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SOME HISTORICAL, LEGAL AND PROCEDURAL ASPECTS OF FUNCTIONING JEWRY'S SPIRITUAL ZIONISM AND FOLKISM

The academic article deals with some political and legal issues of Jewry's spiritual Zionism and Folkism of in the late XIXth – early XXth century. Substantiating the idea of the Jewry as a nation – religious or political – and understanding its future, intellectual leaders offered different versions of this future. The article discusses the separation of the two dominant approaches in the Jewish intellectual milieu. In particular, the idea of Jewry as a "cultural-historical" nation or, as researchers note, the idea of "Folkism" or autonomism developed. Another approach that spread in the late nineteenth and early twentieth centuries was the idea of Jewry as a "spiritual nation." This article analyzes the content of these two views. It is revealed that Ahad Ha'am, a distinguished figure within Jewish intellectual communities and the originator of "spiritual Zionism", ardently defended his perspective on the immediate challenges confronting the Jewish nation through numerous writings. His main emphasis was on the importance of Jewish self-preservation. The body of work by Ahad Ha'am reflected a striking disparity between the outlooks of Western European Jews and their "Eastern" (Russian) counterparts regarding the future of the Jewish nation. Western Zionists harbored the ambition of establishing a Jewish state in Eretz Yisrael. On the contrary, "Eastern" Zionists like Ahad Ha'am envisioned only a "spiritual center" in Eretz Yisrael. Furthermore, while Western Zionists considered legislative equality a boon, Ahad Ha'am perceived it as a potential detriment to Jewish nationality by the end of the period under review. Despite the fragmentation at the level of ideas and political and legal practice, Jewry was the force that in one way or another demonstrated a policy that was contrary to the aspirations of the official circles of the Russian Empire.

Keywords: Spiritual Zionism, Folkism, Judaism, nation, Jewish state.

Relevance of research. When substantiating the idea of the existence of Jewry as a nation, whether religious or political one, and when comprehending its future, intellectual leaders offered various options for it. The latter is reflected in the distinction of two ideas dominating the Jewish intellectual milieu. In particular, the idea of Jews as a "cultural and historical" nation or, as researchers note, the idea of "Folkism" or autonomism, has developed. Another idea that spread in the late nineteenth and early twentieth centuries was that of Jews as a "spiritual nation." This article will focus on the content of these two views.

An overview of recent research and publications. It should be noted that certain issues of the Jewish national minority's spiritual Zionism and Folkism were studied in the works of such scholars

as: F. Kandel, S. Ettinger, A. Lokshin, O. Naiman, and others. However, the need to analyze them in the political and legal aspect is conditioned by the need for a modern impartial assessment of the relevant ideological foundations' impact on the formation of the status of Jewry as a nation, taking into account the temporal changes in social relations.

The purpose of the article is to analyze the academic papers and results of the Russian autocracy's rule-making activities concerning the Jewish national minority, taking into account the ideological concepts of Zionism and Folkism in the late XIXth – early XXth centuries.

Presentation of materials. The spiritual Zionist Ahad Ha'am was the creator of the ideology of a "spiritual center" that was to appear in the Holy Land. It took him a long time to come to this conviction. Analyzing his works published from the late 1880s, we find that Ahad Ha'am discussed the problems of the nation in a number of publicistic papers, among which were the following: *The Wrong Way* (1889), *The Complaints of a Friend* (1890), *Man in His Tent* (1891), *Law and Mercy* (1891), *Premature and Belated* (1891), *Two Worlds* (1892), *Priest and Prophet* (1893), *Slavery in Freedom* (1893), *Teachings of the Heart* (1895), *The State of the Jews and the "Need of the Jews"* (1897), *National Ethics* (1899), and others.

Rejecting the remarks of those who argued that the Jews "were no longer a separate nation" and that religion was "the only bond" that held them together, Ahad Ha'am stated: "In ourselves, who feel our Jewish nationality inside, every attempt to deny, by means of purely external evidence, what we feel internally, evokes only well-deserved laughter." He asked the question: "What makes us worse than other peoples and tribes?"¹. Realizing that "they were not worse," Ahad Ha'am formulated the task of "directing their activities to revitalize hearts," to strengthen the will to "national life"².

He noted the positive traits of Jews, highlighting among them unity, charity, compassion, respect for parents and teachers, concern for the public good, and, most notably, he pointed out as a positive feature the ability to seek external protection. However, according to Ahad-Ha'am, Jews had lost that ability³.

