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"CONSTRUCTIVE ASSISTANCE" IN WARFARE

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I

THE JEWISH LAW AND OTHER ANCIENT LEGAL SYSTEMS

IN ANTIQUITY as well as in medieval times booty plays an important role in the warfare of tribes and nations. The Jews of old times are no exception and the Bible, recording wars and war-like actions over a long period, mentions booty of war quite frequently. Custom and law regulated the acquisition of goods taken from the enemy. They provided for the leader's share, for the setting aside parts of it in fulfillment of religious duties and, finally, for the admission of "non-combatants" to the benefit of the spoils.

It is this latter point in particular with which this article is concerned. According to *Numbers,* 31, 27, the prey is to be divided equally between those who go to battle and the rest of the congregation. The same, in principle, is indicated in *Joshua,* 22, 8. But the real story of how an uncertain practice was raised to the rank of a "statute" is told in I *Samuel,* ch. 30.[1] David started the pursuit of the Amalekites with six hundred men. Two hundred of them fell back. "They were so faint that they could not go over the brook Besor." After the Amalekites were defeated "the wicked men and base fellows" among those who had gone with David denied the two hundred the right to share in the booty or even in the pro-

[1] Josephus gives the story with but minor changes; *Antiquitates,* Book VI, Chapter XIV. He sees the origin of the statute in the incident of Ziklag while *Bereshith Rabba,* 43, *Rashi,* and other commentators link it with *Genesis,* ch. 14. *Alsheikh,* expounding I *Samuel,* ch. 30, asserts that Aner, Eshkol and Mamre, Abraham's confederates, were left behind with the baggage.

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perty recovered, except their wives and children. It was then that David declared:

> "Ye shall not do so, my brethren . . . and who will hearken unto you in this matter? For as is the share of him that goeth down to the battle, so shall be the share of him that tarrieth by the baggage, they shall share alike. And it was so from that day forward that he made it a statute and an ordinance for Israel unto this day."[2]

Obviously, the full recognition of the two hundred was based on the ground that they protected the baggage and by doing so fulfilled a "war-essential" task. However, it is not difficult to see motifs of a different kind in the statute of Ziklag and still more in the ordinance of *Numbers,* 31, 27: There existed the need to keep those who did not actively participate in the fight, in good cheer, to satisfy their appetite and to pay them off with a portion of the prey or with the "gleanings" should they not be in time for the "harvest."[3] There was also another motif: A tribe or the people regarded itself as an indivisible unit fighting under the will of God.[4] It expressed this view in its terms of war and of booty entitling all those who belonged together to an equal share in the proceeds of the enterprise.

As we survey the "statute of Ziklag" among other peoples, up to our own age, we shall meet all of these motivations.

No such ordinance as the statute of Ziklag is to be found in the Koran. The sacred book of the Mohammedans does not go beyond the admonition that the spoils are Allah's and his Apostle's to whom belongs one fifth of the prey.[5] "In accordance with this command the booty gathered on the field was placed under a citizen who acted the part of prize-agent for the army. It was then divided . . . in equal allotments among the whole army, after the Prophet's Fifth had

[2] The following verses tell that David gave of his personal share to the elders of Juda and to localities he passed through in an apparent attempt to build up strength.—Maimonides records the statute of Ziklag at the end of the fourth chapter of *Hilkot Melakim.*

[3] *Judges,* 8, 1.

[4] Levi ben Gershon and others commenting on I *Sam.* ch. 30 hold that the equal distribution of the booty among the front troups and the rest of the people is but another way of giving credit for the victory to God alone.

[5] *Sura* VIII, 1; 42.

been set apart."[6] A difference was made between a person and his belongings captured in a man-to-man fight and the booty taken in the conquered camp of the enemy. The former went to the captor, the latter to the whole army.[7] In the absence of a distinct law the practice seems to have followed the principle of Ziklag. Closest to this case comes that of the veterans who, staying behind with the flag and leaving the active part to the younger ones, address the returning warriors in the following manner: "We were here to cover your retreat. If you had been beaten you could have retired to our lines. Therefore it does not seem fair that we should go empty while you keep the *booty all to yourself*."[8]

From a nation like the Romans which waged so many wars and excelled in organization as well as legislation one would expect detailed definitions with regard to booty. Actually, there are very few.[9] The reason is plain. The rules governing acquisition of booty and the laws directing private ownership are the same; more correctly, the distinctions and provisions concerning private ownership originate historically from and are founded materially on the laws of "praeda."[10] Thus one may recover the latter in the sources dealing with the former.

In the Roman empire the booty belonged to the nation.[11] This is in marked distinction, for instance, to Germany.[12]

6 William Muir, *The Life of Mohammad*, new ed. by T. H. Weir (Edinburgh, 1912), p. 229.

7 Aloys Sprenger, *Das Leben und die Lehre des Mohammad*, III, second ed. (Berlin, 1869), p. 126.

8 Sprenger, *op. cit.*, p. 127. Sprenger mentions several cases in which people who were absent from the battle, nevertheless received their share; cf. p. 133 note 1. For distribution of the prey, see the sources given by A. J. Wensinck, *A Handbook of Early Muhammedan Tradition* (Leiden, 1927), pp. 40, 124.

9 "Romani . . . saepe negligentes sunt in definienda praedae notione;" Axel Benedix, *De praeda inde ab antiquitate ad usque nostram aetatem bello terrestri legitime parta* (Diss. Breslau, 1874), p. 23.

10 Rudolph von Ihering, *Geist des Römischen Rechts*, III (Lepzig, 1878), p. 231. Ihering refers to Gajus's *Institutiones*, IV, 16: Festuca autem utebantur quasi hastae loco, signo quodam iusti dominii, quod maxime sua esse credebant, quae ex hostibus cepissent; unde in centumviralibus iudiciis hasta praeponitur.

11 Gajus, *Institutiones*, II, 69; Theodor Mommsen, *Römische Geschichte*, I, 12 ed. (Berlin, 1920), p. 154.

12 Johannes C. Bluntschli, *Das Beuterecht im Krieg und das Seebeuterecht insbesondere* (Nördlingen, 1878), p. 43; also *Codex Maximilianeus Bavaricus*, 1756, II, 3, Par. 6: "Was währenden Krieges von dem Feind an beweglichen Gütern erbeutet wird, gehört von der Zeit an, da sie in Sicherheit gebracht seynd, dem Erbeuter." On the historical development in medieval German law, see Rudolf Hübner, *A History of Ger-*

Part of it went to the *imperator* (*manubiae*). It was distributed through the commander or the *quaestor*. Through this act it became private property, *res privata*.[13] There was no law compelling the military leader to distribute the spoils among the soldiers. Yet, to do this became an established custom. The military history of Rome is full of the role played by this custom and of the influence that the prospect of booty exerted on military decisions.[14] The way followed by the Romans in the acquisition and distribution of booty was vividly described by Polybius in connection with Scipio's conquest of Spanish Carthage. Here we meet an exact parallel to the statute of Ziklag. Not only those actually engaged in fighting benefited from the booty but also those charged with the protection of the camp as well as those unfit for battle. The tribunes distribute the profits equally among all, including not only those who were left behind in the protecting force but the men who are guarding the tents, the sick and those absent on any special service.[15]

From these few examples of Antiquity we turn now to Great Britain the military history of which offers the most comprehensive application of the biblical statute of Ziklag.

II

THE ENGLISH LAW

E. P. Brenton writing on Great Britain's naval history[16] during one of its most crucial periods relates the following incident:[17] Captain King, commander of an English man of war, fell in with two Dutch frigates. He captured both of

manic Private Law (The Continental Legal History Series, vol. IV) (Boston 1918), p. 433; Hübner, *Grundzüge des deutschen Privatrechts*, fifth ed. (Leipzig, 1930), p. 462.

[13] Arthur B. Schmidt, *Eigentumserwerb unter Kriegsrecht*, Rectoral Address at the University of Tübingen, 1918), p. 5.

[14] Mommsen, *Römische Geschichte*, I, 813.

[15] Polybius, X 16, 5 f.; Loeb, *Classical Library*, Polybius, IV, p. 139.

[16] Edward Pelham Brenton, *The Naval History of Great Britain from the Year 1783 to 1822*, II (London, 1822), p. 400 f.

[17] E. Halevy, *A History of the English People* (Penguin edition, London) refers to this case, Vol. I, p. 89 note 3: "The case was called in legal terminology one of "constructive assistance." Although this expression was often used in court, the legal term is rather that of "joint capture." A summary of decisions on cases of joint capture is given by J. A. Hall, *Law of Naval Warfare* (London, 1921), p. 322. There is a vast literature on the development and procedure of prize-courts in various countries and, particularly, in England. The most recent publication in this field is C. John Colombos, *A Treatise of the Law of Prize* (London, 1940).

them. Out of this capture a question of law arose; for, at the time when the chase began three other English men of war were in sight and engaged in convoy duty.

> These "sloops though sailing in contrary direction, and absent during the action, claimed to share, from the subsequent knowledge of the capture, under the plea of constructive assistance, alleging, that by their presence they had induced the Dutch ships to separate . . . The counsel for the claimants contended that they were prevented from contributing their assistance by the neglect of Captain King in not calling them to him; and, on the other hand, it was more forcibly, and with strict propriety, maintained that the sloops had an imperative duty to perform, namely, that of guarding their convoy, which, by continuing the chase, they must have left unprotected, thereby violating their duty, and subjecting the captains to the forfeiture of their prize-money to Greenwich Hospital."

The case, stated here, belongs to the specific group of "joint capture" which, in its turn, is a subdivision of prize cases generally.[18] All English prize cases were based on the rule that the captors—officers and crew—were entitled to the booty after its adjudication before a prize court or before the High Court of Admiralty.[19] The question involved in Brenton's case was whether a crew that did not participate in the capture proper should be admitted to sharing the booty; furthermore, what sort of evidence was required to make it eligible for such co-benefit. The incident, mentioned by Brenton, was not the first of its kind. But it happened at a time when the legal decisions concerning sea warfare were put on a firmer basis and it was together with the reinterpretation of existing rules that the cases of joint capture, too, received attention and were seen in a new light.

There were various factors that favored or rather necessitated the application of new points of view and the introduction of new legislation. In order to wage war against

[18] We shall consider only claims of prize-money, i.e. claims referring to the booty of captured ships, and not cases of head-money or bounty which is a fixed reward given by the Crown to officers and crew, and which does not derive from the booty. For the application of joint capture to a case of head-money, see E. S. Roscoe, *Reports of Prize Cases,* II (London, 1905), p. 127: The El Rayo. We shall also disregard the cases of joint operations of army and navy; cf. Roscoe, I, p. 187: The Dordrecht.

[19] For the history of prize courts, William Holdsworth, *A History of English Law,* XI (London, 1903), p. 402. E. S. Roscoe, *A History of the English Prize Court* (London, 1924). Since August 28, 1914, the captors do not derive anymore personal benefit from prizes taken at sea; cf. E. S. Roscoe, *Lord Stowell* (London, 1916), p. 32. On the development of the courts up to the present war, see Colombos, *A Treatise of the Law of Prize; New York Times,* November 7, 1940.

France successfully and to protect the sea lanes of her far-flung Empire Britain had to rely on a disciplined and concerted effort of her sea-power. Privateers still played a role but in an ever decreasing degree.[20] The first modern sea-war met and created new problems on the economic and political front. The position of neutrals had to be determined, their claims to be settled. That had to be done in the light of and in line with the growing importance of international relations—something that affected the whole character of the prize court. Thus when it interpreted the rules of "contraband" or "continued voyage" it had to seek its way between the claims of neutral powers and national self-interest. In her fight against Napoleon Britain needed a navy led by national pride and corps d'esprit, stimulated by personal satisfaction and personal gain. The latter was provided by the prospect of booty. Therein, at least, was no change.[21] In a relatively short period many and complicated cases came up for which the precedents of the records were not sufficient.[22]

To add to the objective factors an eminently personal one, it was England's good fortune to have in Sir Walter Scott (Lord Stowell)[23] a man able to meet the challenge of his time, a man who answered the description of a great judge of the Court of Admiralty. In him there came together the traditions of old, a fine sense for international obligations and an innate justice toward those who manned the King's ships. In his long tenure he laid the groundwork of what was to become the practice of the English prize courts.

20 The courts pursued the policy of discouraging privateers. "A decision which stated a general rule that being in sight by a privateer of a capture by a ship of war did not entitle a privateer to share in the prize settled the claims of many owners and crews of private ships of war and prevented a maritime practice by small privateers of hanging on His Majesty's ships to pick up the crumbs of the captures," Roscoe, *Lord Stowell*, p. 69; Roscoe, *Report of Prize Cases*, I, p. 474: The La Flore.

21 In old times the share of the Admiral was greater or smaller according to his presence or absence from the scene of fighting. Colombos, *A Treatise*, p. 301, quoting the *Black Book of the Admiralty*, No. A, Article 19.—The position of a prize commissioner was a profitable one; Ralph Montagu, the British Ambassador in Paris, wrote to Lord Arlington on April 13, 1672 asking "that on his return from his Embassy he might be appointed a Commissioner of Prizes, desiring "some share in the enjoyment which it (the war) produceth," Roscoe, *A History of the English Prize Court*, p. 52.

22 This does not contradict the fact that precedents—as everywhere in English law—here, too, influenced the court greatly. Colombos, *A Treatise*, p. 28.

23 E. S. Roscoe, *Lord Stowell*.

Earlier court decisions had already taken a broader view of the case of "joint capture." There was, however, room and need for closer definitions. The *Black Book of the Admiralty* gives the following definition:

> "Those of the fleete which are out of sight at the tyme of the seizure shall have noe share out of it unless they are sailing towards the prize and within sight, soe, that they are likely by sailing to helpe the takers of the prize if need be."[24]

Apparently, "being in sight" was in itself not always sufficient to constitute a claim. On the other hand, not being in sight could not always preclude a rightful claim. With operations sometimes covering a wide area the balance of judgment shifted from the geographical evidence to the evidence of purpose. When a detachment, owing to fog, "was not in sight of the actual captors"[25] its right to share in the proceeds was nevertheless sustained, because it could be proven that it was associated with the captor. Again, being in sight before the chase begins has to be supported by something more than a "joint enterprise," namely, either by a "preconceived plan" as in the case of a blockade[26] of a port, or by an "actual contribution" which was called "constructive assistance."[27] The question, how a ship although being absent from the scene can nevertheless render such assistance, was answered by a further definition: It conveyed encouragement to the captor or intimidation to the enemy. Accordingly being in sight was understood as a possibility of rendering assistance[28] and generally taken as a presumption to that effect. This presumption, however, was rebuttable when it could be shown that state and position of the ship precluded the possibility of rendering assistance.[29]

It is obvious that these definitions lent themselves to very liberal interpretations. One could come to the conclusion that

24 *The Black Book of the Admiralty*, ed. by Travers Twiss, I (London, 1871), p. 23. This unsatisfactory definition is interpreted in the light of later legislation, *ibidem*, p. 23 note 1.

25 Roscoe, *Lord Stowell*, p. 67; Roscoe, *Reports*, II, p. 180: The Union.

26 Roscoe, *Reports* II, p. 1: The Guillaume Tell; I, p. 109: The Nordstern; II, 215: The La Henriette.

27 *Reports*, I, p. 179: The Vryheid.

28 *Reports*, II, p. 187: The Sparkler.

29 *Reports*, II, p. 217: The La Melanie.

a whole fleet acting "under a constant obligation to attack the enemy wherever seen," should be entitled to the booty. Actually, Lord Stowell himself in one case gave the right to share to a whole fleet.[30] He keenly felt the difficulty when he described the whole class of joint capture as "a question of credit"[31] and when he in one of the classic cases remarked: "In a more enlarged sense, the whole navy of England may be said to be contributing on the joint enterprise of annoying the enemy."[32] It was for this very reason that he excluded "joint enterprise" as insufficient evidence and introduced his own distinctions. Although they too were somewhat fluid, like the element to which they referred, they became useful instruments for the legal decisions which had to be made in this field after this time.[33]

Before we depart, for the time being, from the joint capture in English courts a specific case characteristic of Lord Stowell and important for this study should be mentioned. It is concerned with the question whether invalid soldiers who happened to be on board a man of war when she captured an enemy's ship, were entitled to a share in the prize-money. Lord Stowell pointed to sources of early law and also to ancient usage according to which even supernumeraries and passengers were included, "since every person is presumed to be willing and able to give assistance, if required to do so."[34] In this case "though disabled from field-service . . . they are still useful for the purpose of defense and upon that account form part of the usual military force of every country."

30 Roscoe, *Lord Stowell*, p. 67: "That when vessels are associated together by public authority the whole fleet is entitled to share in the proceeds of the capture, although some of them might be out of sight at the time . . . The fleet so associated is considered as one body, unless detached by orders, or entirely separated by accident, and what is done by one, continuing to compose in a fact a part of that fleet, enures to the benefit of all."

31 *Reports*, I, p. 474: La Flore.

32 *Reports*, I, p. 179: The Vryheid.

33 For a concise summary of the principles related to joint capture see Viscount Tiverton, *The Principles and Practices of Prize Law* (London, 1914), p. 49.

34 *Reports*, II, p. 157: The Alert. A naval officer, however, who was on board a ship of war as a passenger at the time of the capture was found not to be entitled to a share "even though he does work on the ship." *Reports*, I, p. 567: The Nostra Signora del Carmen.

III

CONNECTING LINKS

History shows no great variety in all matters concerning booty.[35] Everywhere a portion of the prey is set apart for kings and leaders. The title of ownership mostly begins with the distribution, the symbols of which do not differ too much with different peoples.[36] Such uniformity is not surprising. It is bound up with the nature of warfare which, at the same time, is the most individualistic and the most uniform business. The same causes work toward the same ends; similar circumstances and similar expediencies produce similar reactions and institutions. There is reason to believe that the recognition of constructive assistance, too, was prompted by the same considerations everywhere and that the custom of giving "non-combatants" a share developed in different peoples independently. How else could it be explained that it springs up in corners so remote from each other geographically. The British people could have taken it over straight from their ancestors and from those their ancestors were fighting in their immediate neighborhood.[37]

The military undertakings of the old Nordic peoples were joint enterprises which concerned and affected everyone belonging to them. This is also reflected in the words used to express booty.[38] They imply distribution of the spoils. Originally taking place in the form of casting lots this old and rather crude method was later replaced by another one which determined and limited the portion of the king and protected the interests of the fighting community by giving everyone an equal share. The Danish historiographer, Saxo Grammaticus (*ca.* 1150-1216) attributed to a mythical king the

[35] An historical survey of the development of the law of booty is found in Arthur B. Schmidt, *Eigentumserwerb unter Kriegsrecht* (*supra,* note 13).

[36] In Rome it was "sub hasta," in the custom of the Nordic peoples "*die Stange*," "Alles was sie auf Heerfahrten erbeuteten, das sollte man zur Stange tragen, viel oder wenig, und alles, was Geldwert hätte;" Karl Lehmann, *Zum altnordischen Kriegs—und Beuterecht* (Deutschrechtliche Beiträge, ed. by Konrad Beyerle, Vol. IX, Heft 1) (Heidelberg 1913), p. 18.

[37] The medieval sea laws, particularly those of Oleron, influenced greatly the English courts but do not deal with the case of joint capture. The text of the medieval maritime laws is given in *The Black Book of the Admiralty,* IV (*supra,* note 24).

[38] *Hlutskipti, herfang, beute;* Lehmann, *Zum altnordischen Kriegs-und Beuterecht,* p. 16, refers to Grimm's *Wörterbuch,* s.v. *beuten.*

introduction of a new law according to which the individual became the owner of the weapons taken from the enemy while the captured ships were preserved for the people as a whole.[39] The old Nordic service statute, *Hirdskra,* knows of twelve royal commissaries who watch over the distribution of the prey. It concedes to the king the *ius postliminii* and his right of pre-emption of precious articles.[40] It is this same statute which explicitly states with regard to participation in the booty, that no distinction is to be made between those who participate in the fight and those who stay behind as reserve.[41]

True, the originality of the principle of constructive assistance with the Nordic peoples and with the English people can be maintained and no influence of the old Mediterranean maritime policy on its evolution must necessarily be assumed. However, this does not mean to imply that there was no connection between those two worlds at all. In fact, such a connection might well be sufficiently construed, although it does not refer to the institution as such but to the way it was legally expressed and defined in the days of Lord Stowell and before him. The case that was mentioned previously may illustrate this point.[42]

A King's ship based its claim of sharing in the booty on the fact that it was clearly in sight at the time of the capture. In this case the judge pointed out that being a King's ship and, therefore, under the constant obligation to attack means a presumption of law that she is present *animo capiendi,* an argument which eliminates the claim of privateers because in their case the element of *animus capiendi* is wanting or the presumption denied.[43] Here one can see how

39 Lehmann, *op. cit.,* p. 22.

40 Lehmann, *op cit.,* p. 17.

41 "Truppenteile, welche etwa dadurch verhindert worden waren, am Gefechte Anteil zu nehmen, dass sie zur Bewachung der Flotte, der Bagage und dergleichen abkommandiert worden waren, sollen bei der Beuteteilung gleichmässig mit berücksichtigt werden;" Konrad Maurer, *Vorlesungen über altnordische Rechtsgeschichte,*" I (Leipzig, 1907), p. 184; Lehmann, *op. cit.,* p. 18. That this provision goes back to a very old tradition is, according to Lehmann, confirmed by other sources.

42 Roscoe, *Reports* I, p. 474: The La Flore.

43 On joint capture with regard to privateers see: Henry Wheaton, *A Digest of the Law of Maritime Captures,* (New York 1815), p. 287 f.

a distinction of Roman law was used in order to clarify the meaning and to define the scope of assistance. It was made use of not in order to introduce an institution that Lord Stowell knew was a custom of old but to reinterpret the law in the light of changed conditions and needs.

Although English law emancipated itself from Roman law,[44] the traditions of Rome were present in those who undertook to mold British law. The heritage of Rome and of the Mediterranean was accessible not only through their own sources of these laws but also through the medium of the great European jurists of the seventeenth century who became the founders of the Law of Nations. In them there were assembled the rich traditions of Antiquity, and they handed them down. One of these teachers was Hugo Grotius (1583-1645), the great Dutch jurist and founder of modern International Law. In his monograph, *De iure praedae,* as well as in his monumental work, *De iure belli ac pacis,* he deals with the problem of constructive assistance. In both books he refers to its Jewish and Roman sources:

> "Polybius carefully explains the whole system of distribution. For full days, or for watch periods, a half of the army, or a smaller portion, was regularly sent to collect booty. Each man was ordered to bring into camp what he had found, that it might be equally divided by the tribunes, and a share was given both to those who had guarded the camp (a practice which, we read, was sanctioned also by King David among the Jews which from that source passed into law) and to those who had been absent on account of ill-health or assignment to details."[45]

Thus, one can see an uninterrupted tradition flowing from ancient history and extending into the modern age.

44 "Notwithstanding the antipathy of the English in general to the use of the Roman law, many useful principles came to be adopted from that law into the maritime jurisprudence of England . . . but only subsidiary to the customs of Oleron, the basis of the structure; James Reddie, *An Historical View of the Law of Maritime Commerce* (Edinburgh and London, 1841), p. 419.

45 Hugo Grotius, *De iure belli ac pacis,* Vol. II Book I (Oxford and London, 1925), p. 677. "Apud Hebraeos videmus praedam ad duces perlatam, neque his concessam qui manu ceperant, ac ne his quidem solis pugnaverent, sed partem toti exercitui datam, partem populo, partem etiam saceratam iussu divino receptoque more" (thus combining *Numeri,* 31 and I *Samuel* 30); Hugo Grotius, *De iure praedae,* ed. H. G. Hamaker (The Hague, 1868), pp. 142, 146.

And it is easily comprehensible that the idea underlying the statute of Ziklag, or as the British termed it, the case of constructive assistance, transcends the legal sphere. Stripped of its historical association with booty it stresses the part of those who are not in the fighting ranks yet whose services are indispensable for the success of a national undertaking. The present age furnishes ample proof that while the *case* of constructive assistance belongs to the past, the *idea* of constructive assistance is alive.

THE JEWS IN MEDIEVAL CARINTHIA

A Contribution to the History of the Jews in the Alpine Countries of Europe

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I

THF EARLY JEWISH SETTLEMENT AS EVIDENCED BY TOMBSTONES

As the most southern country in the Austrian Alps, Carinthia came in contact with Roman civilization much earlier than any other part of Central Europe, i.e., of Germany and former Austria.[1] The excavations in the last years before the Second World War have thrown much light upon that southern part of ancient Noricum, where pre-Christian monuments of Celtic and Greek-Roman culture have been discovered.[2] A pagan temple dedicated to Noreia, the patron goddess of Noricum, was excavated, and its statues, stone reliefs and medallions, reveal the wealth and glorious past of Celtic civilization. Roman influence started as early as the first century B.C.E. from Aquileia, the old emporium of the "salt and wine trade," whence "the ancient road" led to the lands across the Alps. From that time of a peaceful Roman occupation of Carinthia many tombstones of Roman soldiers have been preserved. Often Roman insignia such as plastic

[1] The name Carinthia (German: Kärnten) probably originates from the Celtic tribe of the *Carni*, who lived there long before the invasions by Romans, Slavs, and Germans; the population then mixed with Slavic elements was called the Carentans. German penetration and influence changed the name into *Kärnten*. Cf. Gottlieb Freih. v. Ankershofen, *Handbuch der Geschichte des Herzogtums Kärnten* (Klagenfurt, 1850); H. Hauser, *Die Geschichte Kärntens* (Klagenfurt, 1893); *Monumenta Historiae Ducatus Carinthiae*, vols. I-IV, ed. by August von Jaksch (Klagenfurt, 1896).

[2] Cf. Rudolf Egger, "Aus dem römischen Kärnten," *Carinthia*, I, Jahrgang 128, Heft 1 (1938), pp. 3 ff.

representations of the *fasces* or Romulus and Remus with the she-wolf can be seen. As a Roman province with Virunum as capital, Noricum had its golden age of architecture.[3] During the following period of wars between the Romans and the invading German tribes (up to 284 C.E.) Oriental cults such as the Persian Mithras and the Semitic Baal worship were introduced by the Roman legions.

No doubt, among the Roman legionaries and the accompanying civilian functionaries and merchants a number of Jews can be ascertained, former slaves who for the interest of the empire had been freed to serve their new country in many ways of military, administrative or commercial importance.[4] Aquileia seemed to have functioned as a border town for this newly occupied area, controlling the trade from and to the southern mainland. In the first century C.E. an organized Jewish community must have existed there.[5]

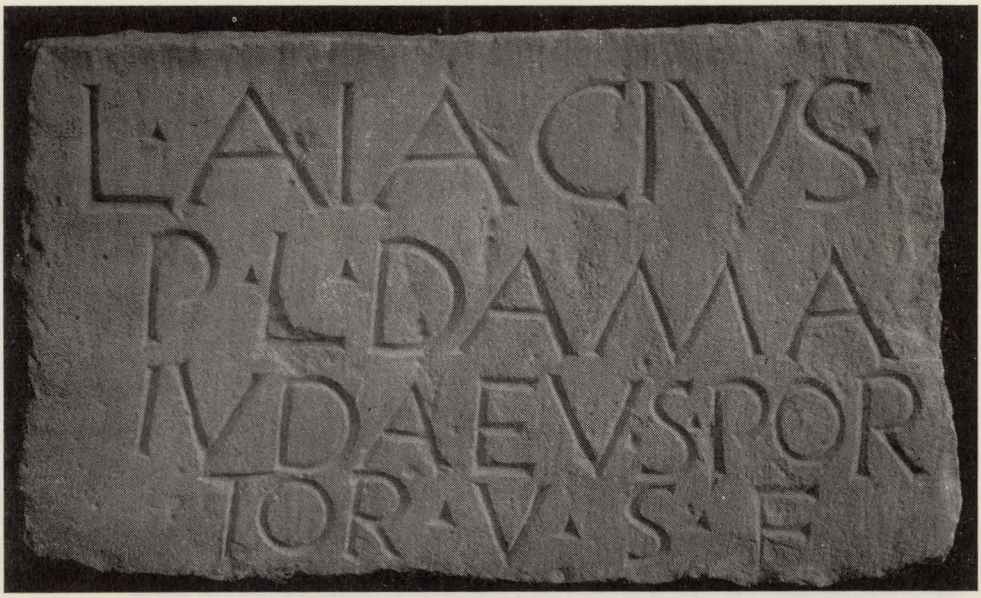
From a tombstone of the second century we learn that it was a former slave of Jewish origin who officiated as custom inspector in Aquileia.[6] Since the Romans often made use of slaves (*servi publici*) for lower offices such as of couri-

[3] The capital Virunum was spread over the plain of the present *Zollfeld*, near Klagenfurt. The excavations have brought to light streets that were at right angles to each other, houses of systematic architecture, a temple, a theater, and other public buildings. Under Augustus it became the seat of the governor. The Romans lived mostly in the cities while the native Celts remained in the valleys and villages, surviving the Roman occupation. Cf. Egger,*op. cit.*

[4] Emperor Tiberius expelled all Jews from Rome, and Jewish young men were transferred to the "colder provinces of the north;" cf. Muchar, *Geschichte des Herzogtums Steiermark*, I, p. 240. According to Suetonius *in Tiber.* n. 36, "Judaeorum inventutem, per speciem sacramenti, *in provincias gravioris coeli distribuit;* reliquos eius gentis vel similia sectantes urbe semovit sub poena perpetuae servitutis, nisi obtemperassent." The same happened under his successors; cf. Sueton. *in Claud.* n. 25.

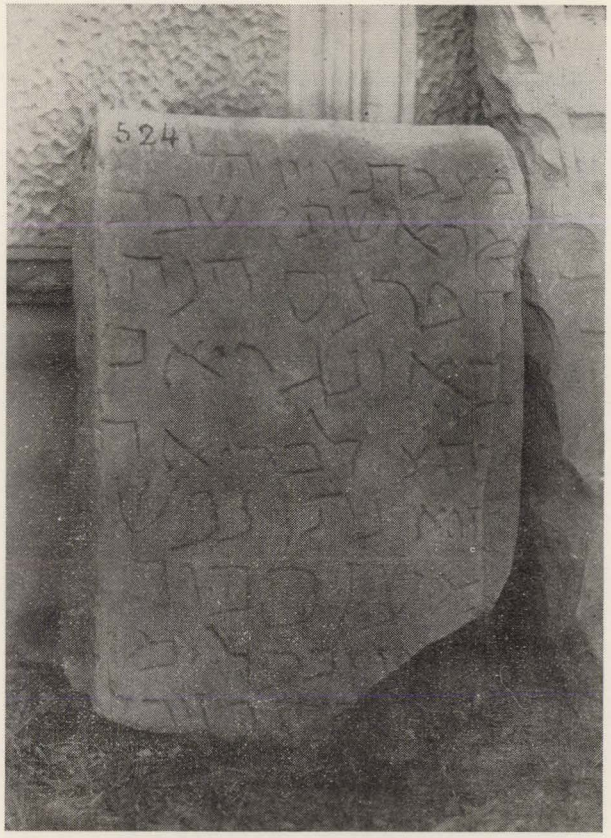
[5] A tombstone with Greek inscription found in Rome tells of a certain Ursacia, daughter of the "Dean (*Gerusarchos*) of the synagogue of Aquileia." Cf. Vogelstein-Rieger, *Geschichte der Juden in Rom*, I, (Berlin, 1896), p. 68; Jean Juster, *Les Juifs dans l'empire Romain*, I (Paris, 1914); Nikolaus Müller, *Die jüdische Katakombe am Monteverde zu Rom* (Leipzig, 1912).

[6] The stone, now preserved in the museum of Aquileia, was mentioned in Giuvanni Brusin's guidebook, *Aquileia*, p. 47, without explanation. This writer is indebted to Signor Brusin who in his capacity of director of the museum provided the photograph reproduced here, in November 1937.



