Let us insist that the struggle for liberty shall not cease until equality of opportunity is accorded to nationalities as to individuals.¹

Brandeis's one trip to Palestine, in 1919, lasted only sixteen days, but it was a triumphal tour. Brandeis had become the leader in the United States of the Zionist movement—the drive for a Jewish homeland in Palestine—and the Palestinian Jews outdid each other in their eagerness to applaud him. There was a whirlwind of activity as he visited all the Jewish cities and twenty-three of the forty-three Jewish settlements, being greeted at every stop as a hero. He was met by singing children and an honor guard at the settlement of Motza. There were singing children again at Rishon LeZion. Other children, many in Boy Scout and Girl Scout uniforms, along with adults dressed in their holiday best lined the roads as he arrived in flag-bedecked Tel Aviv. He was welcomed to Lod by doctors from Hadassah and by forty members of the Jewish Brigade. From the Lemel School in Jerusalem he received a silver-cased parchment extolling his virtues. The settlement of Zichron Yaacov built a special gate in his honor. He was as enthusiastic about what he saw as his hosts were about him. "It is a wonderful country, a wonderful city," he wrote to his wife from Jerusalem, and from Haifa he declared to English Zionist leader Chaim Weizmann, "Palestine has won our hearts. . . . It is no wonder that the Jews love her so."²
Brandeis, a thoroughly assimilated Jew who had never considered Jewishness as a key element of his identity, had become the acknowledged leader of American Zionists and the hope of the Jewish immigrants to Palestine. His transformation resulted at least as much from the opportunity to apply his political thought as from his ethnic emotionalism.

He displayed little interest in Jewish causes until summer 1910 when he mediated the New York garment strike and discovered the Eastern European Jewish workers who were the backbone of the American Zionist movement. His enthusiasm for their potential as citizens of his ideal democratic state began to grow. Everything about them, including the Zionism that was new to him, piqued his curiosity, and when a reporter for American Hebrew asked his opinion of Zionism, Brandeis replied, “I have a great deal of sympathy for the movement.” He spent most of the interview, however, emphasizing that in the United States, “there is no place for . . . hyphenated Americans” and that “the opportunities for members of my people are greater here than in any other country.”

His close friend Elizabeth Glendower Evans was certain that the strike was a “profound emotional experience that gave birth to his realization of himself as a Jew,” and Benjamin V. Cohen attributed Brandeis’s newly emerged Jewish consciousness to his experience with the Jewish workers. Labor leader Henry Moskowitz said that Brandeis’s meetings with the workers “became almost a mystic experience for him.” Brandeis acknowledged that the strike showed him “the true democracy of my people, their idealistic inclinations and their love of liberty and freedom.”

Shortly after the strike ended, Brandeis met Jacob de Haas, former secretary to Theodor Herzl, the father of modern Zionism. De Haas was the editor and publisher of a Jewish newspaper and interviewed Brandeis about savings-bank life insurance. At the conclusion of the interview de Haas asked if Brandeis was related to Lewis Dembitz, whom he described as a “noble Jew.” Brandeis listened enthralled as on that day and at other meetings over the next months de Haas explained Dembitz’s Zionism and the Zionist cause. Herzl had founded the formal Zionist movement in the 1890s, and Dembitz had joined it only after Brandeis left Louisville, so Brandeis had not known about his uncle’s involvement. He later said that he was “eternally grateful” to de Haas for “unfold[ing] the Zionist cause” to him.
The talks with de Haas, coupled with his experience of the garment strike, led Brandeis to enlist in the Federation of American Zionists in 1912, becoming a member of its Associate Executive Committee. He also joined the Zionist Association of Greater Boston, the Menorah Society, and the advisory board of the Hebrew Sheltering and Immigrant Aid Society. None of this activity was seen as important by the Zionist community, which was not particularly excited when his membership was announced at the Zionist convention of 1912, because he had not yet become an activist and was not known as being interested in Jewish causes. In spring 1913, however, he presided when the well-known Polish Zionist Nahum Sokolow spoke for two hours to an audience in Boston and gave Sokolow a letter of introduction to Secretary of State William Jennings Bryan. He began lecturing to Jewish and Zionist groups and was elected a delegate to the Zionist Congress meeting in Vienna in 1913. Although unable to attend it, he sent the Congress a message firmly advocating Jewish immigration to Palestine.