Asserting that the main issue to be resolved was the question of Jewish self-preservation, Ahad Ha'am noted that the bad aspects of public life that "enemies" reproached Jews with and the good aspects that Jews were usually proud of could not be put "neither in favor nor against" because they had appeared on their own as a consequence of the existence of Jewry in a foreign land. "...We've received both good and bad from these conditions," Ahad Ha'am noted⁴.

Reflecting on the accusations against Jews, on the contempt and hatred for them, Ahad Ha'am noted that for many centuries, until the end of the Middle Ages, hatred of Jews could be perceived as "the health of European society," because it had been perfectly consistent "with all other views and feelings that had prevailed in the world"⁵. However, the thinker noted that each generation had individual righteous people who climbed to the highest rung of the moral ladder and were imbued with absolute mercy; those people sincerely believed that if all of humanity had climbed to such a rung with them, the earth would have turned into Eden, and therefore they told their students: "Judge each person in the direction of justification..."⁶.

According to the thinker, the duty of every nation was to "live and develop to the maximum possible extent", but at the same time, every nation had to recognize the right of other nations to fulfill this duty without hindrance, so that "patriotism", by which Ahad Ha'am understood "national selfishness", did not lead to a violation of the boundaries of justice and to the ruin of other nations for the sake of "their own good". He was convinced that a person should not feel disharmony both "in the tent," i.e. at home, and outside the "tent"⁷.

Among the causes of disharmony, Ahad Ha'am named the ideas that were reflected in the laws, which, in one case, were premature and, in the other one, belated. In his opinion, an example of such a backward or belated idea was the idea of "returning to Zion"⁸. At the same time, he was convinced that "there was not a single idea in the world that would reach the level of an active factor in life and that would

¹ Ахад-Гаам (1916). *Избранные статьи*: Не тем путем. Петроград: Восток, 106.

² Ibid, 115.

³ Ахад-Гаам (1919). *Избранные сочинения*: Нарекания друга. Москва: Сафрут, 1, 16.

⁴ Ibid, 15.

⁵ Ibid: Два мира. Москва: Сафрут, 1, 109.

⁶ Ibid: Закон и милосердие. Москва: Сафрут, 1, 78.

⁷ Ibid: Человек в своем шатре. Москва: Сафрут, 1, 39.

⁸ Ibid: Прежвременное и запоздавшее. Москва: Сафрут, 1, 92.

not have ministers who would devote all their strength and mental thoughts to it, and only to it, when it emerged. Those people looked at the whole of life and "only from the point of view of that idea of theirs," and only in accordance with it they wanted to "correct the world"¹.

It is significant that Ahad Ha'am did not accept the Western European practice of equalizing Jews' rights with those of other nations. Why? He believed that a Jew emancipated in the Western European way, and in particular a French Jew, was in "internal slavery." This is exactly what he wrote in the aforementioned work *Slavery in Freedom*, which can be seen as the starting point for the development of his theory of "spiritual Zionism."

According to Ahad-Ha'am, this slavery ("in freedom") was disguised as "external freedom," and French Jews had received it along with civil rights a hundred years earlier, although it revealed itself "in its entirety and completeness" only at the end of the nineteenth century². Ahad Ha'am also spoke of the "spiritual slavery" of French Jews, and this "spiritual slavery" was only half the price that Western European Jews had paid for their equality³. From the thinker's point of view, "mental slavery" was even more difficult for a Jew in Western Europe.

Ahad Ha'am was definitive believing that those who wanted to become like French citizens and renounced "their Jewish nationality" had no right to return to it⁴. That is, a Jew in France lost the right to be called a Jew.

Speaking of Western European Jews' "moral slavery", Ahad Ha'am noted: "I look at all this and ask myself: should I envy their rights? And I answer this question firmly and convincingly: no, and a hundred times no! Neither them nor their rights. I may not have rights, but I will not sell my soul for them"⁵. These words reflected the tragedy of the situation, realized by one of the intellectual giants of Russian Jewry, who realized that in the societies of the time, a Jew gaining rights lost something much greater: their soul. Thus, for a Jew, equal rights resulted in the loss of their essence, their freedom. The thinker asserted: "I will not sell this spiritual freedom of mine – let whoever wants to laugh – for any "rights" in the world"⁶.

