transformed into an instrument of oppressive brutality”:

He will report on international law, not that which is set down on paper, but the kind only written on the flesh and blood of nations, the kind which is realized by the quiet agreements of the mighty powers. He will relate about how the Turkish regime slaughtered a nation - the Kurds... He will report on how England helps itself to the Hindu regime, placing their messiah in jail and terrorizing a great cultural nation... He will relay how France cut off the heads of the best sons of Indochina for their demands to live free and independent, for their unwillingness to remain eternally oppressed slaves of a foreign murderous power...

Rather than securing peace, the article's author concludes, the League system has empowered war. The future cultural historian will therefore report on the absurd contradictions of the 1930s League of Nations with its secret deals and "peculiar armed peace, which constantly slips further and further away ... all the while accompanied by enthusiastic talk of a new world war which will be regulated through international law!" (Mayestet 1930).

The author made no mention of either Eastern Europe or Palestine in the indictment of international law. Yet the critique applied equally well to those two locales, in which legal treaties served as little check on imperial domination or political violence in the interwar period. There, too, the Mandates and Minorities systems proved to be less radical democratic curbs on conventional state sovereignty than unstable political experiments fatally dependent on the Great Power diplomacy (Macklem 2011). In a broader sense, the silence on Zionism and Palestinian rights pointed to the larger absence of Palestinian Arabs from the map of interwar Jewish global thought. The denial of Palestinian nationhood, often implicit and occasionally explicit, proved to be a fatal flaw in the Jewish imagination of the new international order with profound consequences for both peoples in the subsequent decades.

If the crises of the 1930s finally revealed the weaknesses of transnationalism, war and genocide left Eastern European Zionist thinkers convinced of its dangerously utopian character. The onset of the Holocaust in the early 1930s altered the demographic and economic character of Jewish Eastern Europe, shifting the Zionist world's center of gravity to Palestine. Even before the Nazi genocide had even reached its peak, Zionist leaders grasped that the catastrophic scale of Jewish death invalidated the possibility of holding nationhood apart from territory (Lin 2018; Rubin 2017). As Robinson wrote in a memo to the Zionist leadership in 1942, "One of the most important lessons of the war so far is that territorial nations have not perished, while the scattered peoples are in considerable danger of so doing."⁷ Demography mattered even more. The risk of remaining a permanent minority in an Arab-majority Palestine now assumed an ominous cast (Loeffler 2016; Kurz 2016; Rubin 2012). From 1942 onwards, the Zionist leadership increasingly reconciled itself to the idea of territorial partition and the creation of Jewish and Arab nation-states in Palestine as its postwar goal (Rubin 2017, 98). Partition, an idea first introduced in the case of Palestine by the British Peel Commission in 1937, became the *de facto* solution for correlating nation, state, and territory in Palestine, India, and beyond (Shumsky 2018, 229-31; Rubin 2017, 165-99). With the British signaling their eventual exit from Palestine, sovereignty beckoned as the only logical way to achieve Jewish power and security.

The vision of a single Jewish global nation with a public legal personality and collective rights did not disappear immediately. It lived on in muted form, in postwar Jewish attempts to press international collective restitution claims, victim-centered global justice, and legal projects such as the Genocide Convention (Loeffler 2022). Yet the surviving subset of interwar Zionist intellectuals who had formerly championed transnational visions quickly accommodated themselves to what they now perceived to be the normative model of territorial national sovereignty in the form of the State of Israel. In the mid-1940s Lauterpacht counselled the Zionist Organization to seek full independence through declaring a Jewish nation-state, even as he worked to develop an international human rights law code that would limit state sovereignty. He did continue to promote minority rights as a necessary part of the emerging UN human rights model but acquiesced to the

idea that Jewish legal personality should reside exclusively in the State of Israel, for which he helped draft its 1948 Declaration of Independence.

While Lauterpacht remained in England, Robinson and Lazerson, the two other members of the cohort to live on past the war, settled in the United States. There, Robinson conceded that the world had fundamentally changed. The United Nations Charter, he wrote in 1945, is now “based on the principle of the state as the basic unit of international society.”⁸ Lazerson concurred. In a 1946 article, he explained why a sovereign Jewish nation-state represented the only way forward. “The question of whether to pursue a federation or a partition of the land between two peoples, the Jews and the Arabs” lies before us. The prospect of a “well-intentioned Arab-Jewish federation... on the banks of the Jordan is a utopia,” he concluded, since “even the best federation cannot protect us from our inferior minority political status, from ending up a national minority” (Lazerson 1946).

Beyond the specter of Jewish vulnerability, Lazerson also pointed to sovereignty as the sole entry ticket into the global arena, “In our own state our international representation in the United Nations is guaranteed, [but] in a federation the question of our international representation would remain in the gravest of danger” (Lazerson 1946). Once upon a time international legal recognition had beckoned as a complement to Zionist territorial aspirations and even a potential alternative to the nation-state. Now the demand for normalization of global Jewish life pointed forcefully in the opposite direction. National sovereignty represented the only way forward.