During this period Brandeis was busy advising President Woodrow Wilson and actually gave little time to Zionism. In summer 1914, however, disheartened by Wilson's loss of interest in antitrust and other Progressive measures, Brandeis went on his annual vacation. It was typical for him to immerse himself in books and articles about each new enthusiasm, and he decided to spend much of the month reading intensively in Zionism and Jewish affairs. World War I broke out that summer. On August 30, Brandeis went to an emergency conference of American Zionists concerned about the wartime plight of European Jews and was asked to become chairman of the Provisional Executive Committee for General Zionist Affairs that the conference had created. It was assumed he would be a figurehead, interesting his wealthy friends in the cause while an administrative committee did the real work. But much to the surprise of everyone, he threw himself into the endeavor with total commitment and quickly became the acknowledged leader of American Zionism.

Zionism proved to be a key part of Brandeis's life and one of his major activities for years. His view of Zionism is crucial to an understanding of his political thought, and I argue here that Brandeis envisioned the Jewish Palestinian settlements as a potential re-creation of Periclean Athens and that Alfred Zimmern's *Greek Commonwealth* was central to his thinking.
Three factors appear to have been primary in Brandeis's involvement in Zionism. One was his reaction to the Eastern European garment workers, the first working-class Jews he had met. He found them "possessed of those very qualities which we of the twentieth century seek to develop in our struggle for justice and democracy—a deep moral feeling which makes them capable of noble acts; a deep sense of the brotherhood of man; and a high intelligence, the fruit of three thousand years of civilization." The second factor was the knowledge, gained from de Haas, that his adored Uncle Dembitz had considered Zionism a worthy cause. The third was his developing economic and political ideology, based on Jeffersonian and Progressive principles but going further to worker-participation. Zimmern's *Greek Commonwealth*, expressing political ideas much like Brandeis's and calling attention to notable similarities between Palestine and Greece, played a major role in Brandeis's Zionism by enabling him to pull together his growing interest in the movement and his view of the ideal state. For both Brandeis and Zimmern, the ideal had existed in Periclean Athens.

Brandeis thought of that period as the high point of democratic civilization. The great tribute he paid his Uncle Dembitz was to say that "he reminded one of the Athenians." He used a sentence from Pericles' "Funeral Oration" in *Whitney v. California*, his impassioned defense of his ideal democracy; in fact, as Pnina Lahav has demonstrated, much of the structure and message of Pericles' Oration is reflected in *Whitney*. He turned regularly to ancient Athens for wisdom. A journalist who followed Brandeis around for two days in 1916 reported wryly, "Euripides, I now judge, after having interviewed Brandeis on many subjects, said the last word on most of them." The poem that Brandeis liked best and quoted most often because it expressed his view of citizenship and public service came from Euripides' *Suppliant Women*. Brandeis looked toward Periclean Athens to discover how the model citizen would function in the model political society.

Periclean Athens is the subject of *The Greek Commonwealth*, and Brandeis read it during winter of 1913–1914, just months before he startled the Zionist movement by expressing his interest in active participation. He later wrote to Zimmern that the book had been his only recreation while he was investigating the New Haven Railroad that winter and that it gave him more pleasure than almost anything he had
read in recent years other than Gilbert Murray's translation of the *Bacchae*. Brandeis added that Horace Kallen had informed him of Zimmerm's interest in Zionism and that they shared a friend in Norman Hapgood.\(^{12}\)

Brandeis apparently learned of Zimmerm through the latter's role as a translator of Guglielmo Ferrero's *The Greatness and Decline of Rome*. After reading *The Greek Commonwealth*, he used his photographic memory to quote Zimmerm's words and urged the book upon all the people important to him.\(^{13}\) He tacitly acknowledged Zimmerm's centrality in his formulation of Zionism and the ideal state by arranging for Zimmerm to be one of his only companions when he went to Palestine in 1919, even though the two men had not yet met when the trip was organized. Brandeis, the leader of American Zionism, was viewed by European Zionists as the potential head of the World Zionist Organization; he was known throughout American political and legal circles and was a member of the Supreme Court. It seems fair to assume that many people would have liked to accompany him on his trip, but he chose only de Haas and Zimmerm.\(^{14}\)

His choice of Zimmerm was made despite the fact that Zimmerm was interested in Zionism but was not a Zionist. The Oxford classicist occasionally advised London-based Chaim Weizmann, but his major goal was World Federalism.\(^{15}\) In the meantime, however, he saw no contradiction in aiding the effort for a Jewish homeland because Jews had enriched the common culture and were an important element in it.