According to Ahad Ha'am, the creation of a Jewish state (in Palestine or elsewhere) was not a way out of the situation. First, the resettlement of Jews from the countries of dispersion would take decades. In addition, Ahad Ha'am doubted the ability of Eretz Yisrael (Land of Israel) to accept the entire Jewish population of the world. Therefore, secondly, Ahad Ha'am pointed out that the problem of Jewish life in the countries of dispersion would not be solved in this way (through the creation of a state). Therefore, he advocated the creation of a spiritual center of the Jewish nation in Eretz Yisrael. The thinker emphasized: "This Palestinophilism is neither a part of Jewry nor an addition to it, but Jewry itself in all its integrity, ... its whole purpose is to turn the heart's lively aspiration for the people's unity, for its revival and free development on universal principles into the central determining point"⁷. The author called: "Let us be ... steadfast. Let others look for "life" in material work alone, which is too much for them; we will find life in spiritual work – each in their own field"⁸.

Adherence to this point of view led to the fact that after attending the First Zionist Congress, where his ideas did not find a significant number of supporters, Ahad Ha'am did not participate in subsequent congresses. His supporters, including M. Buber, H. Weidmann, L. Motzkin, and B. Fayvel, formed the Democratic Faction only later, at the Fifth Zionist Congress (1901).

A few months later, reflecting on the results of the First Zionist Congress and the needs of Jewry, Ahad Ha'am again turned to Western Europe's political practice, which was characterized by Jews' equality before the law. And again he wrote with sadness: "In the West, where the Jews are equal before the law, their material condition is not very difficult unlike their spiritual condition: they strive to enjoy all the benefits of their formal equality, but this is impossible; they try to become part of the community in the country where they were born, but they are kept at a distance; they hope for love and brotherhood, but they encounter hatred and contempt on all sides; they know that they are in no way inferior to their neighbors in

¹ Ibid: Жрец и пророк. Москва: Сафрут, 1, 124.

² Ахад-Гаам (1916). *Избранные статьи*: Рабство в свободе. Петероград: Восток, 39-40.

³ Ibid, 40.

⁴ Ibid, 46.

⁵ Ibid, 55.

⁶ Ibid, 56.

⁷ Ахад-Гаам (1919). *Избранные сочинения*: Жрец и пророк. Москва: Сафрут, 1, 129.

⁸ Ibid, 134.

ability and virtue, but they are constantly reminded that they belong to an inferior race and are not worthy of rising to the level of the Aryans, etc. etc. etc."¹.

Being convinced that it was unrealistic to gather all the Jews scattered across the earth within a Jewish state in a natural way, Ahad Ha'am noted, criticizing T. Herzl's idea, that the creation of a Jewish state would not put an end to material hardship, since, in his opinion, "the material well-being of the Jews would always... depend on the economic condition and cultural development of the peoples among whom they were scattered"². Therefore, he was convinced that the only real basis for Zionism was "another need" – a spiritual one³.

It is noteworthy that Ahad Ha'am drew attention to the two forms of the spiritual "problem": the first one was characteristic of the West while the second one – of the East, which explained the fundamental difference, from his point of view, between Western "Zionism" and Eastern "Palestinianism." But, according to the thinker, the First Zionist Congress focused only on the first form, paying too little attention to the second one.

The Western Jew is unhappy because he is not accepted by Western society, and when he tries to return to his own people, he is not satisfied with the lifestyle and "horizons of Jewish society" – he has already got accustomed to greater breadth in the social and political sphere. He is also not satisfied with the intellectual sphere, the sphere of national culture, because this culture "has not played any role in his initial upbringing" and remains a "closed book" for him. In such a state, the Western Jew mentally turns to the land of his ancestors and thinks that it would be good to create his own state on that land⁴.

Ahad-Ha'am pointed out that Western European Jews understood that not all Jews would be able to move from their places and head to Palestine, but they realized that "the very existence of a Jewish state would raise respect for the Jews who would remain in the diaspora," and besides, "fellow citizens would no longer ... keep them at a distance, as slaves who were entirely dependent on the hospitality of others." The thinker considered this as the basis of Western Zionism and the secret of its appeal.