1. Roman Tombstone of a Jewish Custom Inspector
(End of Second Century C.E.)

4. Portraits of Persecuted Jews
Fresco of Thörl, Carinthia,
by the "Master of Gerlamos" (ca. 1475-82)



2. The Oldest Hebrew Tombstone in the Alpine Countries of Europe (1130)

3. Tombstone of Abrech, Jew of Friesach (1360)

ers, servants of courts, prisons or temples,[7] the freedman (*libertus*) was sometimes, as in the days of Commodus and Elagabalus,[8] admitted to such high offices as the magistrature, not to speak of his services as tax collector or custom inspector in conquered areas or in provincial municipalities. The name of this Jewish custom inspector (*portor*) was Lucius Aiacius,[9] apparently his adopted Roman name. Also his original Jewish name *Dama* is given.[10] In accordance with the custom of that time, he had erected his memorial while still alive (*vivus sibi fecit*). The inscription of the tombstone reads as follows:

L[UCIUS] AIACIUS	Lucius Aiacius
P[UBLII] L[IBERTUS][11] DAMA[12]	by state (attested) freedman[11] Dama,[12]
JUDAEUS POR	the Jew, custom in-
TOR[13] V[IVUS] S[IBI] F[ECIT][14]	spector,[13] erected (this memorial) to himself while alive[14]

[7] Cf. H. Wallon, *Histoire de l'esclavage dans l'antiquité*, III (Paris, 1879), pp. 117 ff.; W. Blair, *Inquiry into the State of Slavery among the Romans, from the Earliest Period to the Establishment of the Lombards in Italy* (1839); Pauly-Wissowa, *Realencyclopädie der Classischen Altertumswissenschaft*, XXV (Stuttgart, 1926), s.v. *Libertini*, col. 104.

[8] Toward the end of the second and the beginning of the third century C.E.; cf. Pauly-Wissowa, *op. cit.*, col. 108 D.

[9] See Plate 1.

[10] Since the days of Augustus the *libertus* took his former master's name, and later (toward the end of the second century C.E.) carried also *a cognomen*, mostly his former slave name. Cf. Pauly-Wissowa, *op. cit.*, col. 106 B.

[11] The term *libertus* was applied to the freed slave as an individual, while as a class they were called *libertini*. The abbreviation P.L. means P[ublici] or P[ublii] L[ibertus], and emphasizes the fact that he gained his freedom by public (state) law, i.e., in the interest of the empire. He may have been himself (or a son of) one of the captives from the Bar Kochba revolt (135 C.E.).

[12] There can be no doubt that Dama is a person's name. Cf. *Bab. Talmud*, *Kiddushin*, 31 a צאו וראו מה עשה גברי אחד ודמא בן נתינה שמו. As a slave's name it is mentioned by Horace, *Sat.*, 1,6,38; 54,27. According to Plinius, II, 37, 45, *Dama* means "deer." It might be identical with the Hebrew name צבי ("deer"), and the association of Aiacius with Aiax (as the famous hero of Greek mythology) interpreted according to the Hebrew expression ר ץ כ צ ב י ("fleet as a hart"), see *Ethics of the Fathers*, V, 23. At any rate, Dama Iudaeus is his *cognomen*, thus indicating his original name and descent. See *supra*, note 10.

[13] *Porta* = gate, door; *portoricum* = tax, custom; *por*[*ti*]*tor* = custom inspector. Cf. *Harper's Latin Dictionary*, rev. ed. by Ch. T. Lewis and Ch. Short, s.v.; cf. Cicero, *Off.*, 1, 42; 150.

[14] The initials V[*ivus*] S[*ibi*] F[*ecit*] or V[*ivus*] F[*ecit*] S[*ibi*] ("He

This tombstone, doubtlessly, belongs to the end of the second or the beginning of the third century C.E.[15] It is one of the oldest Jewish monuments in Europe. Many other Roman tombstones with Hebrew-sounding names were found in Carinthia, such as that of a Roman cavalryman, whose name *Aggaeus* reminds one of the Hebrew Haggai.[16] The representation of a bearded slave with the name of Syrascus Valerian Eutyches,[17] or of a man with a lamb on his shoulder, the symbol of the true shepherd,[18] whose wife's name was Heriodiana, (also such names as Antiochus, Syriacus, or Sura), indicate persons of Jewish or Syrian descent, who had come into the land across the Alps as a vanguard of Roman civilization.[19]

Neither the fall of the Roman Empire nor the Barbarian Invasions, which swept over this southern part of Europe, interrupted Jewish enterprise there. About 800 C.E. Archbishop Arno of Salzburg anxiously asked for a certain Jewish physician, on whose services bishops and dukes were very dependent.[20] Article 9 of the *Raffelstättener Zollordnung*, a collection of custom regulations of the tenth century, men-

erected (it) for himself while alive") are used on many tombstones of the first and second centuries C.E., found in Carinthia; cf. e.g., the inscription in Egger, "Aus dem römischen Kärnten," (*supra*, n. 2), p. 23: *Attucio Adnamati f(ilio) et Attuciae Veterani f(iliae) u(xori) f(ilii) v(ivis) f(ecerunt) et Sammae* sorori.

[15] See *supra*, notes 14 and 8, proving the date.

[16] In the *Vulgate* the name of the prophet *Haggai* (חגי) is transliterated into *Aggaeus*. This is one of the tombstones of Virunum, the capital of ancient Noricum, found at present in the museum of Klagenfurt.

[17] This stone is from Theurnia, a former Roman fortress in upper Carinthia, and today in the courtyard of the Porcia castle in nearby Spittal, situated on the Drave river. Cf. Egger, *Die römischen und frühchristlichen Altertümer Oberkärntens* (Klagenfurt, 1926); *Corpus Inscriptionum Latinum*, No. 4738, —I received most of this information from Mr. F. Jantsch, in charge of the tombstone collection in the museum at Klagenfurt.

[18] Originally applied to Moses; cf. *Midrash Shemoth Rabba*, ch. II, 2; L. Ginzberg, *The Legends of the Jews*, II (Philadelphia, 1909), p. 301; later to Jesus. The husband Titus compares his love for his wife to the caress of a true shepherd: In memoriam Herodianae coniugis obsequentissimae, Titus maritus. ("In memory of Herodiana, his very complaisant wife, Titus (the) husband.")

[19] All of them are in the museum at Klagenfurt.

[20] See *Salzburger Formelbuch*, No. 38, quoted by Karl Zeumer, *Formulae, in Monumenta Germaniae, Leges*, V (Hannover, 1886), p. 448.

tioning for the first time Jewish merchants in Austria, speaks of "Jews and other merchants," *Judei et ceteri mercatores.*[21] Using the excellent Roman road system these Jewish merchants traveled back and forth from the Apenninian peninsula to the Danube and farther north.[22] This is the reason why the oldest Jewish settlements throughout the Alpine countries were near the Roman roads. This refers to all the *Judendörfer* in Carinthia, Salzburg, Tyrol, and Styria, where scattered tombstones and the name *Judendorf* ("Jews' Village") are the only witnesses of former days.[23]

In the course of the following centuries, some places changed their original "Jewish" name, due to persecutions of the Jews. Nevertheless, records previously unknown, discovered and brought to light by this writer,[24] enable us to reconstruct the remote history of the Jews in that mountainous region. A Hebrew tombstone from Völkermarkt, situated on the "ancient Roman road" from Carinthia to Styria, eulogizes the martyr death of the leader (פרנס) of the Jewish community, in 1130. Waves of anti-Jewish riots must have swept over Carinthia in connection with the First (1096) and Second (1146) Crusades.[25] In the early part of the twelfth

[21] Cf. J. Scherer, *Die Rechtsverhältnisse der Juden in den deutsch-österreichischen Ländern,* (Leipzig, 1901), p. 110; Adolf Altmann, *Geschichte der Juden in Stadt und Land Salzburg,* (Berlin, 1913), p. 16.

[22] Cf. Scherer, *op. cit.,* p. 111 f., n. 4.

[23] In 1124 a *villa Judaeorum* near Friesach is mentioned: " . . . ab aqua que dicitur Mutniz, et extenditur usque ad illum locum qui dicitur *villa Judaeorum;*" cf. Aug, v. Jaksch, *Monumenta Historiae Ducatus Carinthiae,* III (Klagenfurt, 1896), p. 245; Zahn, *Urkundenbuch des Herzogtums Steiermark,* I, pp. 135, 236; also in another deed of 1144: villa que dicitur *Judendorf;* cf. Jaksch, *loc. cit.,* p. 307; in 1162, *Judendorf* near Maria-Saal in the vicinity of Klagenfurt is described; *ibid.,* p. 394. Most of these villages included no Jewish settlements but Jewish burial places only. Jewish custom required the cemetery to be at least 50 cubits distant from the city; cf. *Talmud Bab., B. B.,* II, 9: את . . . מרחיקין הקברות . . . מן העיר חמשים אמה.

[24] Cf. J. Babad, "Die Juden im mittelalterlichen Kärnten," *in Die Stimme* (Vienna, June 7, 1935), No. 456, p. 10; also "Jüdische Grabsteine in Kärnten," *Monatsschrift für Geschichte und Wissenschaft des Judentums,* LXXX (1936), p. 52 ff.; and מצבות בלתי מפורסמות מארצות האלפים, *Hadoar,* XXIV, No. 10 (Jan. 7, 1944), p. 154.

[25] Joseph ha-Cohen (1496-1578), in his *Emek ha-Bacha,* ed. by M. Wiener (Leipzig, 1858), p. 25 and n. 106 f., tells of a massacre in טורי *Soliensis*

century (1105-1126) Völkermarkt's original name, *Forum Judaeorum* ("Jews' Market"), is still mentioned.[26] A few years later (1147), the same place appears as Volchenmarkt, instead of Judenmarkt.[27] What was the reason for this sudden change? The text of the Hebrew tombstone of Völkermarkt might give the answer.[28]

This memorial was erected	מצבת ציון הלז הוצ[ב]
at the head[29] of Sabbatai,	מראשתי [29] שבת[י]
the *Parnas*, who was killed[30]	[30] [ה]פרנס הנהר[ג]
in the *Ungraben*[31] ("the deep ditch")	[31] [ב]אונגראב[ען]
[4]890[32] after the Creation;	[32] [ת]תצ לבריאה

Campus, probably Zollfeld?) and of other persecutions בקרנטן or בקרנען in *Carinthia* or in *Carniola* (=Krain). S. Dubnow, *Weltgeschichte des jüdischen Volkes*, IV, p. 289, insists on reading בקרנטן in *Carentan* (France); cf. *ibid.*, p. 311; also *Literaturblatt des Orients*, 1845, p. 737 ff.

[26] In a deed by Bishop Hartwich I of Regensburg: " . . . ut meditatem *fori Judeorum* et curtim ibidem positam uxor fratris mei, si post ipsum superstes fuerit, cum aliquando censu in vita sua possideat;" Jaksch, *op. cit.*, suppl. to vol. I-IV, No. 520a-3048.

[27] On account of their not having children, Count Bernard and his wife donate half of Völkermarkt (=Judenmarkt, *Forum Judaeorum*) to the monastery of St. Paul, in April 20, 1147: " . . . predium quod apud Volchenmarkt ipsum episcopum contigerat, videlicet medietas eiusdem fori;" Jaksch, *op. cit.*, III, p. 325, No. 838.

[28] The stone was originally in Völkermarkt, later at St. Stephan near Niedertrixen, and was finally brought to the museum at Klagenfurt, where it is registered under No. 524; it is mentioned in *Oesterreichische Kunsttopographie*, I (Vienna, 1889), p. 469, col. 2.

[29] Cf. *Sam.* I, 1: 12, 26; *Gen.* 28: 11.

[30] Dr. David Herzog, former rabbi of Graz, Austria, in his article, "Ein alter hebräischer Grabstein in Kärnten," *in Grazer Volksblatt*, LXIX (Graz, Feb. 16, 1936), No. 39, p. 9, referring to this writer's note on this tombstone in *Die Stimme, loc. cit.*, suggested to read: הפרנס חנה "the leader who lived at . . . " But there is no doubt about the last letter being a ג preceded by a visible ר; likewise the first letter of the same word shows clearly a ה. Thus the reading הנהרג is much more probable.

[31] Here Herzog's reading *Ungraben* can be accepted, since there is an "Un(terer) Graben" in Völkermarkt. It is, however, questionable whether "a few Jewish families" lived there, as Herzog believes. I would prefer to assume that in that awful year the ditch was used for torturing Jews to death, being reminded of similar "customs" such as the "*Fasselrutschen*" on the Leopoldsberg near Vienna, where many Jews died as victims of that "fun." Not far from that "ditch" is a hill—called "*Schinderbühel*," meaning "torture hill." It may well be that this martyr was thrown or rolled down from that hill into the ditch, and thus "killed in the *Ungraben*." The "dot" between ר and א was probably made by mistake, caused by similar letters in the next line (in לבריאה).

[32] Remnants of the first ת are visible; the Jewish year (4)890 corresponds to 1129-1130 A.D.

he gave his life	[ה]וא נתן נפש[ו]
for the honor	[ל]מען כבוד
of His Name,[34] and all his days	[שמ]ו[34] ובכל ימי[ו]
he was perfect and upright[35]	[הי תם ו]ישר[35] וודל[36]
(and his blood shall be	(=ויפקד ויקם דמו
remembered and avenged	לצריו)
on his adversaries.)[36]	

The Jewish year 4890 (1129-1130 C.E.) must have brought great persecution and distress to the Jews of Völkermarkt. We do not know how many of them were killed, or forced to embrace Christianity. Yet, we learn of the martyrdom of their leader, who had died in the "deep ditch" "for the honor of His Name." The eulogy dedicated to his memory shows that the few remaining Jews were proud of their *parnas*, who had not yielded to any temptation, and had set a supreme example to be commemorated by future generations. After that event this medieval town lost its character as "market of the Jews" (*forum Judaeorum, Judenmarkt*). The baptized Jews, like the rest of the Christian merchants who had come from the Italian peninsula, were called Volichen or Velchen (*Waelschen*—Italians). The town changed its name to Volichenmarkt,[37] and later Völkermarkt.

Other Hebrew tombstones of Carinthia belonging to a later period, such as those of Friesach of the years 1348, 1360 and 1377, were discovered by this writer and published previously.[38] All of them reveal the existence of Jewish commu-

[33] One must bear in mind that it was an unskilled hand that engraved these Hebrew characters.

[34] שמו is more usual than עמו.

[35] Cf. *Job* 1:1.

[36] Cf. *Deut.* 32:43: כי דם עבדיו יקום ונקם ישיב לצריו. This conclusion of a eulogy (or its abbreviation) is unusual. It is reminding of early סליחה texts, or of the אב הרחמים of the prayerbook.

[37] B. Lessiak, *Carinthia* I (1922), p. 66-68: *Volchimercatus, Volkenforum, Volchenmarkht, Völkermarkt.* The name is used as a collective term as in Völkendorf and Judendorf near Villach. There is also a Kristendorf ("Christians' Village") near Sittersdorf in Carinthia. Cf. the names Sachsenburg, Frankenberg, Heunburg (=*Hunnenburg*), all mentioned by Lessiak, *loc. cit.*, p. 6. It is, therefore, unlikely that the place was called after an individual of the old-German name *Folko*, or of the Slavic *Bolik*. The Slavic name of Völkermarkt is *Bolikovec*. The corresponding Hebrew name would be פאלק, ואלק or ועלקיל cf. *Shulhan Arukh, Eben Ha-Ezer, Shemoth Anashim, Oth Vav.*

[38] *Supra*, n. 24.

nities possessing cemeteries of their own outside the city limits.

II

THE ECONOMIC ROLE OF THE JEWS IN CARINTHIA UNDER THE RULERSHIP OF COUNTS, DUKES, AND BISHOPS

The changes in rulership that took place during the twelfth, thirteenth, and fourteenth centuries brought instability to the fate of Carinthian Jewry.[39] Time and again, apparently upon request of the Jews, regulations concerning their status (*Judenordnungen*) were issued and reissued.[40] The Jews had to suffer from numerous restrictions. Without permission of their masters, dukes or bishops, the Jews could not move freely from one place to another.[41] Yet, their family life was not so rigidly controlled by their lords as that of serfs, who were actually the private property of their masters. Originally the Jews were traders in all kinds of goods, and especially dealers in the prosperous trades of salt, wine, and gold.[42] Topographical names such as Judenbach, Judenpalfe in the Mölltal, near the former goldmines of the Gross-Glockner, as well as names of farms such as Altjudengut, Jud-Huber, also many a legend, still current among the mountain people of Carinthia, are reminiscent of early Jewish enterprise. But conditions changed in the period of the Crusades, and so did Jewish trade. As in other European countries, the Jews of Carinthia too, were forced to concentrate on money-lending. They became the brokers and financiers

[39] From 976 on separated from Bavaria as an autonomous duchy, Carinthia was ruled by the dukes of Eppenstein (until 1122), and those of Sponheim (until 1269); from 1286 on, by the Counts of Tyrol until the reign of the Hapsburgs was established there in 1335.

[40] The charter of Duke Frederick II of 1244 for the Jews of Austria concerning the regulation of Jewish affairs was repeatedly quoted in deeds about "*der juden recht und freihait;*" cf. J. Aronius, *Regesten zur Geschichte der Juden im fränkischen und deutschen Reiche bis zum Jahre* 1273 (Berlin, 1902), p. 233 f., No. 547; *Chartulare des hochstiftlichen Vicedome-Amtes zu Wolfsberg,* manuscript in the *Haus-, Hof-, und Staatsarchiv* in Vienna, No. 1053, B 343, fol. 23 b ff.

[41] See, *infra,* n. 59.

[42] Cf. Muchar, *op. cit.,* IV, p. 246; also, *supra,* note 21.

in Carinthia's medieval economy. When in the thirteenth century the "flourishing knighthood" menaced the safety of the old-established trade routes from Italy to the lands north of the Alps, it was the Carinthian Jew Daniel David who advanced money to the bishop and to the city of Trieste for the protection of these roads against the warriors of Duke Bernard of Carinthia "and other robbers from the Carso."[43] From the document evidencing this commercial transaction it is not clear whether Daniel David lived in Trieste on account of his business or for his own safety. But, undeniably, through his loan he played an important part in establishing security and order in a time of lawlessness and robbery. He was probably well protected as a subject of the bishop of Trieste, and so were many Jews living under the bishops of Bamberg, who owned large estates in Carinthia.

In the dominion of the Bishop of Bamberg at Friesach the Jews must have enjoyed a certain amount of freedom. They were permitted to have a cemetery at Judendorf near Friesach as attested in a special charter of 1352.[44] But in their economic enterprise they were restricted to moneylending. Ulrich von Liechtenstein in his *Frauendienst* tells of a great tournament held in Friesach in the year 1224, where many a knight for the sake of his ransom had to pawn his valuable armor to the Jews:

Do mussten da hin ze den Juden varn
si alle di da gevangen warn.[45]

These knights were in the service of bishops for the protection of properties and rights of the Church. For the sake of safety Bishop Philip of Salzburg removed the monastery from outside the city walls into Friesach. For this transfer parts of Jewish property had to be used, and the Jews to be recompensed.[46] The warfare between the bishop's vassals and the

[43] Jaksch, *Monumenta*, IV, No. 2121, p. 233, dated February 21, 1236.

[44] See, *infra*, note 80.

[45] Cf. Jaksch, *op. cit.*, No. 1871, p. 139 ff., quotation from the *Aventiure von dem turnay ze Frisach*," *Frauendienst*, p. 62.

[46] Jaksch, *loc. cit.*, No. 2591, p. 467 f., dated Friesach, February 19, 1255: " . . . et Judeis marce due pro eisdem areis."

robber knights ended with defeat of the latter. According to a document of May 16, 1255, one of their captured leaders, Rudolf von Ras, had to return all the robbed land to its rightful owner, to renounce his right of jurisdiction (*ius advocatiae*), and particularly the rights that he arrogated to himself regarding the Jews of Villach.[47]

The Jew as a payer of high taxes and as a much demanded moneylender had to be considered in almost every important legal or commercial transaction. The Counts of Tyrol, rulers of Carinthia from 1286 on, often had to take heed of Jewish claims when granting a fief. On March 17, 1288, Count Albert of Gorizia and Tyrol, conferred a house at Gorizia on his vassal Walchun under the definite term that special arrangements would have to be made with the count himself, if a Senensis[48] or a Jew should live in that house, both being immediate subjects of the ruler.[49] Many a count himself took loans from Jewish moneylenders. On July 1, 1301, Count Walther von Sterenberch, endorsed by four of his vassals, received an amount of forty marks Agleyer (Aquileian) from Tauben, the Jewess of Villach.[50]

"Rights and freedom" of the Jews found consideration in almost every constitutional charter. Upon request of the citizens of St. Vitus, then capital of Carinthia, Duke Frederick of Austria confirmed in 1308 the old "freedom" of the city in which the Jews were neither permitted to keep cattle nor to use the common community pasture.[51] They were not

[47] *Ibid.*, p. 471 ff. (No. 2598): " . . . renuncio etiam omni iuri advocatie sive alio iuri quod in *Judeis de Villaco* mihi competere videbatur."

[48] It seems that *Senensis* indicates the name of a group of merchants; cf. Jaksch, *op. cit.*, suppl. I-IV, p. 19: " . . . ad solucionem plenam factam Montanino et Andre mercatoribus Senensibus sociis Bonifacii mercatoris Senensis . . . "

[49] Ms. in the archive of the *Geschichtsverein für Kärnten* at Klagenfurt, No. A 148: "Si vero Senensis aut Judeus in ipsa domo locatus fuerit, idem nobiscum conveniat pro iure nostro sicut potuerit."

[50] MS. document on vellum with 2 hanging seals, in the *Landesarchiv* at Graz, No. 1624a.

[51] This charter is a renewal of the old "Stadtrecht," and was issued on April 6, 1308; Schwind-Dopsch, *Ausgewählte Urkunden zur Verfassungsgeschichte der deutsch-österreichischen Erblande im Mittelalter* (Innsbruck, 1895), p. 162, No. 83: " . . . Auch suln die Juden ir gesuches leben vier phennig von der zalmarch, von der march silber zwen phennig ze der wochen. Di Juden

allowed to brew beer, and had to slaughter at home just enough to meet their own needs. They were not allowed to lend money on interest higher than 4 *pfennig* on each *zalmark,* or 2 *pfennig* on the silver mark for each week. These regulations were confirmed by Duke Albrecht of Hapsburg in 1338.[52] Often dukes and bishops needed the Jews for personal rescue from hardpressing Christian creditors.[53] In their dealings with Jewish moneylenders they made use of their vassals as guarantors for the Jews. Thus, in a deed of 1325, Knight Otte Volrer acknowledged that Bishop Henry of Bamberg had freed him from such financial engagement to Toni, the Jew of Klagenfurt.[54] The insecurity that grew out of the struggle between ecclesiastical and secular landholders forced the Jews to seek protection with the ruler himself. On January 20, 1328, Duke Henry of Carinthia granted a special privilege to Höschlein, the Jew, and his heirs, by placing him under his or his deputy's jurisdiction.[55] For this extraordinary protection Höschlein paid an annual tax of 30 marks silver. The Jewish tax became a regular source of the imperial revenue. As supreme and only authority in Jewish affairs, Albrecht II ordered in 1329 a company of Jewish moneylenders of Judenburg and Villach to reduce their claims from 530 to 100 silvermarks.[56] This decision was reaffirmed by Duke Otto a year later.[57] According to an agreement between the Duke of Carinthia and the Archbishop of Salzburg, a decree was issued concerning the exclusive use of Carinthian currency by the Jews in Carinthia and Salzburg.[58] In a simi-

suln auch dehain vihe haben und dehain gemein der weide, noch dehain pier prewn, si suln ir fleisch dehain slahen und verchauffen . . . "

[52] MS. in the archives of the *Geschichtsverein für Kärnten,* dated September 14, 1338.

[53] Cf. G. Moro, "Villach im Mittelalter und in der Neuzeit," *Die Städte Deutschösterreichs,* ed. by E. Stein, vol. VI, p. 28.

[54] MS. in the archives of the *Geschichtsverein,* No. C 139, October 1, 1325.

[55] Cf. Scherer, *op. cit.,* p. 464.

[56] *Ibid.,* p. 465.

[57] Muchar, *op. cit.,* VI, p. 246.

[58] Apograph in the *Landesarchiv* at Graz, No. 2068 b, August 24, 1334; cf. also *Mitteilungen der Gesellschaft für Salzburg's Landeskunde,* X, p. 43-47.

lar deed of the year 1334, settling the differences between Bishop Wernth of Bamberg and the Counts of Ortenburg and Aufenstein, Duke Albrecht ordered that two Jews, who had moved out of Villach into the territory of the Count of Aufenstein, be "returned" with their families and possessions.[59] The Jew was bound to the soil of his "protecting" lord, and could not change his domicile without the latter's permission. No doubt, his departure meant a great loss to the lord's treasury. In the tax assessments for Carinthia of 1335-1337, Jewish taxes for St. Vitus amounted to 1500 florins. This indicates that quite a sizeable Jewish community lived in that former capital of Carinthia.[60]

III

THE CHURCH AND THE JEWS

The Cluniac reform, which initiated the Second Crusade, also put an end to the prosperous money lending in which the Church had engaged. The Jew as broker and moneylender was welcomed by the bishops, for now he had to take over a service that previously had brought much discredit to the Church. The latter, therefore, protected the Jew as long as he served its needs in a feudal society. Hence Carinthian Jews enjoyed safety in the dominions of the bishops, especially those in Bamberg. Despite the synodal decrees of 1267[61] and 1274[62] the bishops continued to deal with the "insolent" Jews. A certain Jew, named Isaac (*Isaac Judaeus*) became the official money broker and trustee to the deputy (*vicedominus*) of the Bishop of Salzburg at Friesach.[63] According to an agreement of 1289, claims of subjects of the

[59] Apograph *Eichhorn* of the archives of the *Geschichtsverein f. K.*, No. C 565, September 4, 1334: " . . . Wir sprechen auch daz der von Aufenstein die *zwen Juden dy von Villach gevaren sint, hinwider antworten sol mit beib und mit kinden,* und mit der hab di si herauz proht haben, und sullen die juden des auzvarens nicht engelten gen dem Bischof oder seinen pfleger in kainen weg . . . "

[60] Cf. Scherer, *op. cit.*, p. 537.

[61] The twenty-second Provincial Council of Salzburg held in Vienna; cf. Altmann, *op. cit.*, p. 34; Scherer, *op. cit.*, p. 464.

[62] The twenty-third Salzburg Provincial Council; *ibid.*, p. 546.

[63] Cf. Altman, *op. cit.*, p. 41.

Bishop of Bamberg, Christians or Jews, had to remain under the jurisdiction of the Church.[64] Very often the latter took over property on which mortgages were held by Jews.[65] On January 7, 1306, Prior Gotfrid and his Carthusian Convent sold their properties in the Gurk Valley to Henry, Bishop of Gurk, for fifty marks of Friesach money. The parties agreed that in the case of default the Carthusians should have the right to borrow the money at interest from Jews, at the Bishop's expense.[66]

How far the Church was dependent on Jewish money can be seen from an agreement reached between Bishop Wulfing of Bamberg and a group of Jewish moneylenders, dated January 25, 1310.[67] The Bishop ceded the income from the toll at Villach to be used for payment of his debt.[68] The indebtedness of his church had grown so immensely that even this transaction could not save the situation. Finally, he had to sell for a period of 15 years all the income "from tolls, taxes, courts, and other rights in cities and counties, including the toll at Villach ceded to the Jews," pertaining to the Bishopric of Bamberg in Carinthia. The "buyer" was Henry, King of Bohemia and Poland, who was also Count of Tyrol and Gorizia and Duke of Carinthia. He took over all obligations of the former landholder including that not to raise additional taxes from the Jews at Villach and Wolfsberg.[69] In these financial difficulties of the Church, the charges of Jewish desecration of the Host and the anti-Jewish persecu-

[64] Apograph (Eichhorn) in the archive of the *Geschichtsverein f. K.*, November 14, 1289; cod. No. 1049, fol. 92′ in the *Haus-, Hof-, und Staatsarchiv*, Vienna.

[65] Apograph No. 1890 (June 29, 1297) of the *Geschichtsverein.*

[66] Cf. Scherer, *op. cit.*, p. 465: *"apud Judeos recipere sub usura."*

[67] Apograph (Schroll) (Bamberg I), No. 1107-1399, in the archive of the *Geschichtsverein f. K.*

[68] In that deed Bishop Wulfing comes to terms with the following Jews: *Jacob*, his son *Moschlube*, and his son-in-law *Suezlein*, all of Judenburg; *Saul*, *Toblein*, *Merchlein*, and his brothers *Friedrich* and *Duuid* (=David), all of Graz, "und mit irer gesellschaft," he pawns to them for a loan of 1000 silver marks the toll at Villach, including the bridge toll, beginning from January 1, 1311, for a period of 4 years. Should the bishop pay back his debt before that period, an annual amount of 100 marks should be taken off from the profit of the toll.

[69] *Ibid.*, March 22, 1311.

tions of the following years may, perhaps, find an explanation,[70] for this was an easy way to dispose of the Jewish creditors.

The Jews were the only money brokers, and for the purpose of building a new road for better communications with the South Jewish money was once more needed.[71] About the middle of the fourteenth century even an increase in the transactions between the Bishop of Bamberg and the Jews of his territory took place. A cartulary of the *vicedominus* at Wolfsberg contains a number of charters (*Schutzbriefe*)[72] issued to Jews in the various Carinthian dominions of the bishopric of Bamberg.[73] In granting such charters, the general terms of the Hapsburg laws regarding the Jews were taken over by the bishops. Moreover, the bishop would provide protection for the Jews' mortgages and claims left behind; he would even endorse bonds for many of his relatives and subjects, who had taken loans from Jews.[74] A number of receipts of paid debts testify to the fact that such transactions were customary in that period.

Bishop Frederick of Bamberg also granted special charters to some Jews and their families, including their domestic servants of Jewish descent, in order to exempt them from additional tax payments. Similar letters of exemption were granted to the whole Jewry of Villach by the city council as well as the bishop. In a letter to the Jews of Wolfsberg concerning *der juden recht und freihait* the Bishop of Bamberg confirmed the *Judenordnung* of Emperor Frederick II of 1244. His deputy, Frederick of Waltsee, Captain of Styria, was to guarantee their protection.[75] In some documents the

[70] *Ibid.*, dated 1336; from an old record, *Das Buch gewisser Geschichten*, by Abbot Johann v. Victring, translated by Walter Friedensburg, in *Die Geschichtsschreiber der deutschen Vorzeit*, VIII, (Leipzig, 1888), p. 275 f. The persecution of the Jews at Wolfsberg is recorded by Scherer, *op. cit.*, p. 467, for the year 1338; Muchar, *op. cit.*, p. 193, reports of one in 1312.

[71] Apograph (Schroll), dated February 19, 1339.

[72] *Chartulare des Hochstiftlichen Vicedome-Amtes zu Wolfsberg*, manuscript in the Haus-, Hof-, und Staatsarchiv in Vienna, No. 1053 (B 343).

[73] *Ibid.*, fol. 14b; 15a.

[74] *Ibid.*, fol. 9b (April 28, 1346); fol. 20 (July 4, 1347).

[75] *Ibid.*, fol. 22 (Litera Fridrici de Waltsee pro defensione Judeorum), dated August 15, 1347.

synagogue, or *Judenschul,* of Villach is mentioned.[76] It was not by his free will but merely by economic necessity that, for instance, the bishop had to mortgage a house in Wolfsberg to Abraham, the Jew, for 200 florins.

But the "cooperation" between bishop and Jews did not last long. The years 1348 (earthquake in Villach)[77] and 1349 (Black Death) caused anti-Jewish riots and massacres in Carinthia as well as in the rest of Europe. In a truce reached between the bishopric of Salzburg and that of Bamberg, the former promised not to interfere in the *Judenslachen,* i.e., the slaughtering of Jews, without permission of the latter.[78] Toward the end of that fateful year a financial transaction of Bishop Ulrich of Gurk, representing the Bishop of Bamberg, with a group of Jews of Friesach is recorded.[79] There the Jews enjoyed freedom, and in 1352 their representative Abrech received a charter for their old cemetery at Judendorf.[80] A tombstone of his son, Mordecai, verifies the unusual name of his father (Abrech)[81] who is repeatedly mentioned as a money broker and Jewish leader.[82] He must have been the lay-representative of the Jews of Villach, for their religious leader was called the *Judenmeister.*[83] On March 4, 1354, Bishop Leupolt of Bamberg permitted a Jew of Friesach, Aschrock, to build a synagogue at Villach for a payment of 200 florins, and promised to protect that *Judenschul* against violence.[84] In 1358 Count Johann von Pfann-

[76] *Ibid.*, fol. 17b and 20b.