Zimmerm's pan-nationalism was more accepting of cultural differences than was the pan-Americanism Brandeis favored until he became a Zionist. Brandeis had condemned ethnic separatism, telling the New York Century Club on the occasion of the 250th anniversary of the first Jewish settlement in the United States, "There is room here for men of any race, or any creed, of any condition in life, but not for Protestant-Americans, or Catholic-Americans, or Jewish-Americans, nor for German-Americans, Irish-Americans, or Russian-Americans." This attitude was not surprising from the son of a successful and assimilated immigrant family, and it also was in keeping with Brandeis's belief in universal truths and values that superseded nationalisms: human dignity, the personal and social benefits of fulfilling human potential, the need of a democratic electorate for a shared ethos.
Hyphenated Americans were not for Brandeis. Nor were they for most successful German-Americans like Jacob Schiff, Felix Warburg, Louis Marshall, *New York Times* publisher Adolph Ochs, Henry Morgenthau, or Brandeis’s brother-in-law Felix Adler, the head of the Ethical Culture Society and teacher of ethics and morals at Columbia University who had performed the Brandeis’s wedding ceremony.  

Brandeis’s vision of a Jewish state seems to have been based in good part on the Jeffersonianism that runs throughout his thought, but *The Greek Commonwealth* helped alter his attitude toward hyphenated Americans and enabled him to connect his political beliefs and his dreams for the ideal society with the possibilities presented by Palestine. Zimmern’s book paralleled Brandeis’s thinking about the United States and brought it together with his love of Greece. Palestine as Brandeis envisioned it would become the new Periclean Athens, resembling Athens as Zimmern described it.

Zimmern waxed lyrical when he described Periclean Athens: “For a whole wonderful half-century . . . Politics and Morality, the deepest and strongest forces of national and of individual life, had moved forward hand in hand towards a common ideal, the perfect citizen in the perfect state.” He went on to examine the reasons the Athenians were able to scale such lofty heights; each factor paralleled one of Brandeis’s basic beliefs.

The Greeks “grew up unable to conceive of any . . . state of government” other than local independence, Zimmern wrote; Brandeis championed decentralization and federalism. Zimmern argued, “The record of civilized States seems to show that no sub-division of the community . . . is sufficiently well informed or wise or tolerant or unselfish to be entrusted for long, without control or responsibility, with the powers and temptations of government”; Brandeis feared political centralization because fallible human beings inevitably would falter and be corrupted by an excess of power and responsibility. Zimmern noted, “Public business is much the same as private; and men are not able to transact business in hordes. Large companies are much the same as small, only more uncomfortable.” Brandeis had called big government and big business equally inefficient. Zimmern declared that “it is only in a state where men are jealous for the maintenance of justice that the freedom of the individual can permanently be secured,” that “it was Pericles’ boast that his fellow-citizens found time to do justice
both to public and private responsibilities, that they were at once (what is nowadays considered impossible) the most active political workers and the most many-sided individuals of their time,” and that “democracy is meaningless unless it involves the serious and steady co-operation of large numbers of citizens in the actual work of government.” This could have been Brandeis speaking about the concern for justice and public affairs that had to exist for the protection of democracy or about the worker-citizens to whom he wanted to give the leisure time necessary for participation in public affairs.\textsuperscript{18} Zimmern spoke in Brandeisian terms about the need for industrial reform, castigating the “modern industrial system” as typified by “‘soulless organization’” and the decline of the worker’s liberty. He also wrote of the corruption of conspicuous consumption and of the necessity to concentrate instead on individuals’ minds and physical abilities.\textsuperscript{19}