As for "Eastern Palestinophilism," the thinker noted that it also began as a political movement, but since it was, as he believed, the result of "material misery," it was not satisfied with "a surge of feelings and beautiful phrases," but began to manifest itself in concrete steps, such as the creation of colonies on the Palestinian land. However, it quickly became clear that Palestinophilia could not "alleviate the Jewish need one iota"⁵. The Jews in the East experienced not only material but also spiritual need and a spiritual "tragedy."

According to Ahad Ha'am, the Eastern form of spiritual need was completely different from the Western one: in the West it was a problem of Jews while in the East it was a problem of Jewry. The former concerns the individual while the latter refers to the nation. The former is experienced by the Jews who have received a European education, the latter – by those Jews who have been raised Jewishly. The former is a product of anti-Semitism, the latter is a natural product of a genuine connection to a millennial culture⁶.

The conviction that the people's spirit needed to be further developed by absorbing the basic elements of a "common culture" from the surrounding world led Ahad Ha'am to the conclusion that the conditions of life in the diaspora were not suitable for this. However, Jewry "does not need an independent state; it is enough for it to have favorable conditions for development in its native land: a large enough settlement of Jews has been formed to be able to work without hindrance in all branches of civilization, from agriculture and crafts to science and literature."⁷

Ahad Ha'am believed that such a Jewish settlement, as it grew, would eventually become the center of the nation, where its spirit would find expression "in all its purity and would turn in all directions to the highest degree of perfection of which it was capable." From this center, the "spirit of Jewry" would then spread to the entire periphery and maintain the "integrity and unity of our people."

¹ Ахад-Гаам (1992). Государство евреев и «нужда евреев». *Хроники Иерусалима*. <<https://www.rjews.net/gazeta/Lib/Ahad-ha-am/ahad-ha-am.html>> (2023, July, 01).

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

Emphasizing that the "political Zionists of the West" would not understand this approach, the thinker, in turn, stated that "political Zionism could not satisfy Jews who were truly concerned about Jewry" and emphasized that the Jewish state was a "safe haven" for the "spirit of Jewry" and the "cultural bonds" that united the nation¹.

At the end of the century, Ahad Ha'am turned to the question of the "new Jews." What did the thinker mean by this phrase? He noted that thousands of Jews who had been brought up outside of Jewish traditions since childhood and had never felt their burden, and those who had thrown off this burden in adulthood, returned to their people and "raised the flag of Jewish nationality high," without returning to the Jewish religion, to adherence to "its views" and to the fulfillment of its laws. These, according to Ahad-Ha'am, were the "new Jews" who did not feel separated from the people because of contradictions in religious views and therefore did not feel the need to win the people over to their side in everything related to religion and faith². For these people, the awareness of Jewish nationality is exclusively a "tribal feeling" that does not require any other duty from its bearers than to love their people and work for their benefit, without restricting the individual's personal freedom "in the field of views and behavior."

Reasoning in this way, Ahad Ha'am asked the question: what should "we" think of "such" Jews? Could a person really be a "real Jew" "in the national sense" while being "other" in all other senses? He answered himself: "The adherents of law and... religion, of course, answer this question negatively. They still adhere to the old views in its entirety and say that Israel has no nationality outside of religion, that if someone says: "I am a Jew," he should also add: "and I fear the Lord" and take on the burden of the law and commandments like all other members of the house of Israel; without this condition, a "nationalist" is now for them the same as an "enlightened" ("maskil") Jew, i.e., a Jew who has sinned – in other words, a sick member in the national body, which, however, does not need to be cut off and thrown away, but which should be tried to be cured..."³.

At the same time, analyzing the "nationalists," Ahad-Ha'am noted that they were divided into two camps. The "Western" camp answers the question "categorically in the affirmative." They do not take on the "burden of the Law" because it is beyond a person's power to force themselves to believe, nor do they take on the burden of prescriptions because a person who performs religious acts "without heartfelt faith" is a hypocrite. They see their national duty in love for their people and in participation in "national work" – in "unions and alliances, in paying shekels and buying shares." Ahad-Ha'am skeptically noted: some of them agree that the Hebrew language and Jewish history are "wonderful things" that are useful but not necessary for nationalists to know. In all other respects, they do not consider it necessary to change one iota and remain, according to the thinker, "sons of the foreign culture in which they were brought up as children and which they eagerly absorbed at the dawn of their youth"⁴.