[77] Cf. Altmann, *op. cit.*, p. 83.

[78] Apograph (Eichhorn), No. C 388, in the archive of the *Geschichtsverein f. K.*, dated November 14, 1349.

[79] *Ibid.*, December 20, 1349.

[80] Cf. Schlager, *Wiener Skizzen zum Mittelalter,* II, p. 177 f.; also *MGWJ. LXXX* (1936), p. 55, n. 14.

[81] The text of that tombstone of Tebeth 1, 5121 (=December 11, 1360) found at Friesach (see plate 3) reads: פה נטמן איש הג[ג]ון ונאמן בכל עת ובכל זמן מרדכי בן הג׳ ר׳ אברך בראש חדש טבת שנת חמשת אלפים וקכ״א ליפרט ת׳נ׳צ׳ה׳.

[82] Apograph (Eichhorn), dated December 20, 1349, in the archive of the *Geschichtsverein f. K.;* also a deed in the *Haus-, Hof-, und Staatsarchiv* in Vienna, No. 24, dated March 12, 1357: " . . . *hintz Afrech'n dem Juden ze Friesach* . . . "

[83] Cf. Scherer, *op. cit.*, p. 508.

[84] *Repertorium 65,* No. 4 (May 5, 1510), in the *Staatsarchiv* of *Bamberg.* The former synagogue must have been destroyed in the earthquake of 1348.

berg, administrative captain of Carinthia, took over from the bishop the protection of his properties and rights, and also those of his Jews in Carinthia.[85] The climax of the Church's indebtedness to the Jews was reached in 1361. In this year, Bishop Paul von Freising, in need of money, pawned his staff and miter to the Jews, while Duke Rudolf IV of Ausria, by guaranteeing the outstanding debt, took care that these church insignia should be returned.[86]

(To be continued)

[85] Apograph (Eichhorn), *loc. cit.*, No. C 496; Scherer, *op. cit.*, p. 509.

[86] Apograph, in the archive of the *Geschichtsverein f. K.*, dated July 16, 1361; the original MS. with 21 seals is preserved in the archive of the Bishopric Gurk at Strassburg, Carinthia.

THE JEWS OF CENTRAL ASIA (KHORASAN) IN MEDIEVAL HEBREW AND ISLAMIC LITERATURE

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I[1]

"KHORASAN"

THE history of Jewish settlements in the different parts of Central Asia since the Islamic conquest is still shrouded in great obscurity. There is hardly any clear conception of how the Jewish Diaspora spread beyond the Euphrates and Tigris into the very heart of Asia on to India and China. It is primarily due to the lack of reliable historical sources and facts that the history of the spread of Jews and Judaism in Central Asia and the development of the Oriental Jewish Diaspora cannot yet be written.[2] Instead, speculation has taken the place of sound historical investigation and to a great extent the legend of the ten tribes and the search for their whereabouts are responsible for the neglect of a scientific approach to the problem.

The time has come, however, to examine anew the sources, Hebrew and Muslim, scanty as they are, pertaining to the

* Dedicated to the memory of my beloved brother, KURT GABRIEL FISCHEL, born May 25, 1901, in Frankfurt am Main, died April 9, 1945, in New York City.

[1] The essence of this essay was presented as a paper at the Annual Meeting of the American Academy for Jewish Research, on December 24, 1944, in New York. The present article represents an enlarged and annotated version. For technical reasons the diacritical marks in the transcription of Arabic names had to be omitted.

[2] On the spread of Christianity and Christian communities in Central Asia, see W. Barthold, *Zur Geschichte des Christentums in Mittelasien bis zur mongolischen Eroberung*, ed. by R. Stuebe (Tübingen, 1901); A. Mingana, *The Early Spread of Christianity in Central Asia and the Far East* (Manchester, 1925); E. Sachau, *Zur Ausbreitung des Christentums in Asien* (Berlin, 1919).

Jewish Diaspora in the lands of the Eastern Caliphate, especially in view of new Muslim sources hitherto unknown or unused, which present new data and facts, thus supplementing and often explaining references and hints available only in Hebrew sources.

The present study limits itself to one geographical area of the Jewish settlements in Asia, to the region known by the name of Khorasan.[3]

Khorasan, meaning "Eastern land," is a term applied in medieval Muslim literature to the Easternmost part of the former Persian Empire and generally to the lands east of the great desert of Persia, extending as far as the frontiers of India and the Chinese desert. It comprises, to speak in modern geographical terms, such countries as Eastern Persia, Afghanistan, part of Turkestan, and Transoxania. Some of the main cities or provinces of this vast geographical area called Khorasan were Merv, Balkh, Ghazna, Herat and Nishapur.[4] The geographical borders of Khorasan were not the same at all times and they were at no time definitely fixed. In early medieval Islam the population of this region was composed of Turks, Iranians, Magians, Oriental Christians and of Arabs, who were transplanted from Basra to Khorasan. They continued their tribal life and tradition in Khorasan to so great an extent that this region was called "a second Arabia" and sometimes regarded by Arab historians as nothing but "a colony of Basra."[5]

In the religious and intellectual history of the Muslim

[3] Cf. W. J. Fischel, "The Jews of Kurdistan Hundred Years Ago," *Jewish Social Studies* VI (1944), pp. 195-226, and this author's forthcoming book, *History of the Jews of Persia,* to be published in the near future.

[4] For details on the geography and history of "Khorasan", see Le Strange, *The Lands of the Eastern Caliphate* (Cambridge, 1905); Lane-Poole, *The Mohammedan Dynasties* (Westminster, 1894); Barbier de Meynard, "Tableau littéraire du Khorassan et de la Transoxanie au IV ième siècle de l'Hégire, *Journal Asiatique,* fifth series, I (1853), pp. 169-239; H. A. R. Gibb, *The Arab Conquest in Central Asia* (London, 1923); E. Herzfeld, "Khorasan: Denkmalsgeographische Studien zur Kulturgeschichte des Islam in Iran," *Der Islam* XI (1921), pp. 107-174; W. Barthold, *Turkestan at the Time of the Mongol Invasion* (Gibb Memorial Series, Vol. V) (London, 1928); V. Minorsky, *Hudud al-Alam* (*The Regions of the World*): *A Persian Geography* (982 A.D.), (London, 1937); cf. also the respective articles in *Encyclopedia of Islam.*

[5] J. Wellhausen, *Das arabische Reich und sein Sturz* (Berlin, 1902).

world Khorasan and Transoxania played an important role. It was the region where the Shi'a movement in its various sectarian manifestations found its stronghold and where the religious and political opposition against the Arab race and elements gathered in an effort to help the Abbasid dynasty to seize the power and the Caliphate.

It was the cradle of the renaissance of Persian post-Islamic literature, the birth-place of some of the greatest Islamic scientists and scholars of the first centuries of Islam, the home of such outstanding men as Rudaqi, Firdusi, Biruni, Musa al Khwarizmi, Shahrastani, Nasir i Khosroe, Omar Khayyam, and Djalal ad-Din ar-Rumi.[6]

II

KHORASAN IN MEDIEVAL HEBREW AND MUSLIM SOURCES

With the territory of Khorasan as described in the previous chapter, Jewish history has been associated in a twofold way. First of all, in early medieval Hebrew literature, in commentaries to biblical passages dealing with geographical names, in the writings of early Karaite but also of Rabbanite authors and Bible exegetes, the region of Khorasan is quite frequently mentioned as the dwelling place of the "Ten Tribes."[7] The Karaite author, Daniel b. Moses al-Kumisi (850),[8] himself a native of the Eastern part of Persia, and obviously acquainted with the conditions of the Jewish Diaspora in the Eastern provinces, refers to כל מדינות כוראסאן "all the lands of Khorasan."[9] Also Jephet b. Ali (ninth century) in his Arabic commentary mentions "the lands of

[6] Cf. E. G. Browne, *A Literary History of Persia* (London, 1902-1906).

[7] A. Neubauer, "Where are the Ten Tribes?" *Jewish Quarterly Review*, O. S., I, (1889), pp. 14-28; 95-114; 184-201; 408-423.

[8] On this author, cf. J. Markon, "Daniel al Kumisi," *Korrespondenzblatt des Vereins zur Gründung und Erhaltung einer Akademie für die Wissenschaft des Judentums*, (Berlin, 1926-27), pp. 18-30; J. Mann, "Early Karaite Bible Commentaries," *JQR.*, XII (1921-22), pp. 517-521; J. Mann, *Texts and Studies in Jewish History and Literature*, II, (Cincinnati, 1939), pp. 8, 14, 16, 29, 80.

[9] In his commentary on *Daniel*, 11, 36 and 39, mention is made of Khorasan several times but in general terms only. In his commentary to *Zacharia*, 6, 8, Jephet b. Ali refers explicitly to "all the lands of Khorasan"; *JQR.*, XII, (1921/22), p. 520.

Khorasan,"[10] and Yahuda b. Bal'am (eleventh century),[11] too, puts the "ten tribes" into Khorasan. *Tanchum Jerushalmi* (thirteenth century) explains II *Kings*, 18, 11 by saying "these are the cities in the land of Khorasan."[12]

Saadia Gaon, in explaining the geographical names in II *Kings*, 17,6 (= I *Chron.*, 5, 26) according to a passage preserved by Moses Ibn Ezra,[13] speaks of "the tribes of Samaria who came to the districts of Khorasan" (אשר באו למחוזות כוראסאן) and adds[14] "there is no doubt that these cities שאלו הם הפלכים של כוראסאן."

The terms מחוזות כוראסאן or מדינות are mentioned also in Geniza fragments,[15] and we meet in the Gaonic Commentary to *Mishna Taharot*[16] the term כוראסאן [מדינת וחברותיה. In *Iggereth R. Sherira Gaon*[17] Khorasan is mentioned as the place to which the counter-candidate for the exilarchate Josiah Hassan was exiled in 933, probably because of its remoteness from the centres of Jewish life. Exile to Khorasan was regarded as a severe punishment.

[10] Cf. A. Neubauer, *JQR.*, I, p. 186.

[11] Cf. Yahuda b. Bal'am's Arabic commentary on *Isaiah*, published by J. Dérenbourg in *Revue des Études Juives*, XVII (1888), pp. 181 ff.; XVIII (1889), pp. 71-82; XIX (1889), pp. 84 ff.; especially on *Isaiah*, 7, 25.

[12] Cf. A. Harkavy, in *Hameliz*, (1879), pp. 80-82: איזה באורים קדמונים לשמות הארצות בכה"ק and his remarks to Graetz's *History of the Jews*, Hebrew ed., vol. V, p. 26.

[13] A. Harkavy, *l.c.*, pp. 81-82; *Shirat Israel*, ed. B. Halper, (Leipzig, 1924), p. 59; cf. M. Schreiner, "Le Kitab al Muhadara de Moise ben Esra," *REJ.*, XXI (1890), pp. 98-117; XXII (1891), pp. 62-81; 236-249; It seems that Moses ibn Ezra quoted from R. Saadia Gaon's work ס' דינים שמעים; cf. H. Malter, *R. Saadia Gaon, His Life and Works* (Philadelphia, 1921), pp. 278, 400-401.

[14] A systematic perusal of all available manuscripts of Saadia's writings might yield many more references to Khorasan and other places in the Eastern lands of the Caliphate; cf. A. Neubauer, *Medieval Jewish Chronicles*, II (Oxford, 1887), pp. 89 ff., 92, 104; S. Krauss, "Die hebräischen Benennungen der modernen Völker," *Jewish Studies in Memory of G. A. Kohut* (New York, 1935), pp. 379-412. It is somewhat surprising that no mention of Khorasan is made in the list of geographical names by M. Steinschneider, *Polemische und apologetische Literatur in arabischer Sprache* (Leipzig, 1877), p. 293, No. 9.

[15] L. Ginzberg, *Geonica*, I, (New York, 1909), p. 56; also, II, 279, ff. 12/13.

[16] Ed. by I. N. Epstein (Berlin, 1915), p. 71, 4 note 8.

[17] Ed. Neubauer, *Medieval Jewish Chronicles*, I, p. 40, 5; ed. B. Lewin, (Haifa, 1921), p. 117: ואידחי ישיאהו לכרסאן. Nathan ha-Babli fails to mention Josiah's exile to Khorasan, Cf. Salo W. Baron, "Saadia's Communal Activities," in *Saadia Anniversary Volume of the American Academy for Jewish Research* (New York, 1943), p. 68, n. 130.

All these scattered references to Khorasan do not imply the actual existence of Jewish settlements in Khorasan. Khorasan as an actual seat of Jewish community life in medieval Islam, however, is recorded for the first time in the ninth century chronicle of Nathan ha-Babli (890-913)[18] and in the parallel version of *Seder Olam Zuta*,[19] in connection with a dispute concerning the revenues of the Academy of Pumbadita. The passage there reads as follows:

Kohen Zedek b. Josef had been in charge of the Academy in Pumbadita (Anbar) in the Exilarch Ukba's days for about four years, when a difference of opinion and quarrels broke out between them on account of the jurisdiction of Khorasan (רשות). For the jurisdiction of Khorasan had in older times belonged to Pumbadita whence the *Dayyanim* used to be sent thither, and all the tax on her revenues used to go to Pumbadita. Ukba, however, wished the *Dayyanim* to be sent to Khorasan by himself in order to take possession of her and get hold of her revenue for himself alone, to the exclusion of Pumbadita. But Kohen Zedek, the head of the Academy at Pumbadita, protested against it. Among those who assisted Kohen Zedek against Ukba were Joseph b. Pinhas and his son-in-law Netira[20]. . . Ukba was banished to Karmisin beyond Baghdad about five days journey to the East on the way leading to Khorasan . . .

This report, so important for the understanding of the relationship between the central seat of Babylonian Jewry and the Jewish communities on the periphery in the Eastern countries of the Caliphate, is the first reference to the very existence of Jews in a territory called Khorasan, which hitherto has not been known as a real scene of Jewish life.

Neither from this report nor from other references in medieval Hebrew literature does any clear indication come to light of what was really meant by the term Khorasan in a purely geographical and territorial sense, and where these "cities of Khorasan" (מדינות כוראסאן) were situated. That

[18] A. Neubauer, *Medieval Jewish Chronicles*, II, pp. 78 f., 86 f.; I. Friedländer, "The Arabic Original of the Report of Nathan ha-Babli," *JQR.*, XVII (1904-05), pp. 747-761, esp. 756, ll. 3-13. Cf. also A. Marx, "Der arabische Bustanai-Bericht und Nathan ha-Babli, in *Livre d'hommage . . . S. Poznanski* (Warsaw, 1927), pp. 76-81; L. Ginzberg, *Geonica*, I, pp. 22 ff. J. Mann, *Tarbitz*, V, (1933), pp. 149-168; S. W. Baron, "Saadia's Communal Activities," *Saadia Anniversary Volume*, (New York, 1943), pp. 25-35.

[19] Neubauer, *Medieval Jewish Chronicles*, II, pp. 78 ff. עד שנפלה קטטה ביניהם על רשות כרסאן.

[20] On these leading Jews and court-bankers who supported R. Saadia Gaon, cf. Fischel, *Jews in the Economic and Political Life of Medieval Islam* (London, 1937).

no "City" of Khorasan existed, we know very reliably from Islamic geographical sources. The Hebrew terms employed, indicate rather clearly that Khorasan was meant to be the designation for a province or district, the name for a complexity of cities or settlements, and not the connotation for one single city or community.

The problem therefore to be investigated further is to determine the possible location of those Jewish communities in Khorasan to which reference was made in Hebrew sources.

Medieval Hebrew sources having failed so far to shed any light on this question may perhaps be supplemented or elucidated by contemporary Islamic, Arabic, and Persian sources. From the latter we learn first of all, as we did from Hebrew sources, the very fact of the existence of Jews and Jewish communities somewhere in Khorasan. The decree of Omar II to his Governor of Khorasan "not to destroy any synagogues but also not to allow to erect new ones" is a clear indication of the existence of Jews in Khorasan at this early date.[21]

The *Kitab al-Aghani* mentions a Jewish poet, Mervan b. Abi Hafsa (721-797) who is described as a son (or grandson) of a Jew of Khorasan.[22] He was a court poet of the Caliph Mahdi. Jewish jewelers living in Khorasan in the time of the governor Yazid b. Muhallab (715) are mentioned.[23] At the time of the Abbasid dynasty we hear also of a Jewish scholar from Khorasan or scholar of Jewish origin, Sahl b. Bishr, author of many books, who served in the administration of

[21] G. Weil, *Geschichte der Chalifen*, I (Mannheim, 1846), p. 583.

[22] See *Kitab al-Aghani*, IX, pp. 36-78; The author of *Kitab al-Aghani* (The Book of the Songs) is Abu'l-Faraj Ali al- Isfahani (d. 967). His work was published in twenty volumes in Egypt. On Mervan b. Abi Hafsa cf. C. Brockelmann, *Geschichte der arabischen Literatur*, I, (Weimar, 1897), p. 74, n. 4: "Mervan, Sohn eines khorasanischen Juden, der sich als Freigelassener des Mervan b. al Hakam zum Steuereinnehmer in Al Jemama emporgeschwungen hatte . . . als Hofdichter von Mahdi kam er zu Ansehen. Seine Dichtungen folgten sklavisch dem alten Vorbild. Er wird als der letzte arabische Dichter erklärt. Im Jahre 797 wurde er ermordet." Cf. Brockelmann, Suppl. I, (Leiden, 1937), p. 112 f.; I. Goldziher, *Mohammedanische Studien*, I (Halle, 1889), pp. 204-205; E. G. Browne, *A Literary History of Persia*, I, p. 276.

[23] See *Kitab-Aghani*, XV, pp. 18-19; there it is told that an agent of Yazid b. Muhallab, the governor of Khorasan, sold a ruby to a Jew of Khorasan for 30.000 Dinar. After the sale was concluded the Jew said, he would have given 50.000 willingly and when he saw the disappointment of the seller, he gave him another 100 Dinar. Cf. A. S. Tritton, *The Caliphs and their Non-Muslim Subjects* (London, 1930), p. 147.

Khorasan, before he was called to the court of the Caliph Ma'mun as astronomer.[24] The fact that Jews continued to live in Khorasan in the ninth and tenth centuries is indicated not only by the decree of Harun ar Rashid (786-809) to his governor of Khorasan, Fadl b. Yahya,[25] but also by the clear statement of the Arab geographer Mugadassi, (985) that "there are in Khorasan many Jews and only a few Christians."[26]

III

GEOGRAPHICAL DISTRIBUTION OF THE JEWS IN KHORASAN

1. Merv

Muslim sources do not only confirm the early existence of Jews in Khorasan and show that Jews were settled there at least 150 years previous to the date of the dispute concerning the revenues of the Academy of Pumbadita, which brought them for the first time to the forefront of events in their times; they afford also the possibility of determining to a certain degree their geographical distribution. According to Arab and Persian geographers the main centres of Khorasan were Merv, Balkh, Ghazna, Herat, and Nishapur. Some of these cities functioned at various times, separately or jointly, as the capitals of the province of Khorasan. The obvious and direct approach to our problem is to investigate whether some or all of these localities were seats of Jewish community life in medieval Islam.

As to the city of Merv there is a very illuminating statement so far overlooked by Jewish historians, in the Arabic history of at-Tabari, which clearly indicates the existence of a Jewish community in Merv as early as the eighth century. It is reported that the governor of Khorasan, at the time of

[24] *Kitab al-Fihrist,* (The Index) of Muhammad b. Ishaq al-Nadim (995), ed. by G. Fluegel (Leipzig, 1871-72), p. 274; M. Steinschneider, *Die arabische Literatur der Juden,* p. 24; Heinrich Suter, *Die Mathematiker und Astronomen der Araber, und ihre Werke,* (Leipzig, 1900), No. 26, p. 15.

[25] For biographical data, see *Encyclopedia of Islam,* II (1927), p. 37; and on the Arab books and authors, R. A. Nicholson, *A Literary History of the Arabs* (London, 1923); Ph. K. Hitti, *History of the Arabs* (London, 1937).

[26] Al Muqaddasi, *Descriptio Imperii Moslemici* (Bibliotheca Geographorum Arabicorum) III, ed. de Goeje (Leyden, 1906), p. 323, 3.

Omar II, by the name of Nasr ibn Sayyar, came to Merv, and in an address given in the Mosque of Merv on a Friday morning, outlining the details of his new taxation program, announced:

Listen, Bahramsis favored the Magians, relieved them of their burden of taxes and imposed such upon the Muslims. Ishbadad b. Djuraidjan, in the same way, favored the Christians. Akiba, the Jew, favored the Jews. I, Nasr b. Sayyar, shall be the protector of the Muslims and shall remove their burden and impose it upon the unbelievers. I appoint Mansur b. Omar as tax collector who will be just to you. If there is someone among you who has been compelled to pay a poll tax, or from whom a land tax was taken, let him turn to Mansur and he will be relieved from his tax burden, and the non-believers will have to carry the burden.[27]

The historical background explaining the facts involved in this reform of taxation, that caused so decisive a change in the fiscal administration of Khorasan, cannot be given here. Nor can we deal with the question how it was possible that the heads of the various communities could take the taxes off the Magians, Christians and Jews and impose them on the Muslims while living under Muslim power.[28] At any rate this report of at-Tabari presents a clear indication of the existence of a Jewish community in Merv, and moreover furnishes also the name of the leader of that community: Akiba, the Jew, a kind of a "Chief Rabbi," who was held responsible for the prompt payment of the taxes of the Jews to the government, a further proof that the religious communities and the tax-paying communities were identical under the Islamic rule. Whether this Akiba derived his authority from the Exilarch in Baghdad or from the Gaon of one of the Jewish academies is not ascertainable. But it can be safely assumed that Merv was one of those communities (מדינות, מחוזות) of Khorasan from which a century and a half later the Academy of Pumbadita derived its revenue.

[27] At-Tabari, *Annales*, ed. de Goeje, Vol. II, (Leyden, 1885-89), p. 1688; cf. J. Wellhausen, *Das arabische Reich*, pp. 279-298; Wellhausen, *The Arab Kingdom and its Fall* (Calcutta, 1927), pp. 477-478; Van Vloten, *Recherches sur la Domination Arabe* . . . (Amsterdam, 1894), especially the chapter "Les Finances du Khorasan et les Reformes de Nasr. b. Sayar (720-730)," pp. 71 f.

[28] Cf. J. Wellhausen, *op. cit.*, pp. 150-159, 187-189, 297-298 ff.; C. H. Becker, *Islamstudien*, I (Leipzig, 1924); Th. Arnold, *The Preaching of Islam* (London, 1935); W. Barthold, *Turkestan at the Time of the Mongol Invasion*, pp. 188-194.

Though the history of this Jewish community in Merv cannot be traced through the centuries, it appears that Merv remained a seat of Jewish life also later.[29] This is attested by a manuscript which refers to a "Disputatio inter Schouh at Techwah monachum et Ras el Jalout, sive principem Judaeorum de Christo, habita in oppido Merou provinciae Kharasan (anno 1336)."[30] It is further confirmed by the fact that a manuscript of a Judeo-Persian dictionary of 1473 originated in Merv.[31]

2. Balkh

There is hardly any other town in the Eastern part of the Caliphate which has been so closely associated with Jews and Jewish tradition, and to which more attention by Islamic and Iranian sources has been given than Balkh. According to old Persian and early Muslim traditions, Balkh was founded by Lohrasp after the destruction of Jerusalem in the time of Nebukadnezzar who is supposed to have settled the exiled Jews there.[32] It was here, according to Muslim tradition, where the Prophet Ezekiel resided and another Jewish prophet by the name SMY conducted religious disputations with Zoroaster.[33]

[29] Muslim tradition connects Merv with Ezra ha-Sofer. According to the Persian historian Baihaqi, Ezra came from Palestine via Nishapur to Merv and built there a synagogue which was said to be still in existence at the time of the Seldjuk Sultan Arslan (1092-1096). Cf. H. H. Schaeder, *Esra der Schreiber* (Tübingen, 1930), p. 38. Yaqut, the Arab geographer, reports a tradition according to which Ezra was praying in Merv. He also mentions that his tomb is to be found there; Yaqut ibn Abd Allah al-Hamawi (1229), in his *Kitab Mu'djam al-Buldan* (Geographical Dictionary), ed. F. Wüstenfeld, IV (Leipzig, 1866-70), p. 507, 17; see also III p. 745; IV, pp. 593, 714, 22; 840, 20.

[30] See Steinschneider, *Polemische und apologetische Literatur*, p. 158; Cod. Mus. Brit. Arab. 445, p. 221, col. 1; W. J. Fischel, "The Exilarch in Arabic Literature," in *Magnes Anniversary Volume* (Hebrew) (Jerusalem, 1938), pp. 181-187; Alexander D. Goode, "The Exilarchate in the Eastern Caliphate," *JQR.*, XXXI (1940), pp. 149-171.

[31] D. S. Sassoon, *Ohel David*, I (London, 1932), p. 500, No. 710.

[32] See H. L. Gray, "Lohrasp and Nebukadrezzar," in *E. G. Browne, Jubilee Volume* (Cambridge, 1922) and *Wiener Zeitschrift für die Kunde des Morgenlandes*, XVIII (1904), p. 291-299. On the connection between Balkh and Jerusalem, see Yaqut I, p. 713, 12, also 553; cf. J. Darmesteter, *Revue des Études Juives*, XIX (1889), pp. 53-56.

[33] See P. Schwartz, "Bemerkungen zu den Arabischen Nachrichten ueber Balkh," in *Oriental Studies in Honor of Cursetji Erachi Pavry* (London, 1933), pp. 434-438, where the Arabic sources are quoted; cf. R. Gottheil, "References to Zoroaster in Syriac and Arabic Literature," in *Classical Studies in Honour of Henry Drisler* (New York, 1894), p. 24-51.

Apart from these rather legendary associations Balkh was, no doubt, the seat of a Jewish community. It was one of the main stations, point d'appui, of the "Radanites," those Jewish merchants from the west.[34] Moreover, references of Arab geographers to a "Bab al Yahud,[35] the gate of the Jews, in Balkh and to "al-Yahudiyya," the Jewish territory or the Jewish town, as the name of the region around Balkh, indicate the presence of large Jewish settlements in that territory.[36] It is interesting to note that the name "Al-Yahudiyya" or "al-Yahudan-al-Kubra" (the great Jewry) was later changed to "Maymaneh" (the auspicious town) for the sake of augury, since the term al-Yahudiyya was rejected by the Muslims.[37]

In the time of Sultan Mahmud of Ghazna, it is reported that Jews were forced to keep up a public garden in Balkh, and that Mahmud of Ghazna imposed special taxes on the Jews of the town, stipulating that not more than 500 Dirham should be accepted from them for it.[38]

In the case of Balkh we are not entirely dependent on Muslim sources, however, since we know from Hebrew sources that Balkh gave birth to Hiwi al-Balkhi, the first Jew of Khorasan who entered the arena of Jewish history.[39]

3. Ghazna

The existence of a Jewish community so far established in Merv and Balkh can also be ascertained for the city of Ghazna. Apart from the attempts made in Hebrew medieval literature to identify the river Gozen with Ghazna in Khorasan, and apart from the assertion of Yahuda b. Balam that "the river of Gozen is that river which flows through the city of Ghazna, which is today the capital of Khorasan,"[40]

[34] See *infra.*

[35] See Le Strange, *The Lands of the Eastern Caliphate* (Cambridge, 1930), p. 424 f.

[36] Yaqut, II, 149. Concerning another City in the Eastern lands of the Caliphate called "al-Yahudiyya," near Isfahan, see W. J. Fischel, in *Tarbitz,* VI, (1935), pp. 523-526.

[37] Le Strange, *loc. cit.; Yaqut,* II, 168; V. Minorsky: *Hudud al-Alam,* pp. 5, 102, 335.

[38] Cf. Barthold, *Turkestan at the Time of the Mongol Invasion,* p. 288.

[39] See *infra.*

[40] See note 11; *REJ.,* XVIII (1889), p. 74.

we have Muslim sources which support the fact that Jews were actually living in Ghazna in the 10th and 11th centuries. From them we learn that the Sultan Mahmud of Ghazna[41] had quite some dealings with Jewish residents in his capital.

The author of *Chahar Maqala*,[42] the most important Persian source for the literary and scientific conditions in Persia and in the East from the ninth to the twelfth century, mentions a Jew by the name of Yizhak, a resident of Ghazna. He seems to have been an agent of Sultan Mahmud with whom he must have had commercial and financial dealings. It is reported that Yizhak the Jew was authorized by the Sultan to administer the lead mines and to melt ore for him.

These references to Jews in Ghazna lend a certain degree of credibility to the statements of two Jewish authorities namely, Moses b. Ezra and Benjamin of Tudela. Moses b. Ezra (1080) regards Khorasan not only as the dwelling place of the ten tribes, but also as an actual scene of Jewish life in his time. In connection with his quotation from Saadia Gaon,[43] Ibn Ezra reports the conversation with a certain person who told him that "there are in the capital of Khorasan, in Ghazna, over 40,000 Jews who pay the tribute imposed upon them, and that there are about the same number in other cities of Khorasan."[44] Though Ibn Ezra himself did not regard his informant as too trustworthy, in the light of Arabic sources there might be much more truth in this report than one would be inclined to admit at first consideration. Also, the details given by Benjamin of Tudela (about 1170) concerning the Jewish settlements in Khorasan,[45] according to which Ghazna had 80,000 Jews and Nishapur was inhabited

41 Cf. Mohamad Habib, *Mahmud of Ghazna* (Aligarh, 1927); Mohamad Nazim, *Sultan Machmud of Ghazna* (Cambridge, 1931); A. L. Siddiqi, "Caliphate and Kingship in Medieval Persia," *Islamic Culture* X (1936).

42 The author was the court-poet Nidhami -i- Arudi Samarkandi (1110-1152). The Persian text has been published by Mirza Mohammad in the *Gibb Memorial Series* (1921); translated by E. G. Browne; cf. pp. 53 f.

43 ואפשר שגוזן היא מדינת גנזה שהיא עיר הבירה של כוראסאן .

44 M. Schreiner, "Le Kitab al Muhadara de Moise b. Esra, in *REJ.*, XXI f., *supra*, n. 13; A. Harkavy, in *Hamelitz* (1879), pp. 81 f.

45 Khorasan was counted among those territories which stood under the influence of the *Resh Galuta* in Baghdad; cf. Benjamin of Tudela, *The Itinerary of Benjamin of Tudela*, ed. by M. N. Adler (London, 1907), p. 62 (Hebrew Text): וכל קהלות שנער ופרס וכראסאן .

by four independent Jewish tribes under a Jewish prince, Rabbi Joseph Amarkala,[46] can now be better judged as far as their historical value is concerned. At least they can no longer be dismissed as entirely unfounded.

4. Herat

There is another territory in Khorasan which is in some way connected with a Jewish settlement: the great mountainous region stretching from Herat to the East, the territory referred to by medieval geographers as Ghur, or Ghuristan, or the Ghurid district.[47] The geography of this rugged region and vast tract of land is still a complete blank. Its geographical and political boundaries cannot be strictly defined and only a few facts about it are known. The Ghurid chiefs (1148-1215) were originally under the rule of the Sultan Mahmud of Ghazna, until they became independent in the eleventh century and founded their capital at Firuskuh. From Herat they started a successful conquest of Northern India up to New Delhi. With the Mongol invasion of Djingis Khan in 1222, the Ghurid dynasty disappeared completely.

This wild mountainous region around Herat has, strangely enough, been associated with a Jewish settlement by the Persian historian, al-Guzgani Minhadj ad Din Abu Omar. He incorporated in his History of the Mohammedan Dynasties of Asia, called *Tabaqat-i-Nasiri* (about 1260)[48] a rather strange story about a project for a Jewish settlement at the time of Harun ar Rashid (786-809).