Zimmern made the connection between Periclean Athens and Palestine by describing the latter as possessing all the physical elements found in the Athenian state. Both were in the Mediterranean area; both relied “on the unsettled weather of winter and the big rainfalls in the autumn and spring, the ‘former’ and ‘latter’ rains of the Bible”; Greece’s “threefold division” into distinct geographic areas was “as true of Palestine as of Greece.” Zimmern traced one cause of the decline of Pericles’ Athens to the plague that killed a quarter of the citizens. Brandeis, whose family had kept a bowl of quinine tablets on a table in Louisville, would make one of his first priorities in Palestine the eradication of malaria, declaring that a workable civilization could not be developed where malaria thrived.\textsuperscript{20} Again and again, Zimmern compared Palestine with Greece, quoting Greek poets alongside Hebrew prophets and maintaining, “It is true to assert of all these regions that, even if they have not preserved their independence or attained to popular government, they yet provide conditions which will prove helpful at any time to their successful exercise.”\textsuperscript{21}

The new Athens Brandeis envisioned would have the benefit of lessons he had learned in the United States. He was never more Jeffersonian than in his approach to Palestine, which he described in terms, although not specifically the same, that the American Founding Fathers might well have used in speaking of the colonies. There was arable land; there were determined pioneers; there was the newness of a society that might escape class divisions; there was a chance to make
democracy work, far from the corrupting forces of existing regimes. His speeches demonstrate that in many ways the Jewish community in Palestine had become, for him, the fourteenth colony or, perhaps, the colonies as they should have been. He extolled the “Jewish Pilgrim Fathers,” “the pioneers in Palestine,” and called Palestine “a miniature California” and Zionism “the Pilgrim inspiration and impulse over again.” He reminded audiences that democracy prevailed during “the early days of the colonies and states of New England” because “the Puritans were trained in implicit obedience to stern duty by constant study of the Prophets.” Applauding the equal value given to civic duty, education, and democracy by the early New Englanders and the Jewish settlers in Palestine, he admonished Zionist audiences, “The Pilgrims had faith, we should have it.” He repeated the analogy, declaring, “The twentieth century ideals of America have been the ideals of the Jew for more than twenty centuries. We have inherited these ideals of democracy and of social justice.”

One might raise the question of exactly how much Brandeis understood about Athens and the New England colonies or whether his romanticized conception of each existed in spite of his extensive reading. There were slaves in Athens and in the colonies; indeed, the Athenian economy was based upon slavery. The two societies treated women as inferior. Although few if any classicists of Brandeis’s era discussed slavery and chauvinism in Greece and there was still a paucity of feminist writing about early American history, the man who had grown up hating slavery and who was a champion of women’s suffrage might have been expected to perceive for himself the inequities that underlay the two societies. But his usually fierce intelligence seems to have faltered here. Perhaps he assumed that the virtues of Athens and Plymouth Rock could be replicated without their vices.

In any event, Brandeis had moved from distaste for “hyphenated Americans” to advocacy of what he called “inclusive brotherhood” and his colleague Horace Kallen referred to as “cultural pluralism.” He had in fact come to view anti-Semitism as reflecting a failure of liberalism that did not protect groups as well as individuals. Had he been on the Supreme Court in the second half of the twentieth century rather than the first, whether this view might have led him to approve the extension of constitutional rights to include groups as well as individuals is a matter for speculation. There is some evidence,
however, in Kallen's assertion that Brandeis "turned to Zionism out of an interest partially philanthropic and humane" but remained a Zionist "because he came to apply the conceptions of the Declaration of Independence, which were among the postulates of his faith, to all sorts of human associations and groups of individuals, as well as to individuals."28

The program that Brandeis fashioned for Jewish Palestine also grew out of his Americanism. During the Pinchot-Ballinger hearings, for example, Brandeis not only uncovered government giveaways of natural resources in Alaska but realized that the larger problem was ownership and conservation of land and other natural resources. As usual, he created his own solutions. He spoke of the need to keep land, mineral deposits, and development of transportation and utilities in Alaska's relatively untouched terrain away from the "capitalists" who were certain to use land and mines for speculation and who had exploited New England by turning its transportation systems and utilities into monopolies. "We must devise some system," Brandeis wrote to his ally Sen. Robert La Follette, "by which those who are willing to go to Alaska, with a view to working there and developing its resources, shall have not only the assurance of fair treatment, but the opportunity of operating without undue oppression through monopolistically inclined competitors."29