The above-mentioned is confirmed by the fact that, on the one hand, there were processes of democratization of the Jewish community (through the development of community self-government, freedom of religion, cultural and community life), and on the other hand, by the fact that the politicization of Jewry as a condition took place within the national and supranational framework⁵.

Conclusions. Thus, to summarize, we can state that:

- in the late nineteenth and early twentieth centuries, two views of the future of the Jewish nation became widespread in the Jewish community on the Ukrainian lands, which were accumulated in the concept of "spiritual Zionism" and "Folkism" or autonomism;
- the founder of "spiritual Zionism" was a prominent representative of Jewish intellectual circles, Ahad Ha'am, who in a number of works, engaging in heated polemics with his opponents, substantiated the urgent tasks that, from his point of view, the Jewish nation faced. Among these tasks, he emphasized, first of all, the task of Jewish self-preservation;
- Ahad Ha'am's work reflected the discrepancy between the worldview positions of Western European and "Eastern" (Russian) Jewry regarding the future of the Jewish nation. While for Western

¹ Ахад-Гаам (1992). Государство евреев и «нужда евреев». *Хроники Иерусалима*. <<https://www.rjews.net/gazeta/Lib/Ahad-ha-am/ahad-ha-am.html>> (2023, July, 01).

² Ахад-Гаам (2003). Национальная этика. *The Wayback Machine*

<<https://web.archive.org/web/20071014025802/https://www.antho.net/library/blau/ag/aga.html>> (2023, July, 01).

³ Ibid.

⁴ Ibid.

⁵ Найман, О. Я. (2003). *Історія євреїв України*. Київ: Ін Юре.

Zionists the ideal was to create a Jewish state in Eretz Yisrael, for "Eastern" Zionists (such as Ahad Ha'am) the ideal was to create only a "spiritual center" in Eretz Yisrael; for the Westerners, legislative equality was a blessing, while Ahad Ha'am viewed it as a loss of nationality for Jews at the end of the period under study;

– despite the existing fragmentation at the level of ideas and political and legal practice, Jewry was a force that in one way or another demonstrated a policy that ran counter to the aspirations of the official circles of the Russian Empire.

References:

1. Ahad Haam (1992). Gosudarstvo evreev i «nuzhda evreev» [The State of the Jews and the "need of the Jews"]. *Hroniki Ierusalima* [Chronicles of Jerusalem] <<https://www.rjews.net/gazeta/Lib/Ahad-ha-am/ahad-ha-am.html>> (2023, July, 01). [in Russian].
2. Ahad Haam (1919). *Izbrannye sochinenija* [Selected writings]: Dva mira [Two Worlds]. Moscow: Safrut, 1, 102-110. [in Russian].
3. Ahad Haam (1919). *Izbrannye sochinenija* [Selected writings]: Zhrec i prorok. [Priest and prophet]. Moscow: Safrut, 1, 122-134. [in Russian].
4. Ahad Haam (1919). *Izbrannye sochinenija* [Selected writings]: Zakon i miloserdie. [Law and mercy]. Moscow: Safrut, 1, 76-80. [in Russian].
5. Ahad Haam (1919). *Izbrannye sochinenija* [Selected writings]: Narekanija druga. [Friend's admonishments]. Moscow: Safrut, 1, 14-20. [in Russian].
6. Ahad Haam (2003). Nacionalnaja etika [National ethics]. *The Wayback Machine* <<https://web.archive.org/web/20071014025802/https://www.antho.net/library/blau/ag/aga.html>> (2023, July, 01). [in Russian].
7. Ahad Haam (1916). *Izbrannye stati* [Selected articles]. Ne tem putem [Wrong way]. Petrograd: Vostok, 104-118. [in Russian].
8. Ahad Haam (1919). *Izbrannye sochinenija* [Selected writings]: Prezhdevremennoe i zapozdavshee [Premature and delayed]. Moscow: Safrut, 1, 89-95. [in Russian].
9. Ahad Haam (1916). *Izbrannye stati* [Selected articles]. Rabstvo v svobode [Slavery in freedom]. Petrograd: Vostok, 34-56. [in Russian].
10. Ahad Haam (1919). *Izbrannye sochinenija* [Selected writings]: Chelovek v svoem shatre [The man in his tent], 1, 34-42. [in Russian].
11. Nayman, O. Ya. (2003). *Istoriia yevreiv Ukrainy* [History of the Jews of Ukraine]. Kyiv: In Yure. [in Ukrainian].