Two rival families lived in Ghur, so goes the story, quarreling about the rulership of the country. Both parties decided to bring the dispute before the Caliph of their time, Harun ar Rashid. The leader of the one party was Amir

[46] Benjamin of Tudela, ed. Adler, p. 82, (Hebrew text). On the reliability of Benjamin of Tudela as far as Asia is concerned, see A. T. Wilson, *Early Spanish and Portuguese Travellers in Persia* (London, 1927), pp. 4 ff.; W. J. Fischel, "The Jews of Kurdistan," p. 196.

[47] On the geography and history of Ghur and the genealogy of the Ghurid dynasty, see the literature of Khorasan given *supra*, note 4, especially V. Minorsky, *Hudud al-Alam*, pp. 110, 333-343; and the *Encyclopedia of Islam*, *s. v.* Ghor.

[48] Only a section of the text of *Tabaqat i Nasiri* was published by William Nassau Lee and others (Calcutta, 1864). A complete translation in two volumes by Henry George Raverty appeared in *Bibliotheca Indica* (London, 1881).

Bandji b. Naharan, who had a Jewish friend. The historian has the following story to tell:[49]

"There was in Ghur a merchant, a Jew, a follower of the religion of Musa, on whom be peace, . . . This merchant entertained a friendship for Amir Bandji. He had traveled a great deal and had acquired great experience in the ways of the world and had frequented the capitals of the rulers of the countries around, and had become acquainted with the usages and forms of etiquette at the courts of sultans and princes. And he set out in company with Amir Bandji. He was acquainted with the objects and intentions of Amir Bandji, and said to him:

'If I should instruct thee in etiquette and make thee acquainted with the usages of decorum and politeness and give thee proper knowledge of the forms and ceremonies observed at the court of the Khilafat and in the presence of sovereigns, so that on that account the authority and government of the territory of Ghur shall be conferred upon thee, do thou enter into a covenant with me that in every tract that I may desire throughout the whole of thy territory thou shalt assign a locality to cause to settle therein a number of the Bani Israil, followers of the faith of Mihtar Musa, in order that under the shadow of thy protection and beneath the guardianship of thy maliks and thy offsprings they may dwell in peace and tranquility.'

Amir Bandji, son of Naharan, entered into a covenant with that merchant of the Bani Israil and said:

'When thou teachest me the usages of politeness and instructest me in the rules of conduct and demeanor necessary to be observed before princes and in paying homage at the Court of the Khilafat, I will fulfil the whole of thy requests and fully satisfy thy desires. The covenant having been duly settled on both sides, the merchant of the Bani Israil commenced to instruct Amir Bandji in the polite usages necessary to be observed before princes and the courts of sovereigns and the requisite forms of respect and reverence needed at the Khilafat's court'.

The story reports then in great detail the reception of the two rivals before the Caliph and that Amir Bandji, due to his appearance and his good manners, won the favor of the Caliph who entrusted Amir Bandji with the whole of the territory of Ghur.

The source does not say anything concerning the fulfilment of the covenant between Amir Bandji and the Jewish merchant after the former's return to his country and no chance is given to answer the manifold questions arising from this story. The purpose of this story found only in that Per-

[49] The quotation is based on the text ed. by Lee, pp. 36-37, the translation taken from Raverty, I, pp. 314-316.

sian source is not clear, whether it intended to explain the preponderance of Jews already living in this territory or not. Be it legend or history, this story presents nothing less than a project for the settlement of Jews in Central Asia, a curious deal between a Muslim ruler or chieftain and a Jewish merchant in or near Herat, with the aim of obtaining permission for Jewish immigrants to settle in the district of Herat and Ghuristan. This seems well deserving of mention in this connection.[50]

5. Other Adjacent Territories

Other Jewish settlements must have existed in the region of Khorasan apart from those mentioned, but their memory has not been preserved and they remain so far forgotten places of Jewish history.

Yet there are some scanty references in contemporary sources to Jewish settlements in the adjacent territories. One may well assume that Djordjan north of Khorasan had a Jewish colony. For it was the home of that Jewish scholar Jacob b. Musa al Nikrisi whom Al-Biruni in his *Chronology of Ancient Nations* mentions as one of his oral sources.[51]

Also the second capital of Khwarizm,[52] Urgandj, or al-Jurjanjja was probably populated by Jews. This fact is borne out by that unique Judeo-Persian dictionary, *Sefer Hamelitza.*

[50] It might well be that the alleged Jewish origin of some of the Afghan tribes persistently recorded in Persian-Afghan chronicles, is somehow connected with this story. Cf. C. A. Storey, *Persian Literature: A Bio-Bibliographical Survey* (London, 1936), Section 2, Fasciculus 2, p. 407 No. 14. There the title of a manuscript is listed: "Treatise on the alleged Jewish Origin of the Afghans by Sa'adat Yar Khan, Grandson of Hafiz Rahmut Khan." Cf. also Nimat Allah b. Habib Allah, *History of the Afghans,* translated from the Persian by B. Dorn (London, 1829), p. 65 ff.; H. W. Bellew, *The Races of Afghanistan* (1879); T. H. Holdich: "Afghan Claim to Descent from Israel," in *Nineteenth Century* (July, 1919), p. 111 ff.; Sykes, *History of Afghanistan,* I (London, 1940) p. 13, rejects entirely the claims forwarded by Holdich, Bellew, and others and discards entirely their scientific value. See also W. J. Fischel, "The Jews of Afghanistan," *The Jewish Chronicle Supplement* (London, March 26, 1937); E. Brauer, "The Jews of Afghanistan," *Jewish Social Studies,* IV (1942), pp. 121-138.

[51] Al-Biruni, *Chronology of Ancient Nations,* ed. E. Sachau (London, 1879); M. Schreiner, *REJ.,* XII (1886), pp. 258 ff. and in *Zeitschrift für alttestamentliche Wissenschaft,* VI (1886), p. 247; also S. Landauer, in *Göttingische Gelehrte Anzeigen,* 1880, pp. 772-784.

[52] Le Strange, *l. c.,* p. 447 f.

Its author, Salomon ben Samuel, compiled it in Urgandj in 1339, where he probably lived.[53]

Also Samarkand in Transoxania, to the northeast of Khorasan, is supposed to have housed a great number of Jews. Benjamin of Tudela mentions as the chief of the Jews of Samarkand a Rabbi Obadja ha-Nassi.[54]

Bukhara, that important centre of Islamic culture in medieval Islam, was strangely enough, not mentioned as a Jewish community by Benjamin of Tudela. It also remained unnoticed in other Jewish sources until modern times. The Arab historian Ibn al Fuwati, offers the earliest indication and the first documentary evidence so far from Muslim or any other sources of the existence of Jews in Bukhara[55]. He relates that a Muslim magician and mystic, Abu Karam al-Darani ordered in 1240 the killing of all the Jews and Christians in Bukhara and the taking away of their wealth and property.[56]

IV

CULTURAL AND RELIGIOUS LIFE

The picture of the geographical distribution of the Jewish communities in Khorasan in medieval Islam can be supplemented by some details pertaining to their cultural-religious and their economic status and activities.

[53] W. Bacher, *Ein hebräisch-persisches Wörterbuch aus dem vierzehnten Jahrhundert* (Strassburg, 1900); W. Bacher, "Osttürkisches aus einem Hebräisch-Persischen Wörterbuch," in *Keleti Szemle*, I (Budapest, 1900), pp. 27-34, 87-92.

[54] There is some evidence that Samarkand had a Jewish community in the time of the Timurids. In the Judeo-Persian Chronicle of Babai b. Lutf (seventeenth century) Samarkand is mentioned as a refuge for the Jews of Persia who tried to escape from the persecutions under Shah Abbas I and II; cf. W. Bacher, *Les Juifs de Perse* (Paris, 1906); W. J. Fischel, *Zion*, II, (1937), pp. 273-293. Benjamin of Tudela mentions Samarkand three times in his book; cf. pp. 57, 62, 82 (Hebrew text) and notes, pp. 58 ff. (English text).

[55] On this historian, see W. J. Fischel, *Jews in the Economic and Political Life of Medieval Islam*, (London, 1937); F. Wüstenfeld, *Die Geschichtsschreiber der Araber und ihre Werke*, (Göttingen, 1882), No. 387; C. Brockelmann, Suppl. Vol.; cf. *MGWJ.*, LXXIX (1935), pp. 302 ff.

[56] The Persian sources on Bukhara are very scanty. Only future additions might shed light on the Bukharian Jews. cf. F. Teufel, "Quellenstudien zur neueren Geschichte der Chanate," *Zeitschrift der deutschen morgenländischen Gesellschaft*, XXXVIII (1884), pp. 235-381; H. H. Howarth, *History of the Mongols*, (London, 1876-1927).

As to Jewish cultural life it would be wrong to take the absence of any literary productions as a proof of the spiritual decline of the Jews of Khorasan or of their low cultural level. The lack of pertinent source material may be due to many factors, including the destruction or loss of literary treasures that once may have existed. Considering the fact that Ghazna, Balkh, Merv and other cities in Khorasan were important centers of culture and literature in medieval Islam and leading strongholds of Muslim science, there is reason to assume that the Jews, too, living in this atmosphere developed their creative abilities and contributed to the general culture as well as to their own heritage. The very existence of Jewish scholars in medieval times in this part of the Muslim world is attested by the famous Muslim scientist al-Biruni, who refers to a Jacob b. Musa al Nikrisi, and another Jewish scholar, both of whom were in close contact with him and served him as a source of oral information in all matters of Jewish chronology, history and literature.[57]

It stands to reason that apart from al-Biruni, the most outstanding of the "Muslim Hebraists," other Muslim authors interested in Jewish history and chronology, such as Mohammed b. Musa al-Khwarizmi (about 850) in his *Chronology of the Jews,*[58] or al-Shahrastani (1086/1153), the author of the history of *Religions and Sects* (Ghazna, 1127), and others, drew their information from Jewish scholars of their native lands, although their names did not come down to posterity.

The creative abilities of the Jews in Central Asia are attested in sources as late as the fourteenth century. A Hebrew-Persian dictionary called *Sefer Hamelitza,* (1339), the author of which Salomon b. Samuel lived in Urgandj, the capital of Khwarizm, sheds light on the cultural activities of Jews living in a territory which has never before occupied a place in the annals of Jewish history or literature.[59] Jews in Khorasan

[57] On Jews and Judaism in al-Biruni's writings, see the references *supra,* note 51.

[58] A manuscript of the *Chronology of the Jews* is preserved in Bankipore; cf. D. M. Dunlop, *Journal of the Royal Asiatic Society of Great Britain,* (1943), pp. 248 f.

[59] Abu'l Fath al-Shahrastani, *Kitab al-Milal wa'l Nihal* (The Book of Religions and Sects), ed. by Cureton, (London, 1842-46).

continued to occupy themselves with literary activities as indicated by another manuscript of this *Sefer Hamelitza,* written in 1473 in the city of Merv.[60]

All this notwithstanding it must be admitted that we still know very little about the cultural and religious life of the Jewish communities in Central Asia. Only further investigations and discoveries may shed new light on the degree of their cultural and linguistic assimilation, on their participation in the life of their Muslim neighbors, on the peculiarities of their dialect, on the organization and conduct of their internal affairs, etc.

Yet, as far as internal religious life is concerned, scattered references throughout contemporary Hebrew sources show a rather unsettled and chaotic state of affairs, an atmosphere full of dissention and division so characteristic of that period in general.

The Jews of Khorasan, similar to the rest of the Oriental Jewish Diaspora, were divided into two distinct groups: the Rabbanite Jews and Karaite Jews.

The Rabbanite Jews of Khorasan differed from the Rabbanites in Babylonia and developed peculiarities of their own. Although the Jewish communities of Khorasan officially and formally were under the influence of the Academy of Pumbadita which used to send *Dayyanim* to them, the Rabbanite Jews of Khorasan followed in halakic and ritual matters a course of their own, quite different from that which the *Dayyanim* from Baghdad tried to impose on them. The gaonic sources speak repeatedly of a special *Minhag Khorasan*[61] in matters of *Kiddushin,* Jewish calendar, fixing of the festivals, etc. Probably due to these differentiations in halakic customs the Gaon of Pumbadita, Rabbi Jehuda b. Mar Samuel (906-918), the grandfather of Sherira Gaon, induced the Jews of Khorasan to alter their customs and to comply with the "*Minhag*" of Babylonian Jewry.[62] Even Maqrizi, the Arab historian of the fourteenth century, knew that "the Iraqian

[60] See *supra,* note 31.

[61] See B. Lewin, *Otzar ha-Geonim,* I (Haifa, 1928), p. 17; VIII (Jerusalem, 1939), p. 18; IX (1939), p. 133, etc. cf. L. Ginzberg, *Geonica,* II, p. 279.

[62] J. Mann, *JQR.,* VII (1916-17), p. 471, from a *responsum* by Hai Gaon.

Jews are not in accord with the Jews of Khorasan concerning the time of the festivals and the way (of calculating) of their days."[63]

The Karaite Jews in Khorasan, too, differed from the Karaites of other countries, from those, e.g., of Tustar and Djibal in Persia. Abu Yusuf Ya'qub al-Qirqisani stated about the great difference of opinion within the Karaite communities of Persia:[64] "You can scarcely meet two Karaites of one and the same mind in all matters; upon one point or another everyone has an opinion different from the rest." This can probably be applied to the Karaites of Khorasan as well (קראיים כוראסאן).

Apart from Rabbanites and Karaites there must have been also groups of Jews in Khorasan who did not belong to either of them: heretics, non-conformists, dissenters and separatists. They are referred to in Geniza fragments with the term מובדלי בני ישראל, and are probably meant by R. Saadia Gaon when he speaks of "people who are called Jews"[65] אנשים שנקראים יהודים. The freethinker and Bible critic, Hiwi al-Balkhi,[66] probably arose from this group. He might have changed the entire cultural and religious development of the Jews of Persia and Khorasan if R. Saadia Gaon, and before him Abu Amram al Tiflisi,[67] had not so energetically challenged his activities and fought against him, so helping Oriental Jewry to remain faithful to the principles of traditional Judaism.

Hiwi al-Balkhi was not the only Jewish heretic who emerged from the soil of Khorasan, so fertile for the spread of all kinds of sectarianism and dissension. Evidence for this may be found in newly discovered Muslim sources that reveal many details on the life and activities of another heretic, a contemporary of Hiwi- al-Balkhi, by the name of Ibn ar-

[63] Cf. De Sacy, *Chrestomathie Arabe*, I, (Paris, 1826), p. 307.

[64] On this Karaite scholar and traveler, who lived in the first half of the tenth century, see *Kitab al-Anwar wa'l Maraqib*, (Code of Karaite Law) ed. by L. Nemoy, (1939 ff.); also L. Nemoy, in*HUCA., VII*, p. 395.

[65] See J. Mann, "An Early Theologico-Polemical Work," *HUCA.*, XII-XIII (1937-38), pp. 411-459.

[66] Cf. J. Davidson, *Saadia's Polemic against Hiwi al-Balkhi*, (New York, 1915); S. Poznanski, in *Hagoren*, VII (1907), p. 127 ff.

[67] Cf. J. Davidson, *op. cit.*, pp. 18, 82.

Rawendi. This Ibn ar-Rawendi (of Rawend, a city in Khorasan in the vicinity of Nishapur) probably belonged to the circle of Hiwi. No documentary evidence, however, is preserved which would prove connections between the two men. Nevertheless, it is illuminating to see that the contemporaries of Ibn ar-Rawendi regarded him as of Jewish descent and said "his father was a Jew and he turned Muslim."[68] Even if his alleged Jewish origin should be nothing but an invention used by his enemies, the fact, well documented in Arabic sources, remains that the best friend of Ibn ar-Rawendi was a Jew from Ahwaz, Abu Isa Ibn Lawi al-Ahwazi,[69] in whose house Ibn ar-Rawendi found a refuge and to whom he dedicated his main scientific work, the *Kitab al-Damigh.*

V

ECONOMIC CONDITIONS

As to economic activity it is significant that Jews of Khorasan appear in Hebrew as well as in Moslem sources for the first time in connection with financial matters. In the Hebrew sources it is the conflict concerning their financial contribution to the Academy of Pumbadita, in the Arabic sources it is a reform of taxation in the time of Omar II which brings the Jews of Khorasan into the historical records of their times. It seems that those who were merchants, agents, jewelers, artisans, etc., were probably quite prosperous, for otherwise the communities in Merv and elsewhere could not have been able to send yearly contributions to Babylonia for the upkeep of the Academy of Pumbadita. These contributions must have amounted to sizable sums; otherwise the jealousy and quarrels about them, and their being so fiercely contested by Babylonian Jewish leaders would hardly be explicable.

[68] See H. Ritter, "Ibn al-Gauzis Bericht über Ibn ar-Rawendi," in *Der Islam,* XIX, (1930-31), pp. 1-17; P. Kraus, "Beiträge zur islamischen Ketzergeschichte," *Rivista degli studi Orientali,* XIV, (1933), pp. 93-139; XIV (1934), pp. 335-379; and his article in *Encyclopedia of Islam,* Suppl. Vol.,; H. W. Nyberg, *Kitab al Intisar, Le Livre du triumphe d'Ibn ar Rawendi* (Cairo, 1925), p. 37 ff.

[69] Cf. S. Poznansky, *REJ.*, LIV (1907), p. 276; S. Eppenstein, *MGWJ.*, LIV (1910), p. 460.

It can be supposed that the Jewish merchants of Khorasan were in commercial relationship with the Jewish merchants from the West, the so-called "Radanites,"[70] who, in the course of their commercial travels around the world, visited the Eastern countries of the Caliphate in the eighth and ninth centuries. It is even explicitly stated by Arab geographers that these "Radanites" sometimes used a trade route which brought them to the country of the Slavs and to Khamlif, the capital of the Khazars, from where they embarked on the Djordjan Sea, arriving at Balkh. From there they traveled across the Oxus and continued their journey on to China. The fragment of a Judeo-Persian business letter written about 718 and recently found on the Eastern borders of West China in the ruins of Khotan, in Chinese-Turkestan, bears witness to commercial activities of Persian-speaking Jews in those far regions.[71] The "Radanite" merchants are also credited with the knowledge of Persian in addition to their knowledge of the languages of the Slavs, Franks, Spaniards, Greeks, and Arabs, and this commercial document very likely reflects transactions of native Khorasanian Jews.

Commercial activities probably led Jews of Khorasan to their neighbors in the North, the Khazars. This relationship between the Jews of Khorasan and the Kingdom of the Khazars is well documented in Hebrew[72] and Arabic sources.[73]

[70] See *Ibn Khordadhbeh, in Bibliotheca Geographum Arabicorum,* VI, ed. de Goeje (Leyden, 1889); also *Ibn Fakih, ibid.,* V ed. de Goeje (Leiden, 1885).

[71] See Sir Aurel Mark Stein, *Sand Buried Ruins of Khotan, Personal Narrative of a Journey,* (London, 1903); D. S. Margoliouth, "An Early Judaeo-Persian Document from Khotan," *Journal of the Royal Asiatic Society of Great Britain and Ireland,* (London, 1903), pp. 747-760; cf. Fischel, in *Encyclopedia Judaica,* IX, p. 559, *s. v.* Jüdisch-Persisch; V. Minorsky, "Early Hebrew Persian Documents," *Journal of the Royal Asiatic Society* (1942), pp. 181-194; Ed. Chavannes et P. Pelliot, "Un traité manichéen retrouvé en Chine," *Journal Asiatique,* XI Series, Vol. I, (1913), pp. 139-175; J. Marquart, *Osteuropäische Streifzüge* (Leipzig, 1903), p. 74 ff.

[72] S. Schechter, "An Unknown Khazar Document," *JQR.,* XII (1912), p. 214 ll. 36-38; N. A. Poliak, *The Jewish Kingdom of the Khazars,* (Tel-Aviv, 1943, Hebrew), who approaches the whole problem of the Khazars from a new and broader angle; M. Landau, *Beiträge zum Chazarenproblem* (Berlin, 1938), and in *Zion,* VIII (1943), p. 98.

[73] Cf. al-Mas'udi, *Murudj adh-Dhahab* (*Les Prairies d'or*), *Text et Traduction,* par C. Barbier de Maynard et P. de Courteille, II (Paris, 1861-77), p. 8.

In pursuit of their business transactions Khorasanian Jews went also to the South to India and to the East to China.[74]

Ample documentary evidence is available of commercial activities of Jews in India in the early Middle Ages.[75] These Jews used for the most part Egypt or the Western lands of the Caliphate as their starting points. We have certainly to think of Jews from the East, from Khorasan or adjacent territories, when al-Biruni informs us of Jews visiting Kashmir, saying: "In former times they used to allow one or two foreigners to enter their country, particularly Jews, but at present they do not allow any Hindu whom they do not know personally to enter, much less other people."[76]

We are not yet in a position to retrace exactly the stations of those Jewish travelers who, for one reason or another, preferred to wander further eastward and to settle down on the soil of China. But it can be said with a great degree of certainty that the origins of Chinese Jews lead back to the Persian-speaking Jews of the whole region of Khorasan, Transoxania and adjacent territories.[77] That the land-route from Persia via Khorasan to China, one of the famous caravan routes of olden times, served as one of the main arteries for the wave of Jewish immigrants to China in the Middle Ages, has become ever clearer in the light of new sources and investigations. It is just this role of Khorasan as a starting point, as a reservoir for the Jewish colonies especially in China which lends additional importance to a study of the history of the Jewish Diaspora in Central Asia.

[74] Hasdai b. Shaprut learned for the first time of the conversion of the Khazar kings through a merchant from Khorasan, not necessarily a Jewish merchant.

[75] As to the economic activities of the Jews in Islamic countries in the Middle Ages, especially in Egypt and India, see A. N. Poliak, *Zion* 1938, pp. 256-272; J. Ben Zwi, *Zion*, 1938, pp. 179-182; D. Neustadt, *Zion*, 1937, pp. 216-255; S. Assaf, *Zion*, 1939, pp. 232-236; E. Strauss, *Zion*, 1939, pp. 217-231; 1942, pp. 140-155; J. Braslawsky, *Zion*, 1942, pp. 135-139.

[76] Al-Biruni, *India*, ed E. Sachau, I, 2nd ed. (London, 1914), p. 206; Bernier, *Travels in the Mogul Empire* (1656-1668) (London, 1914), p. 430.

[77] Cf. W. C. White, *Chinese Jews: A Compilation of Matters Relating to the Jews of K'aifeng Fu*, 3 vols. (Toronto, 1942). The material collected in these volumes shows convincingly the great influence of Persian-speaking Jews from Persia and Khorasan on liturgy and ritual of the Chinese Jews.

VI

KHORASAN IN MODERN TIMES

With the dissolution of the Central Asian region into independent units and semi-autonomous states, Emirates or Khanats such as Bukhara, Turkistan, Afghanistan, etc., the term "Khorasan" ceased to be used in Muslim sources in its original meaning. It lost its all-embracing medieval connotation and became the designation for the modern Eastern province of Persia only, the capital of which was Meshhed. This limited and reduced territory of Khorasan became again a seat of Jewish life only in the eighteenth century when Nadir Shah (1736-1747) transplanted forty Jewish families from Kazwin in Northern Persia to Meshhed, so establishing a modern Jewish community in Khorasan.[78]

The tragedy which befell this community in 1839, about a hundred years after its foundation and which led to forced conversion, creating the phenomenon of "Muslim Marranos" (*Djedid ul-Islam*) had far-reaching repercussions upon the whole Jewish Diaspora in Asia.[79]

[78] Cf. L. Lockhart, *Nadir Shah: A Critical Study* (London, 1938); V. Minorsky, *Esquisse d'une histoire de Nader Chah* (Paris, 1939); Streck, in *Encyclopedia of Islam, s. v.* Meshhed, and Nadir Shah.

[79] In modern times the term Khorasan became identical with "Meshhed"; cf. Fischel, *Zion*, I (1936), pp. 49-74; D. S. Sassoon, *Ohel David*, II pp. 763-764.

THE TESTIMONIAL OATH

A Study in the Reciprocal Relations of Jewish and Roman Law in Medieval Europe

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I

RECOGNITION OF THE TESTIMONIAL OATH IN MEDIEVAL JEWISH COURTS

WHILE THE EXISTENCE of mutual relations between Jewish and Roman law in the classical epoch (150 B. C. E. - 235 C. E.) is a moot point,[1] the evidence of interaction between these two systems of law in the post-classical period (235 C. E. - 565 C. E.) and the Byzantine era (565 - 1453) is indisputable. Modern scholars, like Raymond Troplong,[2] Salvatore Riccobono,[3] and others[4] who took great pains to demonstrate the weighty influence of Christianity on Roman law, did not always realize that specifically Jewish practices infiltrated into Roman law after having been adapted by the early Christians.[5] One such instance, namely, the rule requir-

[1] Cf. Boaz Cohen, "The Relationship of Jewish to Roman Law," *Jewish Quarterly Review*, New Series XXXIV (1943-44) pp. 267-280, 408-424.

[2] Troplong, *De l'influence du Christianisme sur le droit civil des Romains*, third ed. (Paris, 1868).

[3] Riccobono, "L'influenza del Christianesimo nella codificazione de Giustinina," Rivista di scienza "Scientia", V (1909), pp. 122-152, and supplementary number, pp. 76-107; also his "Christianesimo e diritto privato," *Rivista di diritto civile*, III (1911), pp. 37-70. "Almost everything in the *Corpus Juris Civilis*," says Riccobono, "that is substantially new as compared with the laws worked out by the Roman jurists, is the result of Christian ethics;" quoted by A. G. Cicognani, *Canon Law*, second ed. (Philadelphia, 1935), p. 47.

[4] Cf. the literature cited in E. Volterra, *Diritto Romano e diritti Orientali* (Bologna, 1937), p. 268, note 1. J. Westbury-Jones, *Roman and Christian Imperialism* (London, 1939), pp. 198 ff.; Paul Allard, *Ten Lectures on the Martyrs* (London, 1907), pp. 215 f.

[5] As an exception, the views of Bossowski (quoted by Volterra, l. c. p. 256, note 2, and Leopold Wenger, *The Institutes of Roman Law of Civil Procedure*,

ing the testimonial oath to be taken on the Bible, and its origin, will be discussed in the present essay.

In the year 1405, the validity of a certain marriage was challenged in an action.[6] The Jewish court of Bersac ברשך, Algeria,[7] requested two witnesses to take an oath on the Scroll of the Law, before giving their testimony. The witnesses, however, declined to comply with the instructions of the *Beth Din* because they entertained some compunctions about taking an oath (מיראת עונש השבועה). In order to forestall dissension in the community on this matter, the tribunal proclaimed on Saturday a solemn ban in the synagogue in the presence of the *Sefer Torah* against any person, who was familiar with the details of the case and refused to testify, or cunningly evaded such testimony (שלא יערים באותה עדות).[8] On the following day the same witnesses appeared and testified. After the conclusion of the proceedings, the court wrote to R. Isaac ben Sheshet (1326 - 1408) asking for his opinion whether it was within its legal rights in hearing evidence of the witnesses who had not taken an oath while holding some sacred object (בנקיטת חפץ). R. Isaac replied that the hearing of testimony of witnesses who failed to take an oath to speak the truth constitutes a violation of no Jewish law since no rule to that effect exists anywhere: שלא מצינו שקבלת העדות יהיו צריכים העדים לישבע להעיד האמת. For every Jew is obliged under oath taken by his ancestors at the cove-

translated by O. H. Fisk,—New York, 1940—p. 344, note 15) and the volume entitled *Cristianesimo e diritto Romano,* published by the Catholic University, Sacro Cuori (Milan, 1935) may be cited. The latter contains some valuable discussions of Jewish interest: Roberti Melchiori, "Nasciturus pro iam nato habetur nelle fonti Christiane primitive," pp. 67-84, referring to Jewish sources, on pp. 70 f.; Melchiori, "L'influenza Christiano nello svolgimento storico dei patti nudi," pp. 87-169, discussing talmudic parallels, on pp. 96-101; Giulo Vismara, "La donazione nuziale nel diritto Ebraico e nelle fonti Christiane in relazione al diritto Romano post-classico," pp. 297-406, discussing Jewish law at length, on pp. 301-337. With regard to the latter, cf. Hans Wolff, *Written and Unwritten Marriage in Hellenistic and Post Classical Roman Law* (Haverford, 1939) p. 88, note 313.

[6] *Responsa* of R. Isaac ben Sheshet, (ed. Lemberg, 1805), no. 174.

[7] On this community, cf. A. M. Hershman, *Rabbi Isaac ben Sheshet Perfet and his Times* (New York, 1943), p. 166.

[8] Cf. ארחות חיים II, 502.

nant on Mount Sinai to testify to the truth מושבע ועומד מהר סני. The oath of witnesses referred to in the Mishnah deals with the suppression of testimony.[10] However, there are localities where it is customary to have the witnesses swear in order to discourage them from testifying falsely: כדי לאיים עליהם. In our community, it is the practice to impose such an oath only in special instances, such as when the witnesses are testifying against a person indicted for a religious transgression (מי שנחשד על עבירה) in order to deter them from withholding their testimony out of deference for the defendant (להחניף הנחשד). Furthermore, the witnesses desire it because it affords them an opportunity to exonerate themselves in the eyes of the person on trial, since they can conscientiously claim that they were forced to declare the truth by virtue of the oath. For the assumption that witnesses were apt to refrain from testifying against a puissant defendant, he cited the case of Mari bar Isaac.[11] In conclusion, R. Isaac held that the judicial proceedings had been legally carried out, although the trial took place in a locality where it was the practice to have the witnesses swear. But since the latter were put under the penalty of ban to declare the truth, this measure may be considered as having the restraining effect of an oath.

A similar query was directed to R. Simon b. Semah Duran (1361-1444) by a correspondent. He wished to know whether the testimonial oath prevalent in Christian countries (בארץ אדום) had any basis in Jewish law; for he was amazed that distinguished scholars adopted this procedure.[12] R. Simon replied that he was aware that R. Isaac ben Sheshet bowed to this custom. He was given to understand that a tradition was current in Barcelona (עדות שנמסרה בברצלונה) that R. Nissim (*ca.* 1340-1380) acquiesced in this practice (אני רוצה שבועה בעדות זו). In view of the fact that R. Simon found no discussion of this rule among the early legal authorities,

[9] *Nedarim,* 8 a.

[10] *Shebuot,* IV. 1.

[11] *Baba Mezia,* 39 b; *Ketubot,* 27 b.

[12] תשב"ץ , III. 5.

he explored the question rather fully. While the testimonial oath, he tells us, is required neither by Scripture nor by the sages, its employment at trial constitutes no superfluous oath (שבועה שאינה צריכה)[13] nor does it entail a violation of the law against pronouncing God's name unnecessarily (הזכרת שם שמים שלא לצורך).[14] For it is permissible for a person to swear that he will perform the religious precepts (דנשבעין לקיים את המצות) of which testifying to the truth is one.[15] The most one can say is that such an oath is permissible, but not obligatory for the witnesses. Yet the *Beth Din* is clothed with authority to impose such an oath whenever the masses become lax with regard to giving truthful testimony (יכולים בית דין לחייבם להשבע אם רואים הדור מקילים בעדות שקר), as a result of the rationalization that false testimony unaccompanied by an oath is no violation. Consequently the judges must reckon with lay fallacies in the law: אנו חייבים לדון על פי טעותן. R. Simon, however, did not require the witnesses to swear unless they kept silent after the defendant put in his plea: טען הנתבע ושתק העד.[16] For the native Jews of this country (Algeria) do not relish this practice: כי הגדלים בארץ הזאת קשה להם כמנהג[17] האומה הזאת.[18]

In Christian countries, the *Beth Din* allowed the Jews to take the testimonial oath as the Christians do. Hereby it

[13] For this phrase, cf. Maimonides ספר המצות, ed. Heller (Pietrikov, 1914), Positive precept, no. 7, 26 b. It is modelled on the phrase ברכה שאינה צריכה, Berakot, 33 a, for the latter; cf. also Saul Lieberman, *Greek in Jewish Palestine* (New York, 1942), p. 35; also Moses of Coucy, *Semag* (ed. Kopys, 1806), Negative precepts, no. 241 f. 48 d.

[14] The Talmud usually speaks of מוציא שם שמים לבטלה, e. g., *Temurah*, 3 b; cf. also *Semag*, Positive precepts, no. 4.

[15] Cf. *Nedarim*, 8 a.