There is again an echo of Locke and the idea that the land should belong to the person willing to work it, but that was not a realistic option given the relative monopoly of investment resources by the capitalists. Brandeis's answer was government ownership of land, with only a small return required from those individuals who used it, and a government-owned but privately operated transportation system. The government might own at least one mine, to compare with those that were private, running it as an experimental station.30

Once the government had established a system for protecting the interests of the community from the ever-present threat of big money, it was the people who should rule the territory that had not yet become a state. Brandeis asked La Follette:

My dear Bob: How would this do for the Progressive slogan: "Alaska; the Land of Opportunity. Develop it by the People, for the people. Do not let it be exploited by the Capitalists, for the Capitalists."31
What mattered was democratic decisionmaking, which would ensure that the profits went to those people who had earned them through their labor. There was to be small-scale communal responsibility, with decisions about land use to be made communally. This pattern was precisely the approach that Brandeis tried to accomplish in Palestine.

The outline of his goal appeared in the Pittsburgh Program he drew up for the June 1918 Zionist convention held in that city.

_First_: We declare for political and civil equality irrespective of race, sex, or faith of all the inhabitants of the land.

_Second_: To insure in the Jewish National Home in Palestine equality of opportunity we favor a policy which, with due regard to existing rights, shall tend to establish the ownership and control by the whole people of the land, of all natural resources and of all public utilities.

_Third_: All the land, owned or controlled by the whole people, should be leased on such conditions as will insure the fullest opportunity for development and continuity of possession.

_Fourth_: The co-operative principle should be applied so far as feasible in the organization of all agricultural, industrial, commercial, and financial undertakings.

_Fifth_: The system of free public instruction which is to be established should embrace all grades and departments of education.

_Sixth_: Hebrew, the national language of the Jewish people, shall be the medium of public instruction.32

The platform may be the closest thing to a short summary of Brandeis's political thought that exists. It begins with a notable assertion of human equality. Political and civil equality apply to all people: not just men, not just Jews. Brandeis's realization that there were Palestinian Arabs already living on much of the land was reflected in both the first and second paragraphs, the second including "due regard to existing rights" of land ownership. Presumably he hoped enough contiguous land could be obtained "by the whole people," meaning the Jewish community, but the reference to "due regard to existing rights" made it clear that Palestinian Arab landowners were not necessarily expected to give up their holdings.
The bulk of the land was to be owned “by the whole [Jewish] people,” not by private companies, and the same was true for all natural resources and public utilities. The community’s governing entity was not to work the land or develop the resources or run the utilities, however; these were to be leased, with the requirement for lessees being their willingness to develop resources as fully as possible.

The principle of communality went further. Institutions—agricultural, industrial, commercial, and financial—were to be run along cooperative lines, which meant communal decisionmaking, as it already existed in the two major types of Palestinian Jewish agrarian communities. The first, the kibbutz, held land entirely in common, and decisions as to what crops would be planted, which jobs would be done by whom, what percentage of any profit would be put back into the land and infrastructure and what would be used for less pressing necessities were made by the entire community in general assemblies. The second, the moshav, held the land communally but sold shares and individual plots to families who would live on the land and either work both on their plots and on communal land or farm their plots alone while returning a percentage of their crop to the community. The moshav’s members decided jointly about membership in the community, use of communal profits, and so forth. In Brandeis’s day, the kibbutzim and moshavim existed only as agricultural endeavors. He nonetheless anticipated the existence of industrial, commercial, and financial institutions, some of which were already present in early form (e.g., small-scale banks, usually linked to a political party, that helped finance the settlements), and he was thinking ahead about worker-participation in them.

Brandeis expressed his belief that a democratic system could not survive without educated citizens; hence the inclusion of “free public instruction.” And it was to be in Hebrew, as the revival of Hebrew as a living language and as one that would be common to Jewish immigrants from various countries was a major goal of the Zionists. But Brandeis did not comment upon, and possibly did not consider, the effect of this measure upon Arab citizens.

The “whole people” who, according to the Pittsburgh Program, would own and control land, natural resources, and utilities clearly were the Jewish people. Although the platform also stated that there would be “political and civil equality irrespective of race, sex, or faith
of all the inhabitants of the land," there is no indication of the place the Palestinian Arab population would occupy under a social contract that rested upon the specified pattern of land ownership and education.