The consolidation of global political thought around the nation-state convinced many that after 1948 Israel would assume its place in a roster of new post-colonial states (Saposnik, Penslar and Vogt 2023). In its first decade of existence, the new state did play a key role in several international legal projects, including the UN international human rights legal treaties, the International Refugee Convention, and the first campaign for an International Criminal Court, all of which involved Robinson in his new role as legal advisor to the Israeli UN delegation (Giladi 2021). But the enduring dispossession of the Palestinians, the perpetuation of the regional Arab-Israeli conflict, and the mid-1950s realignment of Israel with Western powers in the context of the Cold War frustrated hopes for a renewed Zionist internationalism. The further endangerment of Jews in the Soviet Empire and the Middle East, in part a consequence of the Arab-Israeli conflict, convinced many wavering Zionists of the imperative for Jewish sovereignty, as did the strong sovereigntist vision championed by Israel’s first Prime Minister, David Ben-Gurion. Though American Jewish leaders continued their practice of liberal internationalist diplomacy and proffered robust political and legal demands in the name of the Jewish people, they too quickly committed to the State of Israel as the sole locus for global Jewish nationhood.

As the world entered the era of postwar decolonization, in which Palestine remained deprived of either territory or sovereignty by collusion between Israel and neighboring Arab states, Zionism’s past global dimensions receded into distant memory. Viewed through anticolonial eyes, the fact that Jews had been both prime beneficiaries and prime victims of the interwar League system appeared a cruel irony, if not an outright paradox. In the face of the ongoing Palestinian dispossession, Zionism’s internationalist dimensions mattered less than its imperial entanglements and colonialist practices. European Jewish history provided little more than a tragic back story to the present-day conflict in Israel/Palestine; the Middle East surfaced only on the margins of the European Holocaust (Loeffler 2022). Yet neither the tragedy of the Shoah or the tragedy of the Nakba can be fully explained without reference to the interconnections forged between Eastern Europe and the Middle East in the interwar period. The same League of Nations system cast the Jews in their dual roles as virtual majority in Palestine and model minority in Eastern Europe. The same League linked together the fates of the Jews in both regions, empowering Jewish claims to Palestine while increasing Jewish precarity in Eastern Europe, and the same League foreclosed on European Jewish existence before consigning itself to oblivion in the aftermath of war and genocide. That system also conditioned Zionist global politics, first stimulating, and then constraining the Jewish nationalist imagination of what the future world might become.

We live in a world still shaped by the aftermath of that moment's collapse. The forms of international law and national sovereignty bear its distinctive traces. The contemporary grammar of Jewish politics embodies its unresolved contradictions. The global relationship between power and justice flows through structures built on its ruins. Only our memory of that moment is missing. Instead, the two interconnected stories are split in two, lodged alone in their respective frames. Their reunion may yet yield new ways of thinking critically about our world. It may even allow us to reimagine our future. In a moment when the possibility of a just, durable two-state solution for Israel/Palestine grows ever more remote, ideas of bi-national state and confederation beckon anew as ways to reconcile nation, land, and state. Both the Jewish and Palestinian worlds also stretch across huge diasporas, with the latter suffering a multi-generational political exile. A comprehensive vision for the future of Israel/Palestine will need to reckon with their varying claims to national homeland and international recognition. It will also need to grapple with the nexus between national self-determination and territorial sovereignty (Farsakh, 2021, 29). The historical corpus of Jewish political thought speaks directly to those challenges. It may yet yield new ideas for alternative ways of imagining land, people, and state. Still, the historical clock cannot be rewound, and all acts of retrieval carry their own risks of escapist nostalgia (Cooper 2020). To succeed, therefore, any visions for the future must begin by recognizing the changing calibration of normalcy in the passage from historical past to present.

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Notes

- 1 Abraham Revusky, "Jews in Post-War Settlement," lecture-typescript (April 1941), American Jewish Archives, MS-361, World Jewish Congress Papers [hereafter WJC], Box C7, File 2.
- 2 Letter from M. Lazerson to Sh. An-sky, May 8, 1918, YIVO Institute for Jewish Research, RG 1.2, Records of the YIVO Ethnographic Committee, Box 6, Folder 75, Correspondence 1890-1929.
- 3 Letter from Comité des Délégations Juives [Leon Motzkin] to David Simonsen, May 11, 1919, The Royal Library: The National Library of Denmark and Copenhagen University Library, https://www.europeana.eu/en/item/9200124/letters_judsam_2011_mar_dsa_object4935.
- 4 "Communiqué – Communications du Dr. Weizmann sur les rapports Arabo-Juifs en Palestine," (March 9, 1920), YIVO Archives, RG 84, Papers of Maxim Vinaver, Folder 774.
- 5 I am grateful to Ralph Janek for sharing this source with me.
- 6 Letter from M. Lazerson to A. Sobolevich, March 11, 1935. Columbia University Archives, MS 0753, Max Lazerson Papers, Box 1.
- 7 Jacob Robinson, Memo to the Jewish Agency (1942-43), Central Zionist Archives, Z5/644.
- 8 Letter from Jacob Robinson to David Petegorsky, Oct. 2, 1946, WJC, Box C16, File 2.

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