[16] Cf. Rashi, *Baba Mezia*, 39 b, s. v. תרתי לא עבדי, where he remarks: מיראתך יעשו אחת שישתקו

[17] Read במנהג.

[18] In Muslim law, as a rule, witnesses do not take an oath. Witnesses to the will of a testator who has died in a foreign country are, however, required to do so, as stated in Sura V. 105; cf. Johannes Pedersen, *Der Eid bei den Semiten* (Strasbourg, 1914), p. 185; *Encyclopedia of Islam*, II p. 785, s. v. *Kasam*; Th. W. Juynboll, *Handbuch des Islamischen Gesetzes nach der Lehre der Schafiitischen Schule* (Leyden, 1910), p. 317.

was guided by the consideration of the mentality of Jewish witnesses familiar with the Christian procedure, which they believed to be Jewish law too (וחשבוהו תורה), and not because it were permitted to appropriate Christian practices. If, in a given contingency, Jewish law would require the witnesses to swear to defend a previous action of theirs, they would not be qualified to proffer testimony. This decision was based on the talmudic law that two persons, who were instructed to return a loan in the capacity of agents, could not testify to the fact that it had been done, if it were disputed by the creditor because they were personally involved.[19]

An inquiry was sent to R. Joseph ben Leb[20] (lived in Salonica and Constantinople, *circa* 1505-1580) concerning the validity of the testimony with respect to the following case. Before the witness commenced to bear testimony, the judges declared that it would not be accepted unless he swore first with a *Sefer Torah* in his bosom (בחיקו) that he would testify to the truth. They entertained some doubts concerning his trustworthiness as a witness. Besides he was a distant relative, although his kinship did not legally bar him from testifying. When the judges led him before the ark (היכל) to take the scroll in his hand to swear that he would tell the truth, the witness replied that he was not obliged to take such an oath, nor would he comply with their request. In spite of the vehement protest of the judges, the witness shouted his testimony at the court with the impudent remark that it was optional with them to accept or reject his testimony.

In his reply to this query, R. Joseph ben Leb cited the lengthy *responsum* of R. Isaac ben Sheshet who dealt with the validity of a certain act of *Kiddushin*.[21] Among the many points raised and discussed in this *responsum* three are germane to our inquiry. First, the testimonial oath, which R.

[19] Cf. *Tosafot* to *Kiddushin*, 43 b, s. v. והשתא which reads אבל העדים הטוענים לישבע קודם שיאמנו דבריהם אין ממש בדבריהם. The same view is expressed by R. Nissim, on *Kiddushin*, no. 667.

[20] *Responsa*, IV. 1; cf. also *Encyclopedia Judaica*, X, pp. 711-712.

[21] *Responsa* (ed. Lemberg, 1805), no. 266.

Isaac ruled was not necessary according to law.[22] Secondly, testimony heard by the members of a court while standing, and not while sitting as required by law, was valid in the case of a fait accompli (בדיעבד).[23] Thirdly, actions which gave rise to a suspicion of fraudulent claims or statements (דין מרומה),[24] granted the court the right to demand a thorough cross-examination (דרישה וחקירה) of the witnesses.[25]

Strangely enough, R. Joseph ben Leb in his discussion of the case passes over in silence R. Isaac's opinion on the testimonial oath. He takes it for granted and confines himself to an analysis of the last two points alone which he considers relevant. Theoretically he was inclined to believe that the testimony should not be accepted. Yet he was not ready to issue a decision to that effect (להלכה ולא למעשה). His reasoning was as follows. On the one hand, testimony given in defiance of judicial ruling, although a fait accompli, (as was the case here where the witness defied the court), should not be recognized as valid, even if testimony heard by the judges while standing was legal. Secondly, there was in this case a suspicion of fraud which warranted a thorough cross-examination of the witnesses. This, however, did not take place, since the witness refused to take the testimonial oath and was, on that account, not examined by the court. On the other hand, it may be argued that the testimony should be deemed valid, because it was an accomplished fact; moreover, there was the possibility that this was not a case of דין מרומה. Hence R. Joseph ben Leb could not make up his mind.

From the analysis of these *responsa*, one may draw the following conclusions. The testimonial oath was recognized in Jewish courts as early as the fourteenth century in Barcelona. R. Nissim is the first authority known to have sanc-

[22] *L. c.* f. 72 d.

[23] *L. c.* f. 72 d; this passage of the *responsum* is also quoted by Caro, in *Beth Joseph* to *Hoshen Mishpat*, 28 end.

[24] Cf. *Tosafot, Sanhedrin*, 32 b, s. v. באן

[25] *L. c.* f. 73 a; this argument is quoted also by Caro in *Beth Joseph* to *Hoshen Mishpat*, 30. 1.

tioned the practice. Yet, it is not clear on what grounds he justified it, since this point is not treated in his extant *responsa.* But it is most likely that the subject was discussed by him in one of his one thousand *responsa* of which all but seventy-seven were lost.

R. Isaac ben Sheshet tolerated the practice since it was not inherently contrary to Jewish law. But he adopted this innovation only in cases when the defendant was charged with a religious transgression. Duran agreed with R. Isaac in that this oath was not required by law. Yet he sanctioned the procedure only when the witness was fain to remain silent. He was furthermore of the opinion that the courts were vested with the power to impose the oath in case of expediency, *e. g.*, when the people in general became flippant about untruthful testimony without an oath. For the *Beth Din* is bound to reckon with erroneous interpretations of the law by the laity, as the rabbis of the Talmud did, when they observed that the folk justified the acquisition of the property without the owner's consent, if it were paid for (לא תחמוד לאינשי בלא דמי משמע להו).[26]

R. Joseph Caro, one of the greatest talmudists of the sixteenth century, attached such weight to Duran's opinion that he gave an excerpt of it in his work, *Beth Joseph.*[27] But he failed to refer to it in the *Shulhan Aruk.* R. Moses Isserles (1520-1572) in his glosses to this code, briefly formulated the rule that the *Beth Din* may require the testimonial oath if, in its opinion, the circumstances warrant it.[28] This procedure, which was contrary to the spirit of Jewish law, if not to its letter, was rarely followed in later times, and allusions to the rule or to the practice are exceedingly scant in subsequent legal literature. R. Jonathan Eybeschütz (1690-1764)[29] and R. Joshua Falk Cohen (died 1614)[30] in a passing remark on Isserles' gloss acquiesce in the rule.

[26] *Baba Mezia,* 5 b.

[27] *Hoshen Mishpat,* 28. 1.

[28] *Hoshen Mishpat,* 28. 2.

[29] *Urim we-Tumim* to *Hoshen Mishpat,* 28.2.

[30] *Hoshen Mishpat,* 28. 16.

In the nineteenth century there is an instance on record of a certain Jonathan of Schwerin, defendant in a lawsuit, who complained that he did not obtain a fair trial because the witnesses were not sworn before they testified. R. Moses Schreiber (1763-1839)[31] in an opinion written to R. Eliezer Segal of Vienna (1803-1863) overruled his objection. This was done on the ground that in Jewish law the testimonial oath was not obligatory. On the contrary, if it would be required by law, then the testimony would be invalid. The statement of R. Joshua Falk Cohen that the witnesses may be asked to take an oath, applies only to instances where the *Beth Din,* and not the defendant, has doubts about the veracity of the witnesses.

II

THE TESTIMONIAL OATH IN ROMAN AND EARLY SPANISH LAW

It goes without saying that Duran is correct in regarding the rule concerning the testimonial oath as an importation from Christian sources. The Jews of Spain had ample opportunity to become familiar with the rule of procedure which formed part of the law of the land in that epoch. This regulation is found in *Las Siete Partidas,* a code of law begun under King Ferdinand III (1230-1252) and completed by King Alphonse X (1252-1282), about 1265, but not put in force until 1384. Not all provisions of this code, however, actually acquired full force until about 1505. The text of the pertinent law, III, 16.23, reads as follows:

> We also decree that no witness shall be heard without being sworn nor will his testimony be valid without it.[32]

[31] *Responsa,* חתם סופר IV. 207.

[32] *Las Siete Partidas,* Vol. II; ed. by Gregorio Lopez (Paris, 1847), p. 598: Rescebir debe el judgador la jura de los testigos ante que oya su testimonio . . . Otrosi decimos que ningunt testigo non debe seer rescebido sin jura nin debe valer su dicho. A judge should take the oath of a witness before he hears his testimony . . . There were two exceptions to this rule: first, if both parties would agree to excuse the witnesses from taking an oath; secondly, in case of women

As is well known, *Las Siete Partidas* drew heavily upon antecedent legislation. One should not be surprised, therefore, to find this rule in the Visigothic Code which it superseded. A law promulgated by Chindaswinth (642-653) anent the taking of testimony reads as follows:

> The judge shall render a decision after the case has been heard, and the witnesses have taken an oath, according to the law as he had ordained, for no witness may deliver testimony without taking an oath.[33]

Like a great many laws, the rule about the testimonial oath can be traced back to much earlier sources. "As to the legislation of the great kings of the seventh century, Chindaswinth and Recceswinth, who made an attempt to replace personal laws by territorial codes," Paul Vinogradoff informs us, "the greater part of it is based on Roman patterns."[34] It is true that Chindaswinth abrogated the *Lex Romana Visigothorum* when he promulgated his code, the *Fuero Juzgo.* Yet it is a matter of record that he borrowed many rules from the *Breviarium Alaricianum* compiled in 506 under Alaric II. The text there reads as follows:

> Long ago we ordered that witnesses be constrained by the obligation of an oath before they proffer their testimony . . . Likewise we approved the custom that no judge in any case whatsoever shall readily admit the testimony of one witness.[35]

witnesses, who were appointed by a judge to examine a widow suspected of feigning pregnancy in order to obtain her husband's property for her spurious heir. This rule as well as the ancient English writ, *De ventre inspiciendo,* may be traced to the *Sentences* of Paul, XXIV, 7-8; cf. also *Digest.* XXV. 4: *De inspiciendo ventre custodiendoque partu.* In Jewish law there is a reference to the desire of a woman to conceal her pregnancy in order to obtain for her son an inheritance from her second husband: אשה מחפה עצמה כדי שיירש בנה בנכסי בעלה *Yebamot,* 42 a; cf. also Meiri, *ad loc.*

[33] *Lex Visigothorum Reccessvindiana,* II 4. 2; K. Zeumer, *Leges Visigothorum Antiquiores,* (Hanover-Leipzig, 1894), p. 72: Judex, causa finita et sacramentum secundum leges, sicut ipse ordinaverit, a testibus dato, iudicium emittat; quia testes sine sacramento testimonium peribere non possunt.

[34] Vinogradoff, *Roman Law in Medieval Europe,* second ed. (Oxford, 1929), pp. 30-31. Incidentally it may be observed that many laws of the *Forum Judicum* were in force until the eleventh century; cf. Selig Cassel, article "Juden (Geschichte)," in Ersch and Gruber, *Allgemeine Encyclopaedie der Wissenschaften,* XXVII (Leipzig, 1850), p. 208, note 69.

[35] G. Haenel. *Lex Romana Visigothorum* (Leipzig, 1849), XI. 14. 2; cf. Max Conrat, *Breviarium Alaricianum: Römisches Recht im Fränkischen Reich* (Leipzig,

This law, like a great many regulations in the *Breviarium*, was taken verbatim from the *Theodosian Code*, XI 39.3, and was incorporated in *Justinian's Code*, IV 20.9 in which we are informed that this rule was a constitution issued by Constantine, at Naissus in 334.[36]

Consequently, the Jewish tribunals in Spain, North Africa, and Turkey in the fourteenth to the sixteenth centuries that sanctioned the testimonial oath adopted in imitation of the Spanish courts, were actually embracing an old Roman rule going back to the fourth century. Most noteworthy is the fact that no references are found in early Jewish legal sources of countries other than Spain to the fact that the testimonial oath was taken in Jewish courts. Nevertheless, by the eleventh and twelfth centuries this rule was seemingly observed wherever the civil or Canon law was recognized. Jews were surely acquainted with the custom. Thus, St. Ivo, Bishop of Chartres (1040-1115),[37] incorporated in his *Panormia* V. 21 the following rule:

> Testes pruisquam de causa interrogantur, sacramento debent constringi ut jurent se nihil falsi dicturos esse.[38]

1903), p. 516, note c: Jurisiurandi religione testes prius, quam perhibeant testimonium, iam dudum arctari praecepimus . . . Simili modo sanximus ut unius testimonium nemo iudicum in quacunque causa facile patiatur admitti.

[36] Cf. Cesare Bertolini, *Il giuramento nel diritto privato Romano* (Rome, 1886), pp. 248-49. The testimonial oath has plainly been bororwed from the ancient Greeks who were familiar with this practice. For references to this custom in classical Greek law, see R. I. Bonner and G. Smith, *The Administration of Justice from Homer to Aristotle*, II, (Chicago, 1938), pp. 172-174; for Hellenistic law, Erwin Seidl, *Der Eid im ptolemäischen Recht* (Munich, 1929), p. 101. Troplong asserts that this rule was introduced as a result of Christian influence but adduces no proof; cf. his, *De l'influence du Christianisme sur le droit civil des Romains*, third ed. (Paris, 1868), p. 122. It was incorporated into Canon law; cf. Emil Friedberg, *Corpus Juris Canonici*, I (Leipzig, 1879), p. 540.

[37] St. Ivo was one of the first to make use of Justinian's *Code* in all its parts; cf. Max Conrat, *Geschichte der Quellen und Literatur des römischen Rechts im früheren Mittelalter*, I (Leipzig, 1891), p. 78; A. de Wretsche, in *Codex Theodosianus*, ed. by Theodor Mommsen, I, 1 (Berlin, 1905) p. CCCXV, note 1. For St. Ivo as a source for Canon law, cf. Friedberg, *Corpus Juris Canonici* I, LIV-LXII.

[38] *Patrologia Latina*, ed. Migne, CLXI, 1218. This statement is taken verbatim from the *Interpretatio*, a Gloss on the *Breviarum Alaricianum;* on the origin and date of the *Interpretatio*, see Max Conrat, *Der westgotische Paulus* (Amsterdam, 1909), p. 64 ff.; Franz Wieacker, "Lateinische Kommentare zum *Codex Theodosianus*: Untersuchungen zum Aufbau und Ueberlieferungswert der

Perhaps an allusion to the familiarity with the testimonial oath can be found in a statement regarding Asenath preserved in the *Yalkut* (I, 146), a compilation of the thirteenth century.[39] The author remarks that Potiphera was resolved to kill Joseph after he heard the accusations against him but was deflected from his course by Asenath who came secretly to Potiphera and swore to him and told him the truth (ונשבעה לו וספרה האמת).[40] This conjecture gains plausibility when one recalls that Origen, in his reference to this incident, omits the fact that Asenath declared the true story under oath. There we read: "And they say that Asenath accused (*diabeblekenai*) her mother in the presence of her father that she had plotted against Joseph, and not that a plot was formed against her."[41]

Moreover, in the *responsum* of R. Isaac ben Sheshet cited above, inquiry was made concerning the need for taking the testimonial oath while holding a sacred object. The *Siete Partidas* also have the rule that the witness must swear while touching the Gospel.[42] The manner in which a witness should be sworn in before the judge, is as follows:

> He should place his hands upon the Holy Gospels and swear to tell the truth as far as he knows concerning the case in which he is

Interpretationen zum *Codex Theodosianus*," in *Symbolae Friburginenses in Honorem Ottonis Lenel* (Leipzig, 1935), pp. 259-356; W. W. Buckland, *Text-Book on Roman Law* (2nd ed., *Cambridge*, 1932), p. 36, note 2. The oath *de veritate dicendi* was mentioned by Boniface VIII in the *Liber Sextus*, and in the time of Honorius II (1124-1130); cf. E. J. Moriarity, *Oaths in Ecclesiastical Courts*, (Washington, D. C., 1937), p. 28.

39 This particular passage is cited from the *Midrash Abkir*, a book of uncertain date, probably of European provenance; cf. Leopold Zunz, *Die gottesdienstlichen Vorträge der Juden* (Frankfurt a. M., 1892), p. 296.

40 The author of this legend believed that the ancient Egyptians yielded more credence to a statement made under oath, as his contemporary Christian neighbors did.

41 Cf. Migne, *Patrologia Graeca*, XII, p. 135.

42 III. 16. 24; ed. G. Lopez, II, p. 599: "La manera de como debe jurar el testigo ante el judgador es esta; debe poner las manos sobre los santos evangelios et jurar que diga verdat de lo que sopiere en razon del pleyto sobre que aducho . . . et que por amor, nin por desamor, nin por miedo, nin por ruego, nin por cosa quel sea dada o prometida, . . . non dexara de decir la verdat . . . et todas estas cosas debe jurar por Dios, et por los santos et por aquellas palabras que son escriptas en los evangelios. Pero si el testigo fuere arzobispo o bispo,

called; and that neither on account of love, nor hate, fear, request, nor anything given or promised . . . will he refrain from telling the truth;[43] . . . and all these things he should swear by God, by the Saints, and by the words written in the Gospels. If the witness is an archbishop or bishop, there is no need for him to place his hands upon the Gospels, but it will be enough if he swears to tell the truth,[44] as he should do, in the presence of the Gospels, as we stated above.

With regard to the special oath the Jew was obliged to take, the following procedure is prescribed:[45]

Jews who are obliged to take an oath should do so in the following manner: He who requires an oath of a Jew should go with him to the synagogue, and the Jew who is to be sworn should place his hands[46] on the *Torah* with which they pray.[47] Christians and Jews should be present to see how he takes the oath.

The Spanish law of swearing upon the Gospels can be traced ultimately back through the Church to Jewish law. The old Jewish rule required a person who was obliged to take an oath to do so while holding the Scroll of the Law. This will be demonstrated later. Nevertheless, in this instance one may not speak of an influence of Jewish Law on Spanish

non ha por que poner las manos sobre los evangelios, mas abonda que jure que dira verdat segunt que a el conviene, estando los evangelios delante asi como desuso deximos."

[43] Cf. *Novels of Justinian*, 124. 1.

[44] In the *Talmud, Shebuot*, 38 b, it is stated that scholars took the oath by the phylacteries; cf. *infra.*, notes 60 and 70.

[45] *Las Siete Partidas*, III. 11. 20: Judios habiendo de jurar debendo facer desta manera; aquel que demanda la jura al judio debe ir a la sinagoga con el, et el judio que ha de jurar debe poner las manos sobre la tora con que facer oracion, et deber seer delante cristianos et judios porque vean como jura. Cf. J. Weill, "Source de la formule du serment juif codifiée dans les *Partidas* d'Alphonse X.," *REJ.*, LXXXVI (1928) p. 58-60; Guido Kisch, Studien Zur Geschichte des Judeneides im Mittelalter," *Hebrew Union College Annual*, XIV (1939), pp. 438 ff.; A. Neuman, *The Jews in Spain* I (Philadelphia, 1942), pp. 158 f. The special *Judeneid* administered to the Jews was not in accordance with the old Roman law. The latter did not attribute validity to an oath taken in accordance with a religion not recognized by the State; *Digest*, XII. 2. 5.

[46] The placing of the hands on the *Torah* seems to be assimilated to the Christian custom. The Jews were averse to touching the naked scroll; cf. *Shabbat*, 14 a: כל האוחז בספר תורה ערום נקבר ערום; also *infra*, note 86.

[47] The statement, "On the *Torah* with which they pray," is probably a Gentile allusion to the Jewish custom of reading from the Scroll of the Law in the synagogue during the service on the Sabbaths and other occasions.

law.[48] For the rule requiring an oath upon the Gospels was not incorporated into the Spanish code directly from Jewish sources. The *Siete Partidas,* to quote H. Hazeltine, "may best be described as a systematic compendium of these two legal systems (Roman and Canon law) modified in some particulars by Alfonso's jurists in order to adapt them to Spanish conditions."[49]

Turning to post-classical Roman law, one can observe that this rule was here the result of a gradual development. At first, we meet with the practice of displaying the Sacred Scriptures in court during judicial proceedings. Later it became obligatory to swear in the presence of Holy Scripture. Finally it was necessary to take an oath while touching the Holy Scriptures or Gospels. In 469 C. E. Emperor Leo issued a special law regulating the sale of state property to a private individual in order to safeguard the interests of the government. These proceedings were to take place in full display of the Holy Scriptures, *propositis sacrosanctis scripturis* (Cod. Just. XI. 32, 3, 2). A general law that "all judges and arbitrators (disceptatores) of Roman law everywhere shall not start to hear a case unless the Holy Scriptures are displayed in front of the judicial seat" dates from the year 530: "Nisi prius ante judicialem sedem sacrosanctae deponantur scripturae."[50] They shall remain there until the reading of the final verdict.[51]

48 "To yet another alien people who lived in the Peninsula in great numbers and during many centuries—the Jews—it would seem that at most only a very slight influence upon legal institutions is attributable; an influence not yet accurately defined:" R. Altamira, *The Continental Legal History Series,* I (Boston, 1912), p. 581. It should not be overlooked that Jewish law might have influenced Spanish law indirectly through Muslim law; on the latter, see Raphael de Urena y Smenjaud, *La influencia Semita en derecho medioeval de Espana* (Madrid, 1898), reprinted in his work, *Sumario de las lecciones de historia critica de la literatura juridica espanola,* I (Madrid, 1898), pp. 305-344.

49 *Cambridge Medieval History,* V (New York, 1926), p. 747; for the Roman elements in the *Partidas* and for the Canon-law influence, cf. Altamira, *Continental Legal History,* I, pp. 627 ff., 634 ff.

50 In *Cod. Just.,* II. 58 (59). 1. 2., the reference is to *sacrosanctis evangeliis propositis.*

51 *Cod. Just.* III. 1. 14. 1.; also Cesare Bertolini, *Il giuramente nel diritto privato (Rome,* 1886), p. 25, note 74; E. Cuq, *Manuel des institutions juridiques des Romains* (Paris, 1917), p. 897, note 5.

How much legal significance was attached to the presence of the Scriptures in court during a trial? The answer to this question may be derived from the fact that a judgment rendered in a case of contumacy of one party was declared valid and subject to no appeal, "For when the awe-inspiring Scriptures are displayed in court the absence of the defendant is made good by the presence of God.[52, 53] As for the purpose of the display of the Sacred Scriptures during judgment we read: "that the judges while gazing upon the Holy Scriptures and consecrated by the presence of God will realize that they are being judged[53] as much as they are judging others" (quod non magis alios iudicant quam ipsi iudicantur), and that they are conducting cases that must be carefully weighed with God as a Consulting Examiner:[54] ipsi autem deo inspectore adhibito causas perferunt trutinandas.[55] And again we read that if the magistrate hears the cases and pronounces the verdict in the presence of the Holy Scriptures, what else is to be believed but that God Himself is the judge of men in all their cases: "Quid aliud, nisi pro hominibus deum in omnibus causis iudicem esse credendum est."[56]

Apparently in the time of Justinian there was no general rule requiring every oath to be taken by touching the Holy Scriptures as may be inferred from the following passage. The oath shall be taken either before the judge himself, or in the home of the party who is sworn, or by touching the Sacred Scriptures, or in the Holy Churches.[57] Furthermore,

[52] *Cod. Just.*, III. 1. 13. 4: "cum enim terribiles in medio proponuntur scripturae, litigatoris absentia dei praesentia repletur." For the presence of God at a judgement of the court, cf. *Berakot*, 6 a; *M. Abot*, III. 6.

[53] Cf. *Sanhedrin*, 6 b: ויהיו הדיינין יודעין את מי הן דנין ולפני מי הן דנין ומי עתיד ליפרע מהן Cf. *Cod. Just.*, III, 1. 14, 2. For the responsibility of man before God, see also Leopold Wenger, *Institutes of the Roman Law of Procedure* (New York, 1940), p. 336, note 11.

[54] Cf. *Midrash Tehillim* (Ps. 82. 1), ed. Buber, (Vilna, 1891), p. 368. There it is stated that God participates in judgment: שלא יאמרו הדיינין אנו יושבין לעצמינו בדין אלא אמר הקב"ה הוו יודעין כי עמכם אני יושב

[55] *Cod. Just.*, III. 1. 14. 2.

[56] *Cod. Just.*, II. 58 (59). 2. 8.

[57] *Cod. Just.*, IV. 1. 12. 5: . . . sive sub ipso iudice praestari oportet iuramentum sive in domibus, sive sacris scripturis tactis sive in sacrosanctis oratoriis.

there is reference to complaints of many women who allege that men profess love for them, take them into their homes, swearing while holding the Divine Scriptures or in the churches that they will eventually marry them, and later drive them out of their houses with or without their children.[58]

In several cases mentioned in the sources it is obligatory to take the oath while touching the Sacred Scriptures. Persons who petition that their slaves be questioned, for instance, shall not be granted their request, nor shall they be heard by the judge, unless they first swear while touching the Holy Writings: nisi prius tactis sacrosanctis scripturis deponant (*Cod. Just.*, II. 58 (59) 1.1). In another case, a person who was appointed as guardian (*curator*) for the insane was obliged to swear, before assuming his duties, *tactis sacrosanctis scripturis,* in the presence of the governor of the province, the bishop and the three highest ecclesiastics (*Cod. Just.*, 1.4.27). Moreover, when a magistrate was appointed to office he had to take an oath by the four Gospels to be held in his hand and by the holy archangels, Michael and Gabriel.[59] Litigants were required to swear at the beginning of an action in the presence of the judges and while touching the Holy Gospels. They had to assert not to have promised nor to give anything afterwards to the judges in order to obtain their favor (*Novel.*, CXXIV. 1). Justinian also ruled that a bishop could be compelled to appear in court to testify. The judge should send one of his officers to him to obtain a statement from him in the presence of the Holy Gospels as to what he knew (procheimenon ton hagion evangelion). This should be done in a manner becoming to the priesthood.[60] The last

[58] *Nov.* LXXIV. 5; cf. Bertolini, *op. cit.*, p. 59, n. 45.

[59] *Nov.* VIII. (ed. Schoell-Kroll, p. 89).

[60] *Nov.* CXXIII. 7; cf. also Bertolini *op. cit.*, p. 250, n. 12. According to an earlier law of Theodosius enacted in 381, no bishop should be compelled to give testimony either under the *jus honorarium* or the civil law; for it is not fitting for a bishop to testify, as this would be a personal hardship upon him and inconsistent with his priestly dignity, which is exempt from such matters: "episcopum ad testimonium dicendum admitti non decet, nam et persona oneratur et dignitas sacerdotis excepta confunditur; *Cod. Just.*, I. 3. 1; cf. C. 11. qu. 1. c. 9 (ed. Friedberg, I, pp. 628-629). The law of Theodosius being considered here

passage contains an explicit mention of the testimonial oath upon the Gospels, as early as 530.[60a]

III

PALESTINIAN JEWISH LAW, THE ULTIMATE SOURCE OF THE OATH UPON THE BIBLE

The rule concerning the touching of the Gospels while taking an oath was borrowed by the Romans from the Christians. John Chrysostom (345-407) refers to the taking of an oath in the Church (ecclesia) as follows:[61]

> "The Gospels which you hold in your hand, and upon which you require an oath, open it, and after having heard what Christ teaches you concerning oaths, tremble and withdraw. What does he teach us. And I say do not swear at all (*Matthew*, V 35) . . . As for me I shed less sighs and tears when I learn of the death of some unfortunates slaughtered on the highway than at the sight of a Christian, approaching the altar, stretching out his hand, touching (hapsamenon) the Gospels, and pronouncing the oath . . . If you are convinced of the sincerity of this man, do not exact an oath, if you know that he is lying, do not put him under the necessity of committing perjury."

In spite of the objections raised by the early Church Fathers, the custom of taking oaths took root. Euagrius, for instance, swore to the Emperor Theodosius II while placing his hand on the Gospels.[62] In the middle of the sixth century,

has a basis in classical Roman law. Callistratus in writing of certain people who should not be admitted to testify, observes: nam quidam propter reverentiam personarum . . . admittendi non sunt ad testimonii fidem; *Dig.*, XXII. 5. 3. 5. Paulus with regard to the rule permitting one to take an oath at home, remarks: Ad personas egregias eosque qui valetudine impediuntur domum mitti oportet ad iurandum; *Dig.*, XII. 2. 15. This rule calls to mind the statement of Rabbah b. R. Huna that a scholar is not required to give testimony before judges who are inferior to him if it would be inconsistent with his dignity. However, this exception extends only to civil matters, but not to religious law; cf. *Shebuot*, 30 b; *Tosafot*, *l. c.*, s. v. אבל; *Hoshen Mishpat*, 28. 5.

[60a] An ante-Justinian reference to the testimonial oath on the Scriptures is found in the Syrian-Roman Law-Book, L §106; cf. Victor Aptowitzer, "Jüdisches in Syrischen Rechtsbüchern," *Scripta Universitatis atque Bibliothecae Hierosolymitanarum* (Jerusalem, 1923), p. 10, note 1; Ludwig Mitteis, *Reichsrecht und Volksrecht* (Leipzig, 1891), pp. 519-522.

[61] "Homily to the People of Antioch," XV in Johannes Chrysostomus, *Oeuvres Complètes* ed. J. Bareille, III (Paris, 1856) pp. 264-265.

[62] Quoted from Sozomen by James E. Tyler, *Oaths, Their Origin, Nature and History* (London, 1834), p. 151.

Pope Pelagius I absolved himself from evil designs against Vigilius by taking a disculpatory oath while holding a crucifix and the Gospels over his head.[63]

It is clear that the Christian practice to swear by the Gospels is an adaptation of the Jewish custom to take the oath by the Scroll of the Law.[64] This custom is mentioned for the first time by R. Simon, a Palestinian scholar, who flourished during the second half of the third century. His statement reads מפני מה משביעין האדם בספר תורה ובנודות נפוחים.[65] Why do we administer an oath to a person by the Scroll of the Law and by distended hides?[66] In a Palestinian legend of uncertain date we read that Nebuchadnezzar compelled Zedekiah to take an oath of allegiance to him by swearing while the Scroll of the Law was placed near his knees:[67] הביא ספר תורה והניחו אצל ברכיו והשביעו. In that celebrated case before Raba, the deceitful debtor consented to take an oath by the Scroll of the Law (נסב ספר תורה ואישתבע) that he had repaid his loan only after the creditor took his cane in which the money he owed was craftily ensconced.[68] Elsewhere the cus-

[63] From Anastasius, *Bibliotheca*, No. LXII, quoted by Henry C. Lea, *Superstition and Force* (Philadelphia, 1870), p. 23, note 1. For other references to swearing by the Gospels, cf. Du Cange, *Glossarium Mediae et Infimae Latinitatis*, IV (Niort, 1885) p. 457, col. 3. The older Muslim jurists required the Christians to swear before the altar with the Gospels lying on their head; cf. W. Heffening, *Das islamische Fremdenrecht* (Hanover, 1925), p. 64. note 5.

[64] Tyler, *op. cit.*, p. 151 refers to Selden, II. 11, as the authority for the statement that the Christian custom to swear by the Gospels is an imitation of the Jews who swore by the Scroll of Law. This writer was, however, not able to locate this reference. John Selden, *Opera Omnia*, II (London, 1726), ch. 11, p. 1550, does refer to the Christian custom of swearing upon the Gospels but does not allude to its Jewish origin.

[65] *Vayikra Rabbah*, VI. 3, as quoted by R. Nissim to *Shebuot*, VI. 1049, and *Pesikta Rabbati*, ed. Friedmann 113 b. In the printed texts of the *Midrash* the reading is R. Aibo. Prof. Lieberman informs me that the Oxford MS of *Vayikra Rabbah* as well as the *Yalkut Makiri* on Zacariah, p. 50, Nahmanides and R. Yom Tob of Seville have the reading R. Simon.

[66] From this passage it is not clear whether the person took the oath in the presence of the Scroll of the Law or while holding it in his hands.

[67] *Pesikta Rabbati*, ed. Friedmann, 129 b; *Mordecai, Shebuot*, 757; cf. also Louis Ginzberg, *The Legends of the Jews*, VI (Philadelphia, 1939), p. 382.