Brandeis, along with many Palestinian Zionists and almost all American Zionists, apparently knew little about the number and situation of Palestinian Arabs. He seems to have been as unaware as the other Zionists around him of the extent to which the Palestinian Arabs' land was being acquired through questionable dealings, particularly after the Balfour Declaration in 1917; of the suffering being caused Palestinian Arabs by the development of the Jewish entity; or of the existence of a well-developed Palestinian Arab economy, dependent in part on the land that was being turned into Jewish settlements. He clearly accepted the general Zionist assumption, self-serving as it may have proved to be, that Jewish economic efforts were benefiting the Arabs and that Palestinian Arab anger was generated by absentee Arab landowners opposed to the improvements in the lives of the fellahin. As a Zionist, his major concern was the creation of a Jewish homeland in Palestine. Unlike some other Zionists, however, he was equally certain that a Zionist entity ought to recognize the rights of all inhabitants. He thought Arabs and Jews could live together, that Arabs should be permitted to buy stock in Jewish enterprises and to join Jewish labor unions. Shortly before he died he donated money for playgrounds in Palestine to be used by Jewish, Moslem, and Christian children.

Brandeis could assert that Jews might want and need a Palestinian homeland, rather than simply helping to build democracies wherever they found themselves, because he gradually realized that much of the world would not permit their participation. He had not experienced anti-Semitism himself and had not been particularly concerned about it. He discovered it, however, in talking to the New York garment workers, and he was shocked at the depth of European anti-Semitism during World War I. "You cannot possibly conceive of the horrible sufferings of the Jews in Poland & adjacent countries," he wrote to his brother in 1914. "These changes of control from German to Russian & Polish anti-semites are bringing miseries as great as Jews ever suffered in all their exiles. . . . The Jews are having a bad time." He knew anti-Semitism existed in the United States, and at least one of
his colleagues has suggested that Brandeis helped create the American Jewish Congress in part to help combat anti-Semitism.\textsuperscript{41} He did not think, however, that the level of American anti-Semitism would or should lead many American Jews to move to Palestine; given the American democratic and legal system, he saw no reason for them to leave. Zionism meant an increase in freedom, specifically, the freedom of Jews to live “either in the land of their fathers” or, as a majority Jewish collectivity, under self-rule in Palestine.\textsuperscript{42} He considered the United States to be as good a place as Palestine for Jews to live. This belief was one of the elements of his thought that led to his eventual dispute with European Zionists, who thought all Jews should move to Palestine, and to the schism it caused in the world Zionist movement.\textsuperscript{43}

Brandeis also recognized a historical “longing for Palestine” among many Jews, “a manifestation in the struggle for existence by an ancient people”;\textsuperscript{44} this yearning, combined with the Jews’ long history in Palestine and with anti-Semitism, was sufficient reason for the establishment of a Jewish homeland there rather than elsewhere. He argued that a group of people sharing a combination of elements such as “race, language, religion, common habitat, common conditions, mode of life and manners, [and] political association” have not only a right but an obligation to assert their nationality and that “the . . . internationalism” that “seeks the obliteration of nationalities or peoples” is “misnamed.”\textsuperscript{45}

Legitimation of the longing for self-determination was a precondition of world peace. “Deeply imbedded in every nation and people is the desire for full development,” Brandeis told the Economic Club of Boston in 1915, equating “full development” with nationhood. The predemocratic idea that strong individuals had a right to exercise arbitrary power had been found wanting, he said, and it was time to recognize that the assumption of strong nations “that they possess the divine right to subject other peoples to their sway” was equally outmoded. That assumption resulted in wars and ran counter to the twentieth-century concept of liberty, which was based on the recognition of individuality. The national movements of the nineteenth century had demonstrated that “whole peoples have individuality no less marked than that of the single person.” Adherence to the ideal of liberty required that national individuality be recognized and that “equal
opportunity for all people as for all individuals" be understood as "the essential of international as well as of national justice upon which a peace which is to be permanent must rest." History demonstrated that people who mistakenly considered their community to be superior frequently turned to violence, attempting to dominate others in the name of civilization and progress; people whose inherent right to nationhood was disregarded were equally likely to fight for self-determination. Global peace depended upon acceptance of the equality of peoples. The Jews sought in Palestine a collective right similar to that of the Greeks, the Rumanians, the Italians.  