[68] *Nedarim*, 25 a. On the קניא דרבא, see the exhaustive study of its underlying folkloristic motive in Bernard Heller's article, "Geld im Stock," *Handwörterbuch des deutschen Märchens*, II (Berlin-Leipzig, 1937), pp. 478-480.

tom in Babylonia of swearing by a sacred object is referred to as לאתפושי חפצא (grasping the sacred object) or נקיט חפצא (holding the sacred object).[69] In Amoraic times it was usual for the scholar to take an oath by the phylacteries.[70]

In the Geonic period, however, a Gaon permitted the oath to be taken over a prayer book because it contained the names of God.[71] But the custom to take an oath on the *Sefer Torah* was only gradually discontinued during this era.[72] Thus we read that the Gaon of Sura R. Sadok (823-25) abolished this practice because there were many people who did not disdain to perjure themselves (משרבו הנשבעין לשקר)". In

[69] The term חפצא used for sacred objects is unusual. R. Asher explains it as חפץ של מצוה (*Shebuot* VI. 1). The early authorities connect it with the ancient custom of swearing by the covenant of Abraham; cf. R. Hananel and Rashi to *Shebuot*, 38; R. Tam quoted in *Mordecai* to *Shebuot*, 757; R. Asher, VI. 1; cf. also Ginzberg, *The Legends of the Jews*, V, p. 260, note 284. The sacred objects included not only phylacteries but according to some later authorities also the fringes; cf. *Kol Bo*, section דינין ר' אליעזר ב"ר נתן, (ed. Furth, 1782), f. 5 a. Livy, *Ab Urbe Condita*, XXI. 1, with respect to the story of Hannibal's oath uses the phrase *tactis sacris*, touching the sacred object. As is well known, Christians were accustomed to swear by the relics of saints; cf. Emile Jobbé-Duval, "Les idees primitives dans la Bretagne contemporaine," *Nouvelle révue historique de droit français et étranger*, XXXIII (1910), p. 584 f. For reference to this usage in Jewish sources, cf. *Responsa of Rashi*, ed. Elfenbein (New York, 1943), p. 200.

[70] *Shebuot*, 38 b. R. Asher is of the opinion that the rule to take an oath by the Scroll of the Law is a rabbinical ordinance תקנת חכמים, *Shebuot* VI. 1. R. Solomon b. Adret remarks that the oath consists not in the person's saying 'I swear by this Sefer Torah;' but while holding the Scroll, he says, 'I am swearing by God;' *Responsa* I 647= שו"ת מיוחסות לרמב"ן, no. 25. This is unlike the Muslim view which held that one may swear by the Koran, as long as one thinks of it as the eternal uncreated attribute of God, but if one thinks of it as the material copy of the Koran, the oath is invalid; cf. Pedersen, *Der Eid bei den Semiten*, p. 207; cf. also *Ned.* 14 b: הנודר בתורה לא אמר כלום במה שכתוב בה דבריו קיימין.

[71] Ginzberg, *Geonica*, II 153. In some sources this *responsum* is attributed to R. Saadia Gaon, in others to R. Hai Gaon; cf. Ginzberg, *op. cit.*, p. 146. Among the Muslims, the Sahih of Al-Buhari could be substituted for the Koran; cf. Pedersen, *op. cit.*, p. 149.

[72] According to one Gaonic *responsum*, an oath taken without holding a sacred object was invalid unless the ceremony was repeated while holding the object; cf. *Shaare Sedek*, (ed. Salonica. 1792), f. 72 b no. 7.

[73] *Hemdah Genuzah* (Jerusalem, 1863), no. 22; cf. H. Tykocinski, *Die Gaonäischen Verordnungen* (Berlin, 1929), p. 81, note 2. According to Aptowitzer, the custom to swear by the Scroll was already abolished by R. Yehudai Gaon of Sura (760), but the usage remained in force in Palestine throughout the Geonic period; cf. מחקרים בתשובות הגאונים. (Jerusalem 1941), pp. 92. f.

the time of Paltoi Gaon (842-858) it was still customary in some tribunals to require an oath by the Scroll of the Law.[74] Instead of the *Sefer Torah,* the Geonim instituted a gruesome ceremony fraught with symbolical meaning, and accompanied by fierce imprecations (גזירתא or ארור). It was calculated to inspire terror in the heart of the ligitant and to deter him from uttering a false oath. The Scroll was taken out of the ark and was opened up to the place where the scriptural curses are found.[75] A bier was covered with a shroud or *Tallit,* upon which was placed a cock symbolical of man גברא חלף גברא, reminiscent of the Kapporot ceremony,[76] lights were kindled, symbolical of the soul of man, distended hides were displayed,[77] ashes were strewn under the feet of him who was to take the oath. Trumpets were blown while the man was led to the place near the ark. The precentor (חזן הכנסת) standing on a platform near the ark pronounced the curses that would overtake the person in the event that he did not admit the truth. The ceremony usually took place in the synagogue on a Monday or Thursday after the morning service, while all the worshippers were present, or at least in the presence of ten men.[78]

R. Natronai, Gaon of Sura, (853) was asked whether it was necessary to adjure a widow, who was claiming her dowry from the estate of her late husband, in the presence of the whole congregation while the *Hazzan* was holding the Scroll, or whether the ceremony could take place at the *Beth Din* in the presence of ten elders. To this inquiry he

[74] Cf. *Responsa* of the Geonim (Lyk, 1864), no. 9.

[75] Cf. Simhah Assaf, תשובות הגאונים in מדעי היהדות II (Jerusalem, 1927), p. 103. Among the Muslims it was customary to place a copy of the Koran in one's lap, to open it up to the ninth Sura, and to recite the verse; "Those who barter their engagement with God and their oath for some paltry price, for them there will be no portion in the world to come;" cf. Pedersen, *op. cit.*, p. 149.

[76] Cf. R. Asher, *Yoma,* VIII. 23.

[77] While the imprecations were being uttered, the lights were extinguished and the skins were pierced or loosened; cf. Assaf, *l. c.*, p. 103, quoted also by R. Nissim to *Shebuot,* VI, 1149; הגהות מיימוניות to הלכות שבועות XI, 13; *Aruk,* (ed. Kohut), s. v. היסת III, 229.

[78] Cf. *Shaare Sedek,* f. 76 a, no. 22; *Responsa* of Geonim, ed. Lyk, no. 9.

replied that she should be sworn in the presence of the entire congregation after the prayers while she was holding the *Sefer Torah.*[79] R. Semah, Gaon of Sura, (882), remarked that when the woman held the Scroll she was facing the congregation with her back to the ark, while the *Hazzan ha-Keneset* uttered the conditional imprecations.[80] Later it was the custom for a pious woman (אשה צנועה)to be sworn in the presence of three religious persons. (שלשה כשרים).[81]

IV

POST-GEONIC EXAMPLES OF THE OATH

In post-Geonic times the validity of the *Takkanah* was recognized by Rashi, R. Isaac b. Samuel, R. Eliezer b. Nathan, R. Abraham b. David of Posquières, and R. Meir ha-Levi Abulafia.[82] While Rashi himself refers to the contemporary custom pronouncing the curses (ארור) in the presence of ten people instead of imposing the oath,[83] there is a case on record in his own time where several partners each took an oath by the Scroll of the Law not to withhold the share of the other after they had agreed to dissolve partnership.[84] Maimonides, who in his Code[85] ignored the Geonic enactment calling for the abolition of the oath on the Scroll, R. Jacob b. Asher and R. Joseph Caro are chiefly responsible for the reinstatement of the oath in the proceedings of the court.

An interesting departure from the rules governing the testimonial oath is recorded by R. Israel Isserlein.[86] When a

79 Cf. *Shaare Sedek,* f. 69 a, no. 72; J. Mann. JQR., N. S., X (1920), p. 347.

80 Cf. *Responsa* of Geonim, ed. Lyk, no. 9; Tykocinski, *op. cit.,* p. 92, n. 1.

81 Cf. Assaf l. c. p. 103.

82 Cf. Tykocinski, *op. cit.,* p. 98.

83 Cf. *Responsa of Rashi,* ed. Elfenbein, no. 244, p. 285, to which may be added אור זרוע to *Baba Mezia,* no. 6.

84 Cf. *Responsa of Rashi,* no. 71. p. 88. R. Meir of Rothenberg was asked whether the oath taken by partners was biblical or rabbinical; cf. his *Responsa* (ed. Budapest, 1896), no. 272. R. Nissim ascribes to the Geonim the view that oaths required by Scripture or by the Mishnah must be taken while holding a sacred object whereas שבועת היסת does not require it, *Shebuot,* VI. 1149, 1152.

85 Cf. *Kesef Mishneh* to *Hilkot Shebuot,* XI, 13.

86 פסקים וכתבים no. 36. This *responsum* is cited by *Beth Joseph* to *Hoshen Mishpat* 87, and by R. Moses Isserles, 87.15, and used by Mordecai Jaffe לבוש עיר שושן 87.15.

person takes an oath in a case involving the admission of taxes which has the force of a biblical oath[87] (שהיא שבועה כעין דאורייתא) or an oath involving partnership,[88] according to Isserlein, he should place his hand on the Scroll of the Law lying before him (וישים ידו על ספר תורה כשהיא מונחת לפניו).[89] He does not take it into his arm. Such was also the decision of מהר"א, R. Abraham Mendel.[90] Neither does the defendant hold the Scroll when he takes an oath required by Scripture, or to purge himself of the claim of the plaintiff which is supported by one witness. With respect to the other oaths, as in the case where a woman is sworn, she does not place her hand on a Scroll but on another sacred book.

When a law was promulgated in Breslau about 1450 requiring the Jews when taking an oath to pronounce the Tetragrammaton with uncovered head, R. Isserlein declared that he did not find any express prohibition of such a practice, although some of his contemporaries wished to forbid it.[92] The Polish Talmudist R. Joel Sirkes (1561-1640) observed that in his day it was customary to swear in the synagogue while the ark was open and the Scrolls were lying therein.[93] R. Jacob Weil (flourished first half of the fifteenth century)[94] handed down a decision on the basis of the *Mor-*

[87] Similarly, the Geonim considered the oath taken by a defendant that he was without means to pay what he owed, to be כעין דאורייתא, *i.e.*, to have the force of an oath required by Scriptures which must be taken while holding a sacred object; cf. Assaf, "Responsa of the Geonim," in מדעי היהדות II, p. 104.

[88] Cf. *Hilkot Sheluhin*, IX. 1; *Hoshen Mishpat*, 93. 1.

[89] This seems to be due to Christian influence; cf. *supra*, note 46. R. Elijah of Vilna calls attention to *Nedarim*, 14 b, הא דמחתא אורייתא אארעא in his glosses to *Hoshen Mishpat*, 87. 15.

[90] He was a pupil of Isserlein; cf. Berliner, *MGWJ.*, *XVIII* (1869), p. 277.

[91] The widow who claimed her dower was not required by R. Isaac ben Samuel to take an oath but she was obliged to tell the truth under the dire threats of fearful imprecations, cf. *Mordecai, Shebuot*, 757; R. Asher, *Gittin*, IV. 8.

[92] פסקים וכתבים no. 203; cf. Zunz, *Gesammelte Schriften*, II (Berlin, 1875), p. 259, note 2. Cf. Tyler, *Oaths, Their Origin, Nature and History* (London, 1834) p. 48 f.: "A Jew of the present day, we are told, regards no oath as obligatory, unless his head is covered whilst he is sworn. I have been lately told that Jews make a distinction in this respect, when they are sworn in a house and in the open air. They consider the roof of the house a sufficient covering."

[93] *Hoshen Mishpat*, 87. 31.

[94] *Responsa*, 171.

decai[95] that one may take an oath over the Pentateuch.[96]

The custom to require ten people to be present when an oath imposed by a court (שבועת הדיינין) had to be sworn, gradually fell into innocuous desuetude[97] by the time of R. Moses Isserles. Only in exceptional cases was it required, e. g., in the case of Rachel, wife of the late Enzil Elpogen vs. Mirl, wife of the deceased Simon Jeiteles. R. Ezekiel Landau of Prague (1713-1793) ruled that Rachel must take an oath by a sacred object to clear herself of claims against her. The heirs of Mirl desired she take the oath in the (אנ"ש) Altneuschul of Prague in the presence of ten persons, whereas Rachel asked permission to take the oath in her home in the presence of sextons as she was too weak to leave the house. R. Ezekiel Landau decided, in view of the extenuating circumstances, to allow her to swear in her home. But in order to compensate for this leniency, he would require the oath to be taken in the presence of ten, although R. Isserles held that it was no longer customary.[98]

In England swearing by the Pentateuch was customary for the Jews if an oath had to be taken before the civil tribunals. In a case argued in 1744 by John Tracy Atkyns before the High Court Chancery in the time of Lord Chancellor

[95] *Shebuot*, 7*5*7, R. Shabbetai Cohen (Shak) and R. David ben Samuel ha-Levi (*TAZ*) objected to R. Weil's opinion, because the passage quoted from the *Mordecai* refers to religious and not to juridical oaths, *Hoshen Mishpat*, 87. 1*5*. R. Elijah of Vilna agrees with their strictures, cf. *supra*, note 71, with regard to the Geonic *responsum* on this subject.

[96] R. Zewi Hirsch Ashkenazi, who studied and travelled in Turkey for a number of years in the second half of the seventeenth century, remarked that the Jewish tribunals there did not permit persons to swear upon prayer books, but insisted upon Scrolls or phylacteries, and that was the practice he personally followed; quoted by Taz to *Hoshen Mishpat*, 87. 1*5*.

[97] Cf. Isserles to *Hoshen Mishpat*, 87. 17. At the time of the author of the *Kol Bo* it was still customary to impose the oath on the day of Assembly יום הכניסה, i.e., Monday or Thursday which has its roots in Geonic tradition; cf. *supra*, note 78. Cf. section דינין מספר התשב"ץ of the *Kol Bo* (ed. Furth, 1782), f. 5 b. For the phrase יום הכניסה cf. *M. Megillah*, I. 1; *Bereshit Rabbah, ed. Theodor-Albeck* 49. 13. p. 514.

[98] *Noda-be-Yehuda*, First Series, *Hoshen Mishpat*, no. 13. R. David ibn Zimra, an Egyptian rabbi of the sixteenth century, decided that distinguished women (נשים יקרות) need not be compelled to come to court, but may take the oath in their homes in the presence of the clerks of the court; *Responsa*, I. 401; cf. also *supra*, note 60.

Hardwicke, a decision of Coke was cited that the "testimony of a Jew *tacto libro legis Mosaicae* is not to be rejected."[99]

In the practice of French courts the following instances seem worth mentioning. In 1755 a Jew was obliged to make an affirmation in court. His counsel requested that his client be permitted to swear, "*suivant les usages et privileges de sa nation.*" The president of the court cutting the ceremony short, requested the Jew to raise his hand. Immediately the Jew covered his head, instead of raising his hand, drew a Bible out of his pocket, put it in his left hand, and placed his right hand upon the Pentateuch. The president said to him: "You swear and promise to tell the truth." After making the necessary interrogation, his affirmation was recognized as valid.[100] In a case in 1807 in which a certain Jacques Hirtz was the plaintiff, the court ordered the witness to take an oath before testifying. In order to carry out his order, the magistrate appointed a commission, who betook itself to the synagogue in Wintzenheim, near Colmar. There the two Jewish witnesses took an oath by the "*Coscher Sapher Thora*" which was held by the rabbi of the consistory. After their return to Colmar the evidence was heard.[101, 102]

Briefly to recapitulate, the custom of using the testimonial oath in Jewish tribunals in Spain in the fourteenth century was the result of direct influence of contemporary Chris-

[99] Cf. *The English Reports*, Vol. XXVI, Chancery VI (Edinburgh-London 1903), Atkyns, Vol. I, p. 17; for early references in English law, Thomas R. White, "Oaths in Judicial Proceedings and their Effect upon the Competency of Witnesses," *The American Law Register*, N.S., XLII (1894), p. 387.

[100] Cf. Antoine Philippe Merlin, *Répertoire universel et raisonné de jurisprudence*, I (5th ed., Brussels, 1825) p. 263. It may be noted here that this *Répertoire* has much interesting information on the Jewish oath in Vol. VII, pp. 237-287, s. v. *Juifs;* and Vol. XXXI, pp. 34-38, s. v. *Serment.*

[101] Cf. A. P. Merlin, *Recueil alphabetique de questions de droit* XIV (4th ed. Brussels, 1829) p. 216.

[102] The Library of the Jewish Theological Seminary of America possesses a copy of a Pentateuch printed in Vienna in 1804, which was used in the civil courts of Prague for the ceremony of taking an oath. The fly-leaf of this copy contains a German translation of a statement by R. Eleazar Fleckeles (1754-1826) signed in 1809, that this copy of the Pentateuch is authentic and may be used in taking oaths as prescribed by law, with directions that the person place his hand on *Lev.* 26; 14; cf. Alexander Marx, *Register of the Jewish Theological Seminary of America* (New York, 1929), p. 174.

tian legal procedure. The rule itself ultimately goes back to a constitution issued by Constantine in 334 C. E. Although the innovation was sanctioned by R. Nissim, R. Isaac ben Sheshet, and R. Simon Duran, it did not take root in Jewish legal procedure, because it was manifestly inconsistent with the whole spirit and tenor of Jewish law. The few references to this practice relate to Spain, and the Spanish communities of Algeria and Turkey of the fourteenth up to the sixteenth century. Conversely, the law enacted by Justinian in 530 C. E. requiring persons obliged to take an oath, to swear while touching the Holy Scriptures or the Gospels, is directly traceable to Christian influence. Christian usage, in turn, can be traced back to the practice of the Palestinian Jews. The latter were accustomed, as early as the third century, to swear while holding a *Sefer Torah.* Isserlein's reference to the Jewish custom of placing the hand on the Scriptures in taking an oath is most likely to be ascribed to Christian influence.

REVIEW SECTION

THE STORY OF THE JEWISH COMMUNITY OF EASTON, 1752-1942

A BOOK REVIEW*

By Guido Kisch
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"AMERICAN Jewish history has hardly as yet become the subject of serious study and investigation. Though a great deal of spade work has been done, particularly under the aegis of the American Jewish Historical Society, most of the essential materials still lie buried in local archives, waiting for the excavators who will take the trouble to bring them to light. Nor can haphazard and unorganized research, even if it succeeds in unearthing a host of interesting facts, provide the basis for a systematic analysis of the development of Jewish life and institutions in this country. It has long seemed to me that what we really need is to examine and analyze the records of the local communities, along the lines of the excellent studies of Jewish communities produced in Europe, notably in Germany and, more recently, in Poland, and that only out of a series of such studies will it be possible for a history of American Jewry ultimately to emerge."

This notable paragraph of introduction to the author's Preface, well deserving to be reprinted here in full, sets the keynote for his remarkable work, and at the same time offers an important program for American-Jewish history in general. Joshua Trachtenberg first won scholarly recognition through his book, *Jewish Magic and Superstition* (1937), a highly-praised study of the various beliefs in supernatural manifestations, which have become absorbed in Jewish life and have subsequently acquired, in some instances, peculiar Jewish interpretations. In 1943 he published a work on the medieval conception of the Jew, based on abundant historical material and conceived with historical-psychological sagacity and

* Joshua Trachtenberg, *Consider the Years: The Story of the Jewish Community of Easton*, 1752-1942. Published by the Centennial Committee of Temple Brith Sholom, Easton, Pennsylvania (edition limited to 300 copies). Easton, 1944. XVII and 327 pp., with numerous full-page illustrations.

penetrating scholarship. Trachtenberg's third opus, here under review, is his first one to treat Jewish source material of the nineteenth century. In this work he attempts to translate into practice his theory on how American-Jewish history ought to be written. His subject is the origin and development of the Jewish community of Easton, Pennsylvania, where he has been rabbi for the past fifteen years. Easton is "so small and unimportant a community" that the author feels a responsibility of explaining to the reader why he devoted so much work and space to write its history. "Easton's is one of the oldest Jewish communities in the country," he relates. "It contains one of its oldest congregations, and its oldest synagogue in uninterrupted use as such. Greater claim to fame than this it cannot boast. In its long history it has produced no single individual of more than local renown, has made no special contribution to the progress of American Jewish life." Yet, paradoxically, herein lies the special interest of the history of this country community. In a sense it is typical of the small community throughout the nation; in a larger sense it exemplifies the forces that have operated to produce the entire American Jewish community of today. It has known all the varied movements of migration, the religious adjustments, the economic changes, the social conflicts, the communal developments that have characterized American Jewish life. American Jewish historiography must be grateful to the author that he deviated from the customary way of small congregations (often chosen also by large congregations of historical renown), namely, to mark anniversaries by issuing pamphlets, which include a more or less reliable historical survey, but mainly consist of anniversary addresses, programs of festivities, congratulatory messages, lists of guests, etc.

On the one hundredth anniversary of his congregation the author produced a work of a different type. He described *in extenso* the historical evolution of Easton's Jewish community from the days when this little hamlet emerged in the wilderness and became a frontier village. At a time when it counted no more than 100 heads of families, ten Jews were already residing there. The author made a careful study of the small and fluctuating Jewish population of Easton in its beginnings. He traced their origin, described the pioneers and early settlers and their work. The general background that shaped decisively also Jewish life, is studied historically and sociologically. The great tides of migrations, after the Napoleonic wars, after 1848 and after the first pogroms in Russia, brought newcomers also to Easton. They, too, contributed their share in modeling and re-modeling the Jewish community. In 1839 Congregation *B'rith Sholom* was formed by emigrants from Germany, in 1842 a synagogue was erected. A congregational school was soon instituted, and all other necessary religious institutions came also into being. But "Revolt and Reform", as the author calls the pertinent chapter, followed as early as the middle of the century. By the end of the eighteen-sixties the process of reform had moved so far as to permit a trial of I. M. Wise's abbreviated, German-Hebrew ritual, *Minhag America*. The decisive change was effected with the enlargement and rededication of the synagogue in 1871. I.

M. Wise preached at the services. In 1889 a new orthodox congregation, *B'nai Abraham,* was formed by the "Russians," who had as little desire to join the "Deitshen", as the latter were anxious to admit their "newcomer" brethren from the East. Again, however, a slow process of accomodation set in as early as 1906-07: some "Russians" were elected to membership in the "German" congregation. The process continued in the following decades. Today the Congregation B'nai Abraham considers itself "conservative". "What has most effectively leveled the difference," writes Trachtenberg, "has been not the development of a mutually held conception of Judaism, but rather the common lack of any meaningful conception whatever. Neither theology nor philosophy stands between them. Nor, indeed, ritual either. The majority of the members of both observe neither the Sabbath nor the laws of *Kashrus,* attend the synagogue infrequently, and have divorced their daily routine from the ritual regime which once informed it. The *observance* of Judaism may no longer be said to be their primary conscious pursuit. Their religion must be regarded as a more or less formal accessory donned for special occasions, not as the motivating influence in their lives. Which is not to say that it has lost its pervasive hold on them, but rather that the American experience has rendered it inarticulate and driven it beneath the surface." Report and analysis of the historian find here an end. The narrative concludes with interesting reflections on American Judaism in general.

To erect this historical edifice, Trachtenberg searched carefully all available manuscript sources, among them more than 1500 folio pages of the records of the congregation written in German, and other minute books (see pp. 302 f.). Accuracy of the historian found expression not only in the text but also in pertinent foot-notes and useful appendices containing valuable lists, such as the assessments of Easton Jews prior to 1800; Jews in military service during the wars of 1776-1783, 1861-1865, 1917-1918; occupations of German Jews of Easton 1840-1890; rabbis (1842-1942) (1851 saw no less than five rabbis, 1861 four, while the author established the record of 15 years in his congregation), officers and members of the congregations. The style is brilliant. The author has the gift, all too rare even among fine scholars, of knowing how to make history lively and how to bring it near also to the general reader. The stories of Washington's only *kosher* meal in Easton (p. 71) and of Rabbi Sadler, who used to go shopping Saturday mornings before services and to deposit his market basket beside the pulpit while he conducted the service (p. 326), are historical facts but also gems of the author's sensitivity for "historical" humor.

True, the Jewish community of Easton was and is small and unimportant. Through the present book, however, it received the distinction to be the first American country-community whose history is immortalized in an exemplary manner. Vivant sequentes!

BOOK REVIEWS

Historical Research

AMERICAN HISTORICAL SOCIETIES, 1790-1860. By *Leslie W. Dunlap*. Privately printed; for sale at Brown's Book Shop. Madison, Wisconsin, 1944. IX + 238 pp.

ACCORDING to the American Antiquarian Society, "The history that is hereafter to be written is not to be merely the history of government and of politics, but the history of man in all his relations and interests, the history of science, of art, of religion, of social and domestic life" (p. 131). To encourage and enable such writing of history with the broadest scope possible, it is an important "duty to collect and preserve materials for future history, and to elucidate historical facts, which may have become obscure by the operation of time" (p. 21). American historical societies, dispersed all over the country, perform this duty in almost all states now over a period of more than one hundred and fifty years.

The history of these local societies is contained in the present volume. It is divided in two parts. Part Two offers a list of all historical societies, arranged according to states, and including historical sketches with bibliographical notes of each society. Part One gives an extensive discussion of aims, tasks, policies, and achievements of the societies, with a view toward the writing of American history. All important general works as well as the publications of the societies and even manuscript material have been consulted. This careful study, a valuable contribution to American historiography, should not be overlooked by students of American Jewish history. It will give them access to the hiding places of some sources that otherwise might easily escape their attention.

Guido Kisch

Modern History

GERMANY'S STEPCHILDREN. By *Solomon Liptzin*. The Jewish Publication Society of America. Philadelphia, Pa., 1944. VIII + 298 pp.

IN THIS BOOK, Professor Solomon Liptzin offers an account of the "tragic duality" (p. 1) of German and Jew, a duality that "was faced throughout the century between Napoleon and Hitler by all Germans of Jewish origin, or, if a different phrasing be preferred, by all Jews residing within German-speaking territory" (p. 2). The critical analysis of the

problem's solutions advanced by German-Jewish men-of-letters, by Czech-Jewish and Austrian-Jewish writers belonging to the German cultural sphere, may, as the author puts it, "help avert some errors of judgment and may further to some extent a better understanding between Jews and their neighbors" (p. 3). Accordingly, the following representative figures are treated biographically and their respective attitudes are analyzed correspondingly: Rahel Varnhagen, Boerne, Heine, Berthold Auerbach, Moses Hess, Herzl, Schnitzler, Walter Rathenau, Theodor Lessing, Jakob Wasserman, Stefan Zweig, Gustav Landauer, Beer-Hofmann, Martin Buber. Of Jewish-Christians are mentioned: Karl Beck, Moritz Hartmann, Joel Jacobi, Ludwig Robert, and David Ferdinand Koreff. The "Jewish Aryans" Otto Weininger and Arthur Trebitsch are not omitted. Ernst Toller and Franz Werfel are designated as "marginal" Jews. Max Brod, Arnold Zweig, and Erich Kahler figure as pan-humanists.

The book is an admirable literary performance. The narratives of the individual lives are as entertaining as any good short-story. The remarks on life and human nature are penetrating and profound; they deserve to be studied because they are the acute judgments of a mind obviously free of intentional prejudices, and packed with psychological sensibility. The author's evaluations are sincere and always lively.

The author has his canon of literary criticism; we have ours of historical research. Our criticisms coincide, on the one hand, with some of the expectations voiced in the Introduction, namely, that the analysis "may unveil insufficiently known difficulties . . . and may in some measure help point the way toward a more fruitful approach" (p. 3), but on the other hand, it turns out, that the additional warning, the author's analysis might"perhaps influence overbold theorists to be more wary of facile generalizations," must now be levelled against the author himself as one of the shortcomings of his book.

The measuring-rod applied to the subject under consideration is implicitly contained and clearly expressed in the exposition. The basic ruling thesis as to the Jewry of Germany is that its "beautiful dream of assimilation had turned into a nightmare" (p. 183) by 1933. Thus, the author is disposed to treat the German-Jewish duality as something inwardly self-containing and unalterable, i.e., as a "psychic" (p. 1) problem: "German and Jew—two souls within a single breast." This, of course, is an adoption of *Faust's* soul-searching sigh:

Zwei Seelen wohnen, ach! in meiner Brust.

A psychological nomenclature such as "pathological," "hatred," "psychic disintegration," (p. 195), etc. etc., indicates that the author was also thinking of Goethe's subsequent lines (vv. 1113-1117):

Die eine will sich von der andern trennen:
Die eine hält in derber Liebeslust,
Sich an die Welt mit klammernden Organen;
Die andere hebt gewaltsam sich vom Dust
Zu den Gefilden hoher Ahnen.

The German-Jewish psyche appears to the reader as a rather persistent and evidently incurable paranoia that found its "historic" (cf. p. 2) solution in the shock-therapy of the physical annihilation of German Jewry. The psychiatrical interpretation of conduct, thought and feeling of individuals, taking their very personal case-stories as being "symbolic" (cf. p. 210) for certain types, e.g., for so-called "marginal" Jews, denotes the author's concept of the German-Jewish duality and "assimilation" as a specific kind of mental disease: as a split between the "dream" and the actualities of a "nightmare" solution. His terminology of individual psychology applied to individual German Jewish writers and also to German Jewry as a collectivity, largely corresponds with that of C. G. Jung's *Psychological Types or the Psychology of Individuation*, (transl. by H. G. Baynes, second edition, 1924; The International Library of Psychology, Philosophy, and Scientific Method). The mutual relationship between phantasy and conduct such as is attributed to German Jewish life and letters, designating the collectivity of German Jewry as hopelessly contradictory, and certain expressions of her literary creations as a flight from life, are an obvious parallel to R .M. Brickner's well-known analysis of the German people (*Is Germany Incurable?*, 1943). But the question is whether the known data of individual psychology may be taken as "symbols" of a collectivity of human beings, be it a tribe, a people, or a nation. Obviously not, because "the total psychology of the individual even in its various basic characters is oriented by the nature of his habitual attitude. In spite of the fact that general psychological laws are operative in every individual, they cannot be said to be characteristic of the individual, since the nature of their operation varies completely in accordance with the nature of the general attitude. The general attitude is always a resultant of all the factors that can have an essential influence upon the psyche, such as inborn disposition, education, milieu-influence, experience of life, insight and convictions gained through differentiation, collective ideas, etc." (Jung, *op cit., p. 528 f.*). In addition to this limitation of the validity of individual psychology, Jung himself objects to the interpretation of history in the terms of the psychology of individuation (p. 578): "We cannot discuss the history of the world as though it were a problem of physiology . . . for the psychology of the individual can never be exhaustively explained from himself; a clear recognition is also needed of the way in which his individual psychology is conditioned by contemporary history and circumstances. It is not merely a physiological, biological, or personal problem, but also a question of contemporary history. In fine, no psychological fact can ever be explained from its causality alone, since, as a living phenomenon, it is always indissolubly bound up with the continuity of the vital process, so that on the one side it is always something that is, on the other side it is also becoming, and therefore always creative. The psychological moment is Janus-faced—it looks backwards and forewards. Because it is becoming, it also prepares for the future event." Only Nazi-Germany and Fascist

Italy discovered to their own satisfaction that an ethnic collectivity is like a person to whom the results of individual psychology may be attributed. German Jewry as a collectivity being likened to the individual psyche of German Jewish writers is a deformation of its actual status and not at all consonant with a sound interpretation of human life and history. As a group of men, however closely knitted or loosely connected, German Jewry represented and aggregation of human beings who were or were not welded into the union of German nationality by spiritual, moral, intellectual, and material achievements or failures of men who acted for themselves alone, or as members of a group, either spontaneously or deliberately.

Since the methodology of the book cannot stand the test of a critical analysis as to its scientific-theoretical groundwork, its historical conclusions are equally questionable. There is no reason for taking the liquidation of German Jewry as an historic proof testifying to the impossibility of German-Jewish assimilation as a solution of a hyphenated Jewish mode of living, be it French-Jewish, English-Jewish, or American-Jewish.

The sounder approach to the extremely difficult task of judging the concept of "assimilation" lies in the acquisition of a more objective historical knowledge of this concept's place in the still unwritten *political* history of the German-Jewish emancipation. Most of the writers treated in this book, undoubtedly lived in a sphere too far removed from the actual political scene that shaped the expressions of emancipation. While it cannot be denied that their contribution constitutes one historical segment of the problem, it is also evident that it is not the only factor. Since assimilation was to German Jewry in the first place a political problem, and only in the second place a cultural one, the "tragic duality" of German Jewry possesses a more representative row of individuals whose contributions are nearer to historical truth than those of "writers." To be sure, the active attitudes of men such as Moses Mendelssohn, David Friedlaender, Israel Jacobson, Eduard Gans, Leopold Zunz, Gabriel Riesser, Karl Marx, Ludwig Philippson, Salomon Steinheim, Samuel Hirsch, Friedrich Julius Stahl, Ludwig Bamberger, Lasalle, Formstecher, Hermann Cohen, Constantin Brunner, Hugo Preuss, Friedrich Gundolf, Franz Rosenzweig, etc., are more representative as far as the problem of assimilation is concerned than those of most writers treated by the author. He considered the problem primarily as a cultural problem due to his interpretation of Judaism as a civilization.

German-Jewish assimilation, from the outset based on the enlightened eighteenth-century principle of the inseparability of *liberty and letters* as advocated by Shaftesbury, being caught in the nineteenth-century growth of German Nationalism, was to German Jewry always a political problem. Its determining factors presented it as an irresistible trend towards complete identification of culture, nationality and nation. In this genesis, there was no room left for any bi-cultural standpoint, as used by the author as historical measure-rod in rejecting German-Jewish assimilation. To condemn the latter by applying the present-day concept of

Judaism as a civilization, seems to discount the genesis of history. But it will not do to bend history in accordance with deductive and preconceived notions. Even so able and well-intentioned a scholar as the author cannot oversimplify the complexity of historical facts.

Knoxville, Tennessee LUITPOLD WALLACH

RACIAL STATE: THE GERMAN NATIONALITIES POLICY IN THE PROTECTORATE BOHEMIA-MORAVIA. By *Gerhard Jacoby.* Institute of Jewish Affairs of the American Jewish Congress and World Jewish Congress. New York, 1944. Pp. XII + 355.

IN HIS PENETRATING STUDY of the "Racial State," Gerhard Jacoby has analyzed the German policy in the "Protectorate Bohemia-Moravia" from 1939 until 1944. The book is based on first hand material and contains abundant information which could be collected only by toilsome research work during many years. As a history of what actually happened to a territory overrun by the German armed forces, terrorized by the Gestapo, and exploited by the overlords of German war economy, the book is without rival in the English language.

The author does not restrict his studies to a factual report; his intention is rather to examine the tragedy of Bohemia and Moravia from a theoretical point of view. He raises the question whether the Nazi policy in these territories was in accordance with the ideas which were promulgated by the Nazis as justification for their claim to establish a "New Order" in Europe. This theoretical approach is important even at a time at which the military collapse of the Nazi dreams of a German-controlled continent is imminent. There is a definite danger that German propaganda in the post-war period will be based on the theory that the creation of a peaceful autonomous Europe in which under German leadership the various European nations could enjoy full employment, prosperity and security failed only because *raumfremde* powers intervened and made an end to Hitler's gigantic experiment. Jacoby introduces most convincing evidence that the incorporation of the Protectorate into the Reich was incompatible with and made impossible the fulfillment of the Nazi promise to grant to the Czechs cultural autonomy, self-administration and equality in the economic and social field. A first step toward conquest of the world, the enslavement of Bohemia and Moravia was planned as a means to degrade the Czechs to the status of a nation of peasants and workers who had to provide the fighting master race with bread and weapons. Antisemitism played an important role in the Nazi plan to convert a proud and democratically-minded nation into helots of its arch-enemies. The masters of the "Racial State" applied different methods of oppression to the Czechs and to the Jewish inhabitants of the Protectorate: the Czechs were exploited and the Jews annihilated. "By their antisemitic policy, the Nazis planned to deflect Czech antagonism from themselves to another quarter; and at the same time to point a moral and

post a warning of the consequences which opposition might entail. In this respect the elimination of the Jews was an item in the Nazi manual for policing subject territory by propaganda as well as force." As a propaganda weapon antisemitism proved a failure in the Protectorate. In one of the most remarkable chapters of his book Jacoby describes in detail the heroic resistance which Masaryk's nation offered to this devilish plan. "The Jews of Bohemia-Moravia, however, will not have survived to celebrate its defeat."

Washington, D. C. ERNST FRAENKEL

MIDDLE AGES

RABBI ISAAC BEN SHESHET PERFET AND HIS TIMES. By *Abraham M. Hershman.* The Jewish Theological Seminary of America. New York, 1943. XII + 263 pp.

IN THIS WORK Rabbi Hershman has made a valuable contribution to the history of the Jewish people in a period which in many respects bears much resemblance to our own. It was a period which saw the close of the "golden age" in Spain and the Jewish people forced into a new dispersion. Among the ablest leaders in these turbulent and critical times was Rabbi Isaac ben Sheshet Perfet, commonly known as RiBaSH, whose *responsa* form the leading source of this work.

The *responsa* of Perfet have been drawn upon before by a number of scholars, but never in so comprehensive a manner as has been done by the author of the present work. Wading through the 518 responsa of Perfet as well as other relevant rabbinic material, he has extracted an incredible mass of data which he has been able to reconstruct into the highly readable and instructive account he presents to us.

The work consists of two parts. Part One deals with the life-story, character, achievements and personality of Perfet. It attempts to estimate the great influence he exerted over the Spanish Jews who turned to him for guidance in all matters, social, communal, religious and domestic; and to describe the share he had in consolidating and organizing the heterogeneous mass of Jewish emigrants from the Iberian Peninsula in their new homes in North Africa. Part Two is devoted to a study of the communal organization of the Aragonese Jewries, the functions, powers and limitations of the *Aljamas,* the relation of the *aljamas* to the civil government, the various phases of their religious and moral life and their institutions and customs. It also includes a chapter on the Jewish communities in the Barbary States, and concludes with a presentation of data relating to Perfet's correspondents, which despite their more restricted personal character help to fill details in the picture drawn before us.

Over ground so wide as this it is not possible to follow the author

here. All that can be attempted in this notice is certain general reflections and impressions.

To begin with, the author has accomplished the task he set himself with success. He has collated and arranged his material systematically and has presented us, as a result, with a comprehensive, coherent and intelligible history of Rabbi Isaac Perfet and his times. The history, it is true, is one which will interest most of all its own people; but as the Jews through their external relations, both in Spain and in North Africa, made then a valuable contribution to the history of Europe and to the rest of the world, the interest should be general.

Valuable too, though of limited appeal, is the Appendix which deals with the dates of the *responsa*, and the way in which the author manages to unravel and discover clues that enable him to determine the exact or approximate dates of the several *responsa* is indeed a good piece of detective work. In this connection one might be permitted to suggest a date for *responsum* 426, for which the author states he has found no clue. The royal decree, referred to in this *responsum*, ordering all non-citizens, whether Jews or non-Jews, to leave the city of Huesca within three days, must have been occasioned, as Perfet himself mentions, either by famine or by war. In the year 1375, Huesca was ravaged by famine. It was a severe famine that gave rise to a number of problems, religious as well as communal, to which the author refers on page 244. *Responsum* 426 should thus be dated shortly after that visitation, say, 1376 or 1377, which would well fit in with the chronology of the immediately preceding and following *responsa*.

The addendum, entitled "Rabbi Meir ben Baruch Halevi and the *Semikah* instituted in Germany and France," will be welcomed particularly by the historian of the Rabbinate. Here the author argues forcibly against the theory of Lauer, supported by Zeitlin, that the controversy between Rabbi Isaiah ben Abba Mari and Rabbi Johanan ben Mattathias, into which Perfet was drawn, centered around the question of the status of a rabbi who held appointment by virtue of royal confirmation. He rightly shows that, at least as far as Perfet understood it, the point at issue was whether Rabbi Meir Halevi, as an outsider, had the right to interfere with the internal affairs of French Jewry. Likewise, expert historians will be glad with the "Additional Notes" which help to fix the dates of Perfet's birth, of his imprisonment, with Rabbenu Nissim and Rabbi Hisdai Crescas and others, while still in Barcelona, and of his death. Of surpassing interest is the information, which he reproduces from the Palestinian Hebrew daily *Ha-Arez*, regarding the *Sefer Torah* of Rabbenu Nissim of Gerundi, of which Rabbi Simon Duran speaks in one of his *responsa*, and which on the evidence of Rabbi Baruch Toledano, is now in Tiberias.

"For a long time it was in the possession of a small *sefardi* community in Brazil. The *Sefer* has been presented to the community by a venerable old Spanish Jew who averred that it had been in the keeping of his family for many generations. While in Brazil in the interests of the religious institutions of

Tiberias, Mr. I. de Haan came upon the Scroll and induced the members of the community to take it to Tiberias."

The book, notwithstanding its distinct merits and the very good fare it provides, is not free from defects. Chief among them is the somewhat fragmentary and sketchy presentation of much of its material. Here and there we come across pages that consist of bare facts without any attempt at reconstruction. In one instance (p. 123), the reader has before him a curious double sectional heading without a body or even a single comment or reference. Furthermore, Hershman could have considerably enriched his work by delving deeper into the rich deposits of historical and social significance in the *responsa* of Perfet. His treatment of Perfet's correspondents is particularly meager. He could have likewise utilized to greater advantage than he did, Fritz Baer's *Die Juden im christlichen Spanien* (two vols.; Berlin, 1929, 1936). That would at least have afforded him sure guidance in dealing with family and place names and in thus avoiding some of the uncertainty and inconsistency in regard to them noticeable in the work. Nor would it be out of place here to correct his statement that Simon Duran was "aggressive, self-assertive, ever ready to intrude his views and obtrude his personality and authority upon Perfet" (p. 53). This severe judgment is quite unwarranted. It is belied by the whole character of Duran, as known to us from his writings, and indeed involves a confusion of youthful exuberance and enthusiasm with aggressiveness and self-assertiveness.

These and other defects that may be detected are however of a minor character, and perhaps inevitable in handling such a mass of stray references and *disjecta membra* as went to the composition of the work.

If this book suffers from a serious defect, it does so in company of many, perhaps of most, of those written on *responsa* literature. It is almost the universal convention among writers of such works to gather fragments, which reflect different phases of Jewish life, and reconstitute them in a history of a particular period. While this is good as far as it goes, even where nothing that is strikingly new emerges from the study, it neglects the main importance of the *responsa*, as providing a unique source enabling us to trace the development of the Jewish law in all its manifold windings and branchings, revealing the interplay of Jewish and outside forces in the shaping of various legal institutions in Judaism. Viewed from this angle, the *responsa* of Perfet are unsurpassed. We see in them reflected, as nowhere else, the constant conflict between the Jewish criminal and civil law and the law of the land, and the methods adopted and devised by Perfet in dealing with the problem. Hershman himself is not unaware of this aspect of Perfet's *responsa*, of which he affords us a few glimpses in his book. But he has not touched the fringe of this subject, and in so far, he has not only left a gap in his work, but cannot be said to have succeeded in conveying to the reader the greatness of Perfet by virtue of which, to quote his words, "many, perhaps most, of the rulings of Perfet became precedents for rabbinic authority through the centuries" (p. 216).

This is however a sin of omission which can be rectified; and by none better than by the author himself who by his researches has not only prepared all the necessary spade-work but has proved his competence for such an undertaking.

Jews' College, London, (England) I. EPSTEIN

THE CHRISTIAN INTERPRETATION OF THE CABALA IN THE RENAISSANCE. By *Joseph Leon Blau.* Columbia University Press. New York, 1944. Pp. VIII + 167.

"THIS STUDY of types of Christian interpretation of the cabala represents the first attempt at an adequate, balanced treatment of Christian cabalism." In these words the author introduces his Foreword. To the knowledge of the reviewer, this is the only book in English which is devoted in its entirety to *Christian* cabala. The Bibliography, pp. [145] - 159, is complete and thorough. The author's analysis of Jean Thenaud's *The Holy And Very Christian Cabala* and the transcription of selections from this manuscript (Appendix D) are excellent and new contributions to this field of investigation. The work under review is undoubtedly a good *bibliographical* guide for one to whom the field is *terra incognita.*

The value, therefore, of Blau's book is to the reader who wants to learn. And yet when one has completed the reading of the volume, one is not brought close enough to the Cabala to understand in what way it would interest the Christians. The book is not philosophical enough. And on its historical side, it can be said, (the reviewer hopes in all fairness), that the author does not handle his times and places. It is unfortunately a "slender" volume.

We will take up our second mentioned general criticism first. In the Foreword, the author writes: "It is the general theme of this book that the use of cabala by Christian thinkers was a fad of no lasting significance." This is not the right way to put it. For the same thing can, in a certain sense, be said about the Cabala among the Jews. The Cabala, in the historian's purview, had its life and ceased to be; it was a part of the *Zeitgeist,* — both for Jews and Christians. The author, it seems, fails to look at it in the large. The beginnings of Christian interest in the Cabala appear too sudden and catastrophic in Blau's work. The first twelve pages of the book trace the history of cabala among the Jews. Although the author plainly recognizes (p. 6) that cabala had many predecessors and precursors, both in Jewish and in *non-Jewish* (the italics are mine) thought, yet on p. 13 he *suddenly* leaps into his main theme with the words: "During the years between 1480 and 1650 many Christian thinkers and writers made use of cabalistic materials in one fashion or another." Much should have and could have been said here by our author. The present reviewer deals with but one detail. The state of Christian learning was such about 1200 as to demand all possible additional light

upon its own ideology. It could not resist the streams that flowed from the Jewish and Arabic lands. As Christians became acquainted with cabala, it seemed to supply them with new sources of already known esoteric doctrine. The availability of this material came on gradually, not suddenly. Many streams broke out—Platonic Mysticism, Pythagorean numerology, the effects of "Aristotelian dualism", biblical moralism—all these brought a wealth and welter of ideas that played in many ways upon the words of Scripture as esoteric. In the light of the long history of Jewish and Christian intellectual relations, the "changes" which Christian cabala underwent were not so "drastic" (p. 15). The Christians had long ago made the Jewish Scriptures, and, in a special sense, even Talmud, Midrash and Targum their own. If the material of Jewish cabala became known in the first place to Christian scholars as material for apologetics and polemic, it continued increasingly to contribute motives and materials for an enlarging Christian commentary on Scripture. Just as it is true generally that the Renaissance presents no sharp break with the past, so, in the case of Christian cabala, it seems correct to say that the Christian scholars made an enthusiastic use and more significant reconstruction of older established intellectual traditions.

The thesis is also *philosophically* inadequate. Is cabala just "Oriental" knowledge? It surely did not exist alone. The Cabala did have an intellectual, philosophical environment: that was the concept of man and man's capacity for knowing. The Cabala when it became part of the heritage of Christian scholars was not altogether a foreign importation. The image of man as a "microcosm," for example, already appeared long before the rise of philosophical thought in many and widespread myths, and in many forms (see Ernst Cassirer, "Giovanni Pico Della Mirandola, A Study in the History of Renaissance Ideas," in the *Journal of the History of Ideas,* III, 1943, p. 319). The microcosm idea is likewise expressed clearly in the Midrash (see Gershom G. Scholem, *Major Trends in Jewish Mysticism,* Jerusalem, 1941, p. 353, n. 8). A good historian who is also a good philosopher could also show that the doctrines of the Christian Cabala did not just happen to come together merely because of divergent historical factors; there does hold between the many threads that make up the Christian Cabala a deep and objective connection; its ideas are not just eclectic; it constitutes an organic texture and tapestry, and is not a mere patchwork.

This work, notwithstanding the basic criticism presented here, remains an indispensable basis and guide for the serious student who wishes to investigate more deeply and to understand what the Christian cabalists really thought. It is a task over which one must spend many years. The account must be presented to the reader together with the original documentation; translation without the original text is most inadequate,—that is, where the sources are not easily available.

Pittsburgh, Pa. HERMAN HAILPERIN

THE EARLY HISTORY OF DEPOSIT BANKING IN MEDITERRANEAN EUROPE. By *Abbot Payson Usher*. Volume I: Part I. The Structure and Functions of the Early Credit System; Part II. Banking in Catalonia, 1240-1723. (Harvard Economic Studies, Volume LXXV). Harvard University Press. Cambridge, Mass., 1943. XXII + 649 pp.

IN SPITE OF ALL EVIDENCE to the contrary, money trade and banking are still frequently considered as a specifically "Jewish" subject. If new evidence were needed that this assumption is erroneous, it could easily be derived from the present volume. Jews are mentioned only once, with reference to some changes in the importance of Jewish and Christian money lenders in medieval Catalonia. "During the reign of James I (1213-1276), the Jews acquired many priviliges in return for the financial assistance they rendered the King. In succeeding reigns, special favors were withdrawn. Jewish business and money lending were regulated by the basic ordinance of 1240, which permitted them to do business, but recognized no special rights. Although they remained important, they lost much business to the Christians" (p. 238). Fritz Baer's voluminous collection of documents concerning Jewish life in medieval Spain, *Die Juden im christlichen Spanien,* (two vols., Berlin, 1929, 1936) would perhaps have furnished material for an interesting comparison. But even without going into details of the economic history of the Jews it is worthwhile noting that in a wide field of money trade Jews were either absent or did not play an important role alone.

In spite of this negative result that first attracts the attention of a Jewish historian, he will find Professor Usher's comprehensive work extremely useful and stimulating. Based on extensive documentary material which was drawn from European archives as well as from printed sources, it traces many gradations in the development of the banking system and presents a detailed analysis of the long and complex evolution in selected localities of Spain and Italy. The author has emphasized the broader problems of the early banking systems, relating them to the history of the credit system as a whole. Although he shows differences in structure that existed between the various regions and between the medieval and modern periods, he provides decisive evidence of the actuality of credit creation in the early banks of deposit. Thus a more complete and accurate picture of early banking than has previously been available is offered in this study.

In the course of presentation many a problem (not usury alone) is touched upon that will confront the future historian making an inquiry into the Jew's function in the evolution of economic life and institutions. Economic and legal history are here clasping hands. The bibliography, though not in every respect complete, will prove to be a reliable guide. An exceptional feature of the book is a glossary of technical and administrative terms, listed both in Catalan and in English.

A similarly comprehensive and scholarly monograph on Jewish trade and banking is an old desideratum the importance of which comes quickly to mind through the study of this work.

Jewish Institute of Religion GUIDO KISCH

ANNUAIRE DE L'INSTITUT DE PHILOLOGIE ET D'HISTOIRE ORIENTALES ET SLAVES. Tome VII (1939-1944). Edited by *Henri Grégoire* and *Robert Werner*. Editions de l'Institut. New York, 1944. 563 pp.

PUBLICATION of this "Annuaire in exile," the continuation of the well known Belgian scholarly annual, was made possible through international cooperation of academic institutions, scientific foundations, and individual scholars, all enumerated in the Preface, above all however through Professor Grégoire's indefatigable energy and organizing talent.

The scope of this impressive volume embraces Oriental and Slavic philology and history in the broadest meaning of the terms. From the point of view of "*Historia Judaica*" to which this note (not attempting a review of this important publication) must be confined, Professor Saul Lieberman's essay, "The Martyrs of Caesarea," deserves mention in the first place. On the basis of epigraphic material and talmudic sources the author discusses the attitude of the several communities in Caesarea and of the Palestinian Jews toward Diocletian's persecutions of the Christians and draws a parallel between the persecution of Jews and Christians. Through his equal mastery of early Christian and Jewish sources Lieberman spreads much new light on the religious, social, and political history of that important period. E. Bikerman in his article, "Héliodore au Temple de Jérusalem," offers a new interpretation of the story of Héliodore's expulsion from the Temple of Jerusalem, as told in II *Maccab.*, and artistically conceived by Raphael and Delacroix.

The only contribution of Jewish-historical interest the subject of which belongs to the Middle Ages, is Benjamin N. Nelson's and Joshua Starr's "The Legend of the Divine Surety and the Jewish Moneylender." It is the well known legend of Theodore, the Christian shipmaster of Constantinople, and his relations with his moneylender, the magnanimous Jew Abraham, who accepted the icon of Christ in the Chalkoprateia chapel as surety, as offered to him by his debtor; cf. Heinrich Loewe, "Die Juden in der Marienlegende," *Monatsschrift für Geschichte und Wissenschaft des Judentums*, LVI (1912), pp. 272 ff. The authors present and analyze the Byzantine legend, demonstrate its literary antecedents, examine certain variant forms, and assemble the scattered references to the image in question. From printed and manuscript sources they treat the complex problems of literary history with insight and circumspection, and thus succeeded in offering a welcome addition to our knowledge on this subject. The legal and social-historical problems involved, however, still call for a more penetrating interpretation. It seems

merely some kind of simplification if the introduction, in a certain version, of the servitude-for-default motif is generally ascribed to "the antisemitic drift in Europe after the First Crusade." (It would be better not to apply the nineteenth-century term "antisemitic" to the medieval period). The authors' evidence concerning "servitude-for-default" as presented in note 52 (pp. 330 f.) contradicts their statement in the text that such an offer or intention "ran counter to the civil and canon law." The mere citation of numerous monographs from the field of legal history is not sufficient. Only comprehensive studies in the history of the pertinent legal institutions will lead to a full understanding and appropriate evaluation of their significance in other fields of the history of civilization.

The volume concludes with obituaries of seventy scholars most of whom died as victims of Nazi tyranny or the war.

Jewish Institute of Religion, and
University of Notre Dame GUIDO KISCH

NUMISMATICS

JEWISH SYMBOLS ON ANCIENT JEWISH COINS. By *Paul Romanoff*. With an Introduction by Abraham A. Neuman. Distributed by Stacks, New York City. Philadelphia, Pa., 1914. 79 pp. and 7 plates.

THROUGH THE AID of Mr. Louis Werner of this city, who has provided the plates, the late Dr. Romanoff's finest work has at last come off the press. This is a learned, but not a dry book, and student and layman alike will find it a highly welcome and useful addition to Jewish as well as to numismatic literature.

Symbols, known as types in numismatic terminology, on Jewish coins are important for the history of Jewish coinage, religion, art and folklore. Only incidentally have they been mentioned in numismatics and otherwise, and have not been given the appreciation they deserve. In this study they are treated as a homogeneous group, having a central idea. They depict the beliefs of the people in that period, and are mainly agricultural symbols, connected with the agricultural festivals in the Temple. Human and animal types are absent from the Jewish coins. The following types are used: Palm tree, palm branch, lulab, ethrog, vine and grapes, pomegranate, lily-rose, cornucopiae, laurel wreath, wreath with olives; the Temple; menorah, star; amphora, omer-cup, trumpets, lyres. Romanoff lists and describes the several Jewish symbols as they appear on ancient coins, and then proceeds to explain them and the part they played in Jewish life and ritual. In this he succeeds admirably, and there cannot be any doubt that his method is highly useful in that it breathes life into coin types often in need of an adequate explanation, particularly for laymen or collectors of coins not acquainted with ancient Jewish symbolism. The lack of aramaic inscriptions as found on the coins

here given in square Hebrew transcriptions is to be regretted. From the point of view of numismatics the errors in this book are so very few and of so little importance—such as erroneous interpretations of certain late Roman coins—that the overall impression carries the book. It will certainly quickly become popular also among numismatical students and coin collectors.

Numismatic Review HANS HOLZER

BIBLIOGRAPHY

YEHOASH: A BIBLIOGRAPHY OF HIS WRITINGS. By *Bertshi Witkewitz* (Bernard Witt). A. Cohen, Publishing House. Cleveland, Ohio, 1944. 27 + 407 pp. (Yiddish).

PERSONAL BIBLIOGRAPHIES are to be considered as an essential part of bibliography in general. In S. Shunami's work, *Bibliography of Jewish Bibliographies* (Jerusalem, 1936), one fifth of the entire list is devoted to bibliographies of individual personalities.

Until recently scholars alone were honored—for the sake of scholarship—through the compilation of individual bibliographies. In the past decades in a similar way bibliographies of writers, poets, educators, and others were also published. Yehoash is the first among the Hebrew and Yiddish writers to receive a bibliographical appreciation as painstaking and voluminous as the book under review. While many works in the field of Jewish bibliography, even the booklists of some great scholars remained incomplete, often requiring repeated supplementation, the present Yehoash bibliography seems to be complete, a splendid and well illustrated volume of 436 pages.

Yehoash, being Solomon Bloomgarden (born 1871 in Wirballen, Lithuania; died 1927 in New York) started his career as a poet in 1891, simultaneously with Bialik. He was a forerunner of the modern trend in Yiddish poetry and is now regarded one of its classics. He also won renown for his new Bible translation into Yiddish, to which he devoted many years of his creative life.

The list of his writings is divided in three sections: poetry and prose, Bible translations, and biographical appreciations of his personality in different languages. The vast bibliographical material covering the period from 1891 to 1937 is arranged chronologically. To collect it from Yiddish literary publications and newspapers scattered all over the world was a tremendous task, clearly evidenced by the index and the numerous acknowledgments of the author. The volume counts 2547 numbers, but actually there are over three thousand items; for reviews and translations are listed under one number, e.g., nos. 223, 339, 340, 397, 452, 779, 780, 1154, 1624, 1628, etc. In this reviewer's opinion there are many superfluous numbers. The eight volumes of the Bible translation (pp. 172-173), for example, through subdivision are accorded no less than

32 numbers. The section on the Bible concludes with VI, the five *megilloth*. Logically they belong to the end of section III or have to follow thereafter. One may also differ in opinion from the author as to the necessity of including such minor items as "reportage" notes. This seems a little overdone, perhaps more than a little: כל יתר כנטול דמי The author modified the talmudic advice and read: תפסת מרובה תפס ת (if you grasp a lot you can hold it). He put great effort in the poetry part, giving the first line of every poem, noting variants, translations, reviews, and musical arrangements.

The work concludes with 14 detailed indexes (pp. 339-407). But an index of Yehoash's original Hebrew writings some of which were later re-translated into Hebrew (nos. 432, 641, 968, 1026, 1101, 1112), is missing. The book was ready for press as early as 1936. The delay in its publication necessitated an appendix for 1937 when numerous essays and commemorative articles appeared on the tenth anniversay of the poet's death. The author hopes to publish additional supplements later.

A bibliography of such a scope and size could spring only from admiration and affection of a pupil for his beloved master, of a worthy disciple to his unforgotten spiritual guide. If many of the personal bibliographies are labors of love, this Yehoash bibliography is love itself.

Jewish Theological Seminary Library ISAAC RIVKIND

SEPHER HA-YOVEL, A TRIBUTE TO PROFESSOR ALEXANDER MARX, BY COLLEAGUES, DISCIPLES AND FRIENDS, ON COMPLETING FORTY YEARS OF DISTINGUISHED SERVICES AS LIBRARIAN OF THE JEWISH THEOLOGICAL SEMINARY OF AMERICA. Edited by *David Frankel*. Alim. New York, 1943. Pp. 154 + X, with 8 plates.

AS THE TITLE PAGE indicates, the purpose of this volume is to pay a well deserved tribute to Professor Alexander Marx by his friends. It is divided in three sections: 1. Bibliography; 2. Historical Documents; and 3. Varia. All articles are written in Hebrew, except for one contribution in English, Moses Marx's essay on Gershom Soncino, the famous Italian-Jewish printer.

In the bibliographical section, Aaron Freimann discusses a newly discovered early edition of the *Meammez Koah* by Moses Almosnino, a prominent rabbi of the sixteenth century in Salonica and Constantinople. His important work was first published in Constantinople, in 1582. Photographic reproductions of the title and first pages are appended at the end of the article.

Two articles by Ch. Lieberman and Isaac Rivkind, dealing with the history of early Hebrew printing in Lithuania, Poland, and Russia, are notable contributions to the volume. Lieberman discusses the dates of the rabbinical positions held by R. Levi Isaac of Berdychev, as indicated by his dated signatures in various *haskamot*. Rivkind's work, with its

long and fully-discussed lists of prints from Jewish presses in various Russian and Polish cities, evidences extensive and thorough research.

Of special interest is the article by Boaz Cohen with a list of authors cited in the famous talmudic encyclopedia, *Pahad Yizhak*, by R. Isaac Lampronti, an Italian rabbi and physician of the early part of the eighteenth century. As Cohen points out in his introduction, Lampronti's work is important for the history of the religious and cultural life of the Jews in Italy in the seventeenth and eighteenth centuries, in addition to its considerable value as an encyclopedia.

A. M. Haberman contributes an interesting list of Hebrew poems containing discussions known under the name of *Rangstreitliteratur*, such as debates between body and soul, wine and water, the rich and the poor, etc. M. Higger publishes a descriptive list of some manuscripts of the De Rossi collection in the Library of Parma, Italy, covering mainly medieval *Midrashim*. The bibliographical section concludes with a short article by the Editor, David Frankel, on a newly discovered fragment with quotations by the RaSHBaM from a commentary on *Proverbs*.

The second section includes contributions by S. Assaf, Salo W. Baron, I. Sonne, Benjamin Klar, and D. Frankel. Assaf publishes two documents on the life of the Jewish communities in Pitom and Damsis (sic), in the eleventh and twelfth centuries A. D., a period in which Jewish cultural life in Egypt was greatly influenced by that of Palestine. Baron contributed three Palestinian letters of the eighteenth century, addressed to the rabbis in Italy. The Palestinian correspondents asked for money to be spent in the Holy Land for various cultural and charitable purposes. Sonne offers new documents pertaining to the Sabbatai Zevi movement. Klar prints some cabalistic documents of R. Chaim Ibn Etar, including also descriptions of tombstones in Palestine. This article is further supplemented by documents presented by D. Frankel.

The third section consists of articles by Leon Nemoi, S. Bernstein, and the late Abraham Spanier.

The volume is a fine contribution to Jewish bibliography and medieval Jewish history.

New York City MICHAEL HIGGER

NECROLOGUES

Emanuel Ringelblum

1900-1944

IN THE EARLY FALL 1944 the Jewish public opinion in the world was stirred by an open letter from Warsaw sent through underground channels to American Jewry by Dr. Emanuel Ringelblum and another prominent leader of the Left Poale Zion in Poland, Dr. Abraham Berman. This invaluable document, containing a detailed report on the remarkable cultural activities of the Jews in the Warsaw ghetto was written in the vein of a last will of the few surviving Mohicans of the ghetto fighters. In it resounded the outcry of the annihilated Polish Jews to their brethren in other countries for continuation of the struggle for liberation and for resolute building of modern Jewish culture to which they had devoted their lives.

The letter proper, dated March 1, 1944, was followed by a postcriptum, announcing that a week afterwards, on March 7th, Dr. Emanuel Ringelblum together with his wife, his 13 years old son Uriah and a group of other 35 Jewish intellectuals were shot by the Gestapo on the ruins of the ghetto after they had been subjected to cruel tortures. "Thus—we read there—the outstanding historian, the enthusiastic communal leader, the ardent builder of modern Jewish culture, died the death of a martyr."

Born in Buczacz (Eastern Galicia) Ringelblum attended high school in Nowy Sacz, graduated from the University of Warsaw in 1927, whereupon he was teacher of history in Jewish secondary schools in Warsaw. Since 1930 he was active in the Polish branch of the American Joint Distribution Committee as editor of its organ *Folkshilf*.

Ringelblum's first and outstanding work is the "History of Jews in Warsaw up to Their Expulsion in 1527" (in Yiddish), published in 1932 by the Warsaw branch of the Polish Historical Society. In this first study on the history of the Jews in the capital of Poland, Ringelblum was also the first to explore the medieval history of the Jews in the Polish province of Masovia, which was a sovereign duchy up to the sixteenth century. In this work its author threw new light on the activities of the Jews in medieval Poland in the fields of commerce, money trade, and handicraft, as well as on their culture and customs. In connection with his medieval studies Ringelblum published in 1930 (jointly with the writer of this note) a selection of "Sources to the History of the Jews in Poland" (both in Polish and in Yiddish). At the outbreak of the war

Ringelblum had ready in manuscript the history of the Jews in Warsaw up to the eighteenth century. Some chapters of this work appeared in various periodicals, *Yivo-Bleter, Fun Noenten Ovar, Zion,* and the most illuminating study on "The Legal and Political Status of Warsaw Jewry in the Eighteenth Century," in the *Historishe Shriftn* of the Yivo (vol. II, 1937).