Brandeis's reasons for the creation of a specifically Jewish entity in Palestine thus encompassed more than anti-Semitism. He insisted that the Zionist goal be seen in light of the national movements that had been a major feature of nineteenth-century Western civilization. His emphasis on the individual as a member of society included the belief that maximum individual development could occur only within the community. A community, however, implied group membership, which was one of the bases for Brandeis's support for self-determination. "This right of development on the part of the group is essential to the full enjoyment of rights by the individual," he said in 1915, because "the individual is dependent for his development (and his happiness) in large part upon the development of the group of which he forms a part. We can scarcely conceive of an individual German or Frenchman living and developing without some relation to the contemporary German or French life and culture."  

The logic of Brandeis's argument is that self-determination is both a collective and an individual right. Nationalism, properly understood, means "that each race or people, like each individual, has a right and duty to develop, and that only through such differentiated development will high civilization be attained." It was nationalism that "created gallant Belgium . . . freed Greece . . . gave us united Italy." Each individual who shares in a particular nationalism has a presumed right to live in a nation dominated by that nationality. Beneficial though nationalism might be, however, it is not identical to nationhood; there is a "difference between a nation and a nationality."  

Likeness between members is the essence of nationality; but the members of a nation may be very different. A nation may be
composed of many nationalities, as some of the most successful
nations are. An instance of this is the British nation . . . the
French in Canada . . . the Swiss nation . . . the Belgian nation
. . . the American nation. The unity of a nationality is a fact of
nature; the unification into a nation is largely the work of man.
The false doctrine that nation and nationality must be made co-
extensive is the cause of some of our greatest tragedies. 50

Brandeis made it clear that he was arguing for “recognition of the
equal rights of each nationality” in every nation; 51 for tolerance, not
for separatism or for subordination of any nationality. Nations, like
individuals, legitimately can exercise rights only “in such manner and
to such extent as the exercise of the right in each is consistent with
the exercise of a like right by every other.” 52

Because nationalities had not only a “right” but a “duty” to main-
tain a homeland, Jews who felt they could best realize themselves in
a Jewish homeland should have the opportunity to move to one. The
human rights of self-determination and freedom of movement, not
formally recognized in theory by many nations until after Brandeis’s
death and still recognized only in theory by some, were contained
in his thought. Because he was speaking in the context of Zionism,
Brandeis emphasized that the Jews, like the Greeks, had made major
contributions to civilization, among them establishment of at least
parts of three great religions, “reverence for law, and the highest con-
ceptions of morality.” 53 But again, there was no implication of supe-
riority or inequality, only “that the struggle for liberty shall not cease
until equality of opportunity is accorded to nationalities as to indi-
viduals.” 54 When he was asked what he thought of the concept of the
“Chosen People,” Brandeis replied, “It would seem to me that even
the strictest adherents of the Jewish faith ought to inquire whether
their belief respecting the election of Israel is not perhaps based on
a misinterpretation of revelation . . . let us teach all peoples that they
are all chosen, and that each has a mission for all.” 55

The themes of Brandeis’s Zionism echoed the themes of his Ameri-
canism and his view of Periclean Athens: the just society, the demo-
cratic society, the moral society, equality before the law, participation
in public life, regularity of employment, a reasonable income and
working hours, opportunity for self-realization, access to education,
proper medical care. For him, Zionism was an extension of Americanism. Like all human beings, Palestinian Jews were “capable of noble acts,” and, living in the organizational embodiment of “the brotherhood of man,” they would create a democratic civilization.\(^5\) Brandeis gradually had become convinced “that Jews were by reason of their traditions and their character peculiarly fitted for the attainment of American ideals,” that the culmination of Jewish and American ideals would be found in Jewish Palestine, and that “to be good Americans, we must be better Jews, and to be better Jews, we must become Zionists.”\(^7\)

The Jewish Palestinian community would become the ideal state that he hoped would exist, in larger and somewhat different form, in the United States. He recognized that the latter would take longer to achieve if it could be attained at all, in part because a recalcitrant system dependent on bigness and relative inequality was already established, in part because of the size and heterogeneity of the United States and its population, in part because it was urbanized and industrialized rather than agrarian. For the moment, therefore, he would see what he could do about creating the “good society” in Palestine.