Ringelblum's thorough researches in the history of the Warsaw Jewish community based on archival material served him as a basis for studies in the history of the Jews in all Poland. His study "Projects of and Attempts at Restratification of the Jews in Poland in the Epoch of King Stanislas Augustus" (published in Polish in *Sprawy Narodowosciowe,* 1934) reveals a multitude of facts on the impoverishment of Jews in eighteenth century Poland, on the status of inn-keepers in addition to the discovery of the earliest beginnings of Jewish factory-workers in the country. His study "On the History of the Jewish Books and Printing in Poland in the Second Half of the Eighteenth Century" appeared in 1936 as a publication of the Yivo. The last book of Ringelblum dealt with "Polish Jews in the Insurrection of Kosciuszko—1794" (Library of the Yivo, 1937).

Numerous valuable essays on the history of Jewish physicians and on hygiene among the Jews in ancient Poland were published by Ringelblum in the periodical *Sotsiale Meditsin,* organ of the OSE in Warsaw. About thirty of his monographic articles on the history of Jewish communities in Poland appeared in volumes 8-10 of the *Encyclopedia Judaica.* He was also co-editor of the publications of the Seminary for Young Jewish Historians *Yunger Historiker* (1926, 1929), and *Bleter far Geshikhte* (1934, 1938) in the founding of which he had been most instrumental.

Like his revered teacher, Ignacy Schipper, Ringelblum was the type of a scholar who could not stand aloof from communal and political life. Since his early youth an adherent of the Left Poale Zion movement he became one of the recognized leaders of its youth organization and later of the party. In 1938 he headed the relief work conducted by the American Joint Distribution Committee in the Zbaszyn-camp of refugees from Germany. Under the Nazi occupation at his initiative house-committees were organized in the Warsaw ghetto for distribution of food and clothing among the neediest. Under the innocent name of *Oneg Shabbes* Ringelblum contrived to establish Central Jewish Archives where all documents concerning the Jewish martyrology under the Nazi occupation were systematically collected.

By his highly creative life, his self-sacrifice and martyrdom the young historian of the Polish Jews, Emanuel Ringelblum, has become for Jewry of the entire world the shining symbol of the most sublime values it lost in destroyed Polish Jewry.

Jewish Teachers Seminary RAPHAEL MAHLER

Arthur Spanier

1889-1944

DEATH came to Dr. Arthur Spanier, former Director of the Hebraic Department of the Prussian State Library in Berlin, in a concentration camp in Germany on March 30, 1944, in his fifty-fifth year. The reason for commemorating him in the pages of this periodical removed from the field of his special studies is the fact that he himself, through his fate and through his work, became a subject of Jewish history.

Following the interests of his father, whose name is connected with a series of pedagogical books and with a work on the onomasticon of Hieronymus, Arthur Spanier combined with researches in classical philology intensive studies in many fields of the *Wissenschaft des Judentums*. The connection of classics with the Science of Judaism determined his scholarly position. After his return from a prolonged service in the First World War, he devoted himself entirely to biblical and talmudic studies. A brief activity as a highschool teacher was followed by an appointment at the "Forschungsinstitut für die Wissenschaft des Judentums," founded in Berlin in 1920. This research institute became the centre for a developing Academy for Jewish Studies and offered Spanier the possibility of unrestricted devotion to scholarship. But the desire for a practical activity caused him, in 1922, to enter the career of librarian in the Preussische Staatsbibliothek in Berlin. Here he found for the next fifteen years full expression for his abilities as librarian and scholar.

In 1937, when continuing in his position was no longer possible under the Third Reich, he began anew as lecturer at the Lehranstalt für die Wissenschaft des Judentums in Berlin, where he had once been a student. A new period in his life seemed to have begun for him, by his teaching as well as by his cooperation with this writer in combined targumic and Jewish-hellenistic studies aimed at finding new ways for the understanding of the transition from the biblical to early talmudic literature. The ominous Tenth of November 1938 destroyed these hopes. Spanier was taken to a concentration camp, and forced to leave Germany. A call to the Hebrew Union College in Cincinnati seemed to offer him a new opportunity. Many obstructions arose in regard to his emigration, and finally he sought temporary refuge in Holland. But from there destiny did not lead him to the West and into freedom. In 1943 he had to go back to the East, to Germany and to his tragic death.

Thus the fulfilment of his life consisted in adding to the crown of the Torah that of martyrdom.

Hebrew Union College EUGENE TAEUBLER

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Historia Judaica

JEWISH PREACHING AND PREACHERS

A CONTRIBUTION TO THE HISTORY OF THE JEWISH SERMON IN GERMANY AND AMERICA

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PREACHING IN GERMANY

LEOPOLD ZUNZ, in his immortal work *Die gottesdienstlichen Vorträge der Juden,* published in 1832, proved that preaching is an ancient historical institution in Judaism and traced its origin and evolution. He also showed how the sermon was later accepted by Christianity and Islam.[1] Yet the Jewish community itself all but lost the sermon during the Middle Ages. Rabbis of the German Jewish communities as late as the eighteenth century did, to be sure, deliver Hebrew and Yiddish derashot.[2] In these they discussed religious law, Jewish usage and ethics, and occasionally gave more or

[1] This essay tries to give a survey of the development of Jewish preaching, especially in Germany, from the days of the Enlightenment until now, but it treats only of the highlights. Therefore no bibliography of all published sermons is added. For a bibliographical survey, see M. Kayserling, *Bibliothek jüdischer Kanzelredner,* I. Jahrgang (Berlin, 1870); II. Jahrgang (Berlin, 1872); also Siegmund Maybaum, *Jüdische Homiletik* (Berlin, 1890), especially, pp. 189-385; Winter and Wünsche, *Die jüdische Literatur,* III (Berlin, 1897), pp. 772-824. הדרשה בישראל, מאת הרב שמעון יעקב הלוי גליקסבורג (Tel-Aviv, 1940), esp. pp. 336 ff., 394-440, is limited to orthodox and conservative preachers.

The author wishes to express his sincere thanks to Dr. Solomon Grayzel, Jewish Publication Society of America in Philadelphia, who was kind enough to revise the present essay stylistically.

[2] Cf. also Joel Müller, "Die jüdische Kanzelberedsamkeit im 18. Jahrhundert," in Brüll's *Populär-wissenschaftliche Monatsblätter,* VII (1887), pp. 145 ff., 169 ff., 196 ff.

less thoughtful explanations of passages in the Bible and the Talmud. Some of these orators, for example, Jonathan Eybeschütz (1690-1764), even succeeded in making their sermons simple and popular.[3] The fact is, however, that sermons like prayers in the German language, used to be delivered in the synagogues of Germany only on special occasions.[4] Moreover there was a world of difference between the *derashot* delivered by Jonathan Eybeschütz or Michael Scheuer of Mannheim (1782-1809)[5] and the modern Jewish sermon which had its beginning in the nineteenth century, that is, in the age of Enlightenment, of which the modern Jewish sermon is a child. For modern preaching originated outside of the official synagogue and largely despite its opposition; its very form was borrowed, especially from the Protestant sermon of that day.

The first stimulus to the development of the modern sermon was given by the educational institutions established by the "enlightened" Jews at the end of the eighteenth century. The Jacobson School at Seesen, the Philanthropin at Frankfort on-the-Main, and the private school of Jeremias

[3] Mortimer J. Cohen, *Jacob Emden: A Man of Controversy* (Philadelphia, 1937), pp. 93, 300, n. 71; Israel Bettan, "The Sermons of Jonathan Eybeschitz," *Hebrew Union College Annual*, X (1935), pp. 553-597.

[4] Such occasions were the reception accorded Duke Charles Theodor of the Palatinate in the synagogue of Mannheim in 1747; cf. Leopold Löwenstein, *Geschichte der Juden in der Kurpfalz* (Frankfurt a.M., 1895), pp. 223 ff.; 315 ff.; B. Rosenthal, *Heimatgeschichte der badischen Juden* (Bühl-Baden, 1927), p. 121; the victories of Rossbach and Leuthen (1757), the celebratoin of the peace of Hubertusburg (1763) in the synagogue of Berlin; cf. Kayserling, *op. cit.*, I. p. 3; Winter and Wünsche, III, p. 772; the celebration of the election of Emanuel Joseph as Elector of Mayence in the synagogue of that city in 1763; cf. *Der Israelit*, IX (1868), pp. 25, 26, 41, 42; *Magenza, ein Sammelheft über das jüdische Mainz im 500. Todesjahre des Mainzer Gelehrten Maharil* (1927), p. 103; the celebration of the happy return of Elector Max Franz of Cologne in Bonn synagogue in 1793; cf. Alfred Levy, *Aus Bonner Memorbüchern* (Bonn, 1929), p. 29; the memorial service of the Jewish community of Breslau for Frederick William II. in its largest synagogue, on December 3, 1797; cf. Reinhold Lewin," Die Judengesetzgebung Friedrich Wilhelm II," *MGWJ.*, LXXVII (1913), p. 589; and the solemn homage paid Elector Charles Frederick of Baden during his presence in the synagogue in Mannheim on June 13, 1803; cf. Isaac Unna," Oberrabbiner Michael Scheuer als Kritiker seiner Zeit, *Zeitschrift für Geschichte der Juden in Deutschland*, I (1929), p. 328; Löwenstein, *l. c.*, p. 265.

[5] See Unna, *ZGJD.*, I. pp. 322-328; B. Rosenthal, *ZGJD.*, III. (1931), pp. 72-75.

Heinemann in Berlin fixed devotional hours for their pupils, and an address of religious exhortation was an essential part of such devotions. Before long, the assemblies of the children expanded to include their parents and their friends. The confirmation ceremony for boys and girls, which was introduced at about that time, also became connected with religious services.[6] Another influence derived from the sermon which Josef Wolf delivered in the synagogue at Dessau in 1808, on the occasion of the fiftieth jubilee of Duke Leopold, the Duke himself being present.[7] This was certainly not the first sermon in the German language, but it launched regular preaching in that community. Moreover, *Sulamith,* a Jewish journal with the subtitle, *Eine Zeitschrift zur Beförderung der Kultur und Humanität unter der jüdischen Nation,* edited by Fränkel and Wolf (Leipzig and Dessau, 1806 ff.) carried on active propaganda in behalf of modern preaching.

Furthermore the consistorial system, established by Napoleon's edict of March 17, 1808, applied also to the German areas occupied by France.[8] This law not only required rabbis to know the language of the country in which they served, but also enumerated preaching among a rabbi's duties. The edict, extended to the Kingdom of Westphalia on March 31, 1808, accordingly furthered the establishment of preaching there, so that it continued even after French domination had ended.[9]

[6] On this development, see L. Zunz, *Die gottesdienstlichen Vorträge der Juden,* second ed. by N. Brüll (1892), pp. 465-482, up to 1832; Ismar Elbogen, *Der jüdische Gottesdienst in seiner geschichtlichen Entwicklung,* (Leipzig, 1913), pp. 394-411. In addition, cf. Kayserling, I. pp. 4, 381 ff.,; *Festschrift zur Jahrhundertfeier der Realschule der israelitischen Gemeinde (Philantropin) in Frankfurt a.M.,* 1804-1904 (Frankfurt a. M., 1904), pp. 50-54; A. Fürst, "Die jüdischen Realschulen Deutschlands," *MGWJ.,* LVIII (1914), pp. 439,449; *Jedidja,* ed. by Heinemann, II, 2, (1817), pp. 9. ff., Felix Lazarus, "Das Königlich Westfälische Konsistorium der Israeliten," *MGWJ.,* LVIII (1914), pp. 185 ff., 473 ff., 546 ff.

[7] Cf. Kayserling I, pp. 7-12; Max Freudenthal, *Gedenkbuch für Moses Mendelssohn* (Berlin, 1929), p. 39.

[8] Robert Anchel, *Napoléon et les Juifs* (Paris, 1928), pp. 233 ff.; cf. Joseph Heimberger, *Dis staatskirchenrechtliche Stellung der Israeliten in Bayern,* second ed. (Tübingen, 1912), pp. 407 ff.

[9] S. Dubnow, *Weltgeschichte des jüdischen Volkes,* VIII (1928), pp. 231-236; cf. *Mitteilungen des Gesamtarchivs der deutschen Juden,* VI (Berlin, 1920), pp. 70, 73, 75 f., 87 note 1.

Imbued with the spirit of Enlightenment, Israel Jacobson attached a regular sermon to the service which he established in Berlin in 1815. The same was done by Jacob Hertz Beer, father of the famous Michael and Meyer Beer (Meyerbeer), in his home in Berlin which served for a short time as the interim-synagogue of the Jewish community.[10] Eduard Kley preached at the services in the Jacobson Temple and through him, therefore, the sermon found its way into the Jewish Free School of Hamburg, of which he became the director, and thence into the Temple founded in Hamburg on October 18, 1818.[11] Preaching in German became here an essential and regular part of the divine service. From Hamburg it was transplanted to Leipzig where, during the Fair on the occasion of the Holy Days in the year 1820, a service was conducted after the example of Hamburg.[11a] It remained a permanent institution in Leipzig and served as pattern for other Jewish communities. Regular preaching in the vernacular continued also in the Jewish community of Königsberg from 1820 to 1826.[12]

The Early Preachers

Who were the men who delivered sermons and addresses during the services in the Jewish schools and synagogues? Some of them were teachers and scholars: Isaac Levin Auerbach, Jacob Auerbach, Michael Creizenach, I. A. Francolm, K. S. Günsburg, Joseph Johlson, M. Jost, Eduard Kley, Joseph Wolf, and Leopold Zunz.[13] Others were educated laymen:

[10] Kayserling, I, pp. 13 f.; Ludwig Geiger, *Geschichte der Juden in Berlin*, I, (Berlin, 1870), pp. 165 ff.; II, pp. 222 ff.; Dubnow, IX, pp. 86,87; Jacob R. Marcus, "Israel Jacobson," reprint from *Yearbook of the Central Conference of American Rabbis*, XXXVIII, (1929), pp. 88-94.

[11] David Leimdörfer, *Festschrift zum 100 jährigen Bestehen des Israelitischen Tempels zu Hamburg*, 1818-1918 (Hamburg, 1918); Bruno Italiener, *Festschrift zum hundertzwanzigjährigen Bestehen des Israelitischen Tempels in Hamburg* (Hamburg, 1937); Dubnow, IX, pp. 87 ff.; Max Wiener, "Eduard I. Kley, Innovator," *Liberal Judaism*, XII, (February, 1945), pp 8 ff.

[11a] Kayserling, I, p. 4; M. Rosenmann, *Dr. Adolf Jellinek, sein Leben und sein Schaffen* (Wien, 1931), pp. 31 f.

[12] Kayserling, I, p. 412; II, p. 85.

[13] Cf. Kayserling, I. pp. 381 ff.; on I. L. Auerbach, *ZGJD.*, V (1935), pp. 5, 17 ff.

Israel Jacobson, David Friedländer,[14] and Bernard Beer.[15] Still others, especially those who preached at the Philanthropin, were candidates for the rabbinate.[15a] But none of them was a rabbi. This seems to be the reason why in later times Jewish communities often appointed a preacher alongside of, or in place of, a rabbi.[16]

Preaching in German was considered an innovation and was therefore prohibited by the government in Prussia in 1823.[16a] But it was retained in the Jewish communities outside of Prussia since the second decade of the nineteenth century, on such special occasions as dedications of synagogues, installations of rabbis, and the like.[17] Even conservative rabbis, like *Haham* Isaac Bernays, rabbi in Hamburg since 1821 and an admirer of the romantic philosopher Schelling, preached in German.[18] Regular preaching in German was introduced in Vienna in 1825.[19] In some German states, governmental laws and decrees established regular preaching in German in the synagogues, e.g., Kurhessen on December 30, 1823;[20] Württemberg on April 25, 1828.[21] In Bavaria, ministerial resolutions on October 23, 1826, and September 29, 1827, ordered candidates for the rabbinate to sub-

[14] Cf. Ernst Fraenkel, "David Friedländer und seine Zeit," *ZGJD.*, V (1936), pp. 70-75, 130 ff.; Ludwig Philippson, *Israelitisches Predigt-und Schulmagazin*, I (1834), p. 7.

[15] Kayserling, II, *Homiletisches und literarisches Beiblatt*, pp. 99 ff.; Dubnow, IX, p. 76.

[15a] *Philanthropin-Festschrift*, pp. 53, 54.

[16] E.g. Offenbach a.M. in 1832; Magdeburg in 1833; Kayserling, II, 137, 40.

[16a] Dubnow, IX, p. 42.

[17] L. Zunz, *l. c.*, pp. 476-489; Kayserling, *passim*.

[18] *Encyclopaedia Judaica*, IV, pp. 289, 290; to be added, in the eighteen-thirties, B. H Auerbach (1808-1872); cf Kayserling, II, p. 308; *Enc. Jud.*, III, p. 653; Jacob Ettlinger in Altona; cf. Kayserling, II, p. 308; and later Israel and David Deutsch; cf. Kayserling, II, *l. c.; Enc. Jud.* V, p. 963.

[19] Kayserling I, p. 289; M. Rosenmann, *Isaac Noa Mannheimer*, second enlarged ed. (Vienna, 1915).

[20] *Verordnung vom* 30. *Dezember* 1823, *die gemeinheitlichen Verhältnisse der Israeliten betreffend*, §§ 8, 16; L. Horwitz, *Die Verwaltung der judenschaftlichen Angelegenheiten im ehemaligen Kurhessen* (Kassel, 1908).

[21] *Gesetz in Betreff der öffentlichen Verhältnisse der israelitischen Glaubensgenossen vom* 25. *April* 1828, III. Art. 52 and 54; cf. A. Gunzenhauser, *Sammlung der Gesetze, Verordnungen, Verfügungen und Erlasse betreffend die Kirchenverfassung und die religiösen Einrichtungen der Israeliten in Württemberg* (Stuttgart, 1909), pp. 2, 3.

mit to strict examination, rhetoric being one of the subjects. From the last examination of rabbinic candidates in Würzburg it is evident that the delivery of a prepared address was one of the requirements.[22] Duke Alexius of Anhalt-Bernburg required the district rabbi, Salomon Herxheimer, upon his appointment in 1831, to deliver regular sermons, not only in Bernburg, but also in the surrounding district.[23] The trustees of the Jewish community of Offenbach acted in the same way; in 1832 they required Salomon Formstecher, their teacher and preacher, to deliver sermons regularly.[24] In the same year, the trustees of the Jewish community of Wiesbaden made the same request of their rabbi, Abraham Geiger.[25] The Jewish sermon became a permanent institution in Magdeburg with Ludwig Philippsohn in 1833;[26] in Königsberg, with Joseph L. Saalschütz in 1834;[27] in Dresden, in 1836 with Zacharias Frankel who had already preached in German at Teplitz, his first ministry;[27a] in Breslau, with the appointment of Abraham Geiger as rabbi in 1840;[28] and in Berlin, with the appointment of Michael Sachs in 1844,[29] who had already preached in Prague since 1836.

From the first, Jewish discourses possessed certain qualities of excellence.[30] Linguistically they were characterized by clarity and elegance, by youthful fantasy and fervid enthusiasm. Their form and technique were borrowed, as was inevitable, from such Protestant preachers as Schleiermacher

[22] Joseph Heimberger, *op. cit.*, pp. 196-201, 401, 402.

[23] S. Salfeld, *Dr. Salomon Herxheimer, Landesrabbiner von Anhalt-Bernburg* (Frankfurt a.M., 1885), p. 7.

[24] *"Worte des Friedens und der Wahrheit," Ansprache des israelitischen Gemeindevorstandes zu Offenbach am Main an seine Gemeindemitglieder über dessen Anordnungen und Einrichtungen seit* 1821 *bis auf die Gegenwart* (Offenbach am Main, 1843), reprint ed. by Dr. S. Guggenheim (1915), p. 14.

[25] Ludwig Geiger, *Abraham Geiger, Leben und Lebenswerk* (Berlin, 1910), p. 22.

[26] Kayserling II, p. 40; Moritz Spanier, *Geschichte der Juden in Magdeburg* (Magdeburg, 1923).

[27] Kaiserling, II, pp. 85, 86.

[27a] Leopold Zunz, *l. c.*, p. 480.

[28] Ludwig Geiger, *Abraham Geiger*, p. 70.

[29] Joseph Eschelbacher, *"Michael Sachs," MGWJ.*, LII, (1908), pp. 385-425, 540-559.

[30] Maybaum, *Homiletik*, p. 310; Winter and Wünsche, III, p. 773.

of Berlin, Dräseke of Bremen, Zollikofer of Leipzig, and others of the same caliber whose printed sermons served as models for the Jewish preachers.[31] The topics of these sermons were enlightenment, perhaps Mendelssohn's philosophy of it, or the universal religion of humanity. Judaism was consequently placed in the background; the preachers hardly mentioned it. The *Reden, der Erbauung gebildeter Israeliten gewidmet,* composed by Mendelssohn's pupil, David Friedländer, and delivered by his young followers at the services in Berlin, are characteristic for the first and second decades of the nineteenth century.[32] They preached a natural and rational religion and spoke as though the integration of the Jews within the state were the sole aim of Jewish life. Scriptural quotations played but a modest role and, as far as anything else was concerned, Jewish individuality appeared quite barren. Leopold Zunz was the first to bring a new note into Jewish preaching. In his sermon *Über Religiosität,* which he delivered before a circle of friends in Berlin in 1817, he denounced those who preached eloquently about Enlightenment and exalted morals, but showed no practical application of either.[33] In another sermon, *Erweckung zum Fortschreiten,* delivered on one of the last days of Succot at the dedication of a synagogue in Leipzig in 1820, he said:

> . . . Let us therefore return to God; let us therefore teach henceforth in His Temple in the language of the land, so that each and every one might be regenerated, so that each and every one might fully grasp, learn and comprehend the meaning of his life, and go forward in knowledge, in understanding and in faith.

Zunz was not only a critic of his own epoch, but also a guide into the next.[34] He sought to integrate into the new age the genuine values and attitudes of Judaism of old, handing down the heritage of the fathers unimpaired to the

[31] Salfeld, *Dr. Salomon Herxheimer,* p. 13; Rosenmann, *Dr. Adolf Jellinek,* p. 44, on the influence of Christian orators on Jellinek.

[32] Cf. supra, note 14; Kayserling, I, *passim.*

[33] Kayserling, I, pp. 27-30.

[34] "Leopold Zunz," in *Selected Works of Hyman G. Enelow,* II (1935), pp. 129,130; Fritz Bamberger, "Zunz's Conception of History," *Proceedings of the American Academy for Jewish Research,* XII (1941), p. 24; David Kaufmann, *Gesammelte Schriften,* I. pp. 374, 375.

children. Historical continuity was his ideal, and he applied it to Jewish life and thought. He was important for the development of the Jewish sermon because of his classical German style, as well as because he did not neglect rabbinic quotations. In 1823 he published a collection of his sermons, most of which he had preached at the Jacobson Temple in Berlin (second edition, 1846). Shortly before these appeared, Heinrich Heine had written: "Not edification or soft soul-plaster, the great need in Israel is for a stirring-up of energy." Zunz's sermons answered this description.

The best preacher of this early period was Gotthold Salomon (1784-1862) of Hamburg, who was called "the father of Jewish pulpit eloquence."[35] He published a series of sermons in 1812 which show how much progress had been made in the content, form, and practical application in Jewish preaching. They also show a stronger Jewish note. In his introduction to the holiday sermons which appeared in 1829, he confessed that the sermons of Zollikofer, Reinhardt, Marizoll, Löffler, and Klaus Harms constituted his sermonic library.[35a] But he rejected any affinity between himself and a Christian preacher like Dräseke, with whom people usually compared him. He did, in fact, begin to liberate the Jewish sermon from mere imitation of other denominational preaching, and made of it a product peculiar to Judaism. Nevertheless the Jewish note in his sermons was still weak, and he felt the need to apologize to his readers for his use of some well-known rabbinical sentences. He quoted them, he said, in order to give an example of how these old treasures might be utilized in the new times.

Salomon Herxheimer, since 1831 rabbi of Anhalt-Bernburg, who has been mentioned above, was important for the development of Jewish preaching in a somewhat different sense.[36] One of his favorite subjects was the furtherance of agriculture and handicrafts among the Jews, and he insisted on the need for educating them to the acceptance of such

[35] Kayserling, I. pp. 142 ff., 155.
[35a] Pp. X, XIV.
[36] Kayserling, II, p. 1 ff.; Salfeld, *Dr. Salomon Herxheimer, l. c.*

occupations. Moreover, while introducing the confirmation of girls as well as boys in his rabbinical district, he tried to give that ceremony a Jewish character. He emphatically rejected the prevalent tendency to imitate Christian preachers.

Ludwig Philippson

Ludwig Philippson (1811-1889) also exerted great influence on the development of Jewish preaching. His greatest significance lay in the organizational field,[37] but in the *Israelitisches Predigt-und Schulmagazin* he also created an organ for the publication of Jewish sermons. The thesis of his own sermons, a great many of which he published, was that Judaism is destined to become a world religion. Consequently Philippson preached the messianic ideal and the coalescence of peoples. Furthermore, his sermons comprehended the whole of Jewish life: the religious content of Judaism, its history, law and dogma. His formulation of the principles of Jewish preaching was very important—to him the Jewish sermon meant an opportunity to interpret or explain the Torah according to its origin and unique character. Every reform, he argued, must hold fast to the spirit of Judaism as a revealed religion. While he wrote and spoke against the old and timeworn subtleties, he stressed the point of view that a sermon was not a lecture. A Jewish sermon should be neither an attempt at moralizing, nor an old-fashioned *derashah* in new-fangled garb.[37a]

A sermon must not only appeal to the intellect, but also capture the emotions and stir the imagination. It should be neither a philosophical dissertation, nor an exegetical interpretation, nor a critical discussion. It should be thoughtful, but not profound. It must contain no more than the masses already have; and it must not contain more than the masses can grasp. As to form, the Jewish sermon has every right to base itself on its older sister in the synagogue, the *derashah*. The modern sermon

[37] Three vols. (Magdeburg, 1834-1836); second ed., partly enlarged partly reduced, in one volume (Leipzig, 1854); cf. Kayserling, II, pp. 40 ff.; Ismar Elbogen, "Ludwig Philippson," *Schriften der Gesellschaft zur Förderung der Wissenschaft des Judentums*, (Leipzig, 1912); Elbogen in 30. *Bericht der Lehranstalt für die Wissenschaft des Judentums*, (Berlin, 1912).

[37a] *Siloah, Sammlung*, second ed., Preface, p. IX; Preface to *Israelitisches Predigt und Schulmagazin* (1854), pp. VII-XI, 364-370; cf. Ludwig Philippson, *Die Rhetorik und jüdische Homiletik*, ed. by M. Kayserling (Leipzig, 1890).

does not have to limit itself to Scripture, but may well base itself on appropriate passages in the Talmud and the Midrash and the liturgy and to make them the bearers of its thought. Thus it may at one time take a Bible passage for its theme and interpret it exegetically in every sense; and at other times start with a theme and then find it in a biblical passage as a text or cite various biblical passages as support for the different parts into which the theme is subdivided. It may, on occasions, make use solely of midrashic or talmudic material, or use a scriptural passage as the capstone; and at other times develop and analyze some teaching of the Synagogue, even such as finds no definite support in the Bible. It may apply to modern times a historical fact mentioned in the Bible or, if the preacher so desires, take a ritual passage from the Five Books of Moses, interpret it symbolically and for his homiletical purposes.

Philippson himself was especially fond of two sermonic methods: he would announce the theme of his sermon by means of a biblical text, and then proceed to the development of his subject by means of citations from Talmud and Midrash. His other favorite method was to collect, for purposes of his sermon, the most important sentences of the *Sidra* of the week and then combine them in the various parts of the sermon in order to make the desired point.

Another important man for the development of the Jewish sermon was Salomon Plessner (1797-1883), who was very orthodox in his views and a fighter against Reform.[38] His *Belehrungen und Erbauungen*, first published in 1836, indicate an approach intermediate between a *derashah* and a sermon, with liberal quotations from Schiller and Goethe. Samuel Holdheim (1806-1860), in his early years (after 1836) in Frankfort on-the-Oder, followed a negative middle-of-the-road policy and kept away from pure rationalism as well as from the style of the *derashah* and the use of *Midrashim* and other Jewish writings.[39]

The change which by his time had taken place in the Jewish sermon may be seen from a review published by Zacharias Frankel during his ministry at Dresden. He emphasized his preference for the homily and pointed out that

[38] *Jewish Encyclopedia*, X, p. 89; J. Wohlgemuth, "Beiträge zu einer jüdischen Homiletik, in *Bericht des Berliner Rabbiner-Seminars*, 1903-1904 (Berlin, 1905), p. 48.

[39] Emil Hirsch, in *Jewish Encyclopedia*, VI, p. 437.

the rabbis had acquired greater regard for the peculiarities of Jewish preaching:[40]

Undeniably every listener, especially if he is a Jew, may enjoy an uncommon pleasure in a thought-provoking presentation and development of a text. Let no speaker despise a text wherever he has an opportunity to give expression to a novel view of it in order to provide him with an introduction or enable him to apply it to current affairs which may be reflected in it. To be sure, the sermon may thereby approach a homily; but we can see no disadvantage in this. Many excellent Christian preachers have shown a willingness to return to the homily, since the sermon with the type rhetoric peculiar to itself, confined as it is to a single idea upon which it expands to the point of boredom, may indeed be a finished work of art, and yet offer too little of the actual and the lasting. To such as possess a lively spirit and who love something striking, who are from youth accustomed to thoughtful explanations, the usual sermon gives no satisfaction. Consequently, our rabbis and public speakers must seek that which is more characteristic of the homily, and not model themselves after Christian preachers only. One misses the spiritual spark, the startling explanation, the striking development.

Mannheimer and Jellinek

We shall now try to classify the large number of preachers who left their mark on the nineteenth century. We turn first to the preaching characteristic of Vienna, where the sermon had become a permanent institution in 1825. Its outstanding feature was the aggadic material which was richly applied and amply cultivated. Isaac Noah Mannheimer, born in Copenhagen on October 17, 1793, became preacher and director of the Jewish religious school in Vienna in 1825 and occupied these offices until his death in 1865.[41] He hewed new paths in Jewish preaching, as is clear from the introduction to his first printed religious discourses (*Gottesdienstliche Vorträge,* 1835):

He (Mannheimer says of himself) avoids the flat, merely aesthetic tendencies quite as much as the groundless theories of antiquarianism with which others cover up their emptiness and with which they try to fill the clefts in the hearts. We never fill the hearts with vain forms and suppositions. For this preacher form is indispensable; yet he does

[40] *Zeitschrift für die religiösen Interessen des Judentums,* II (1845), p. 66; cf. *Encyclopedia Judaica,* VI, pp. 1090-1094.

[41] Kayserling, I p. 285-329; M. Rosenmann, *I. N. Mannheimer* (Vienna and Berlin, 1912).

not want to assert that all virtue is to be found in one well-established form and that the traditional homiletical method is the only one to rely on. The main thing to be considered is the inner sequence of thought, not the thread which surrounds the entire sermon from the outside. The thoughts, like rays of light, must radiate from a central flame.

Mannheimer's sermons were not based upon any particular pattern. While they did not lack logical division, they did not sacrifice everything to form. They were, on the other hand, distinguished by the creative faculty of the preacher, by the profundity of his thought, by the vividness of his descriptions, by the artistry of his illustrations. Mannheimer was no academic in his preaching. He was, in fact, a popular orator, teacher and educator. That is why he was also an effective political speaker and successfully fought, by means of his addresses and discourses, for the emancipation of the Jews. His brief address at the funeral of those who fell in the March Revolution of 1848 is justly famous.

Adolf Jellinek (1821-1893), who from 1845 was preacher and religious teacher in Leipzig, came to Vienna in 1857.[42] He resembled Mannheimer in that he, too, based his sermons on Jewish sources, the Bible and the Aggada, as well as in the fact that he also entered the political arena. But whereas Mannheimer was above all the popular orator possessed of high ethical ideals, Jellinek was both artist and scholar. He put the Science of Judaism at the service of the pulpit, bringing into his sermons a rich harvest of serious study. His sermons did not moralize nor catechize. In contrast to his predecessors and to some of his contemporaries, he became the great apologist for Judaism and in his sermons proclaimed its truths, its beauties and its exalted aims not only to his fellow Jews, but also to the non-Jews. For while he considered it his chief task to expose the beauties and glories of Judaism before Jews, to summon them to unity and to a deeper consciousness of Jewish worth so that they might prove themselves worthy of their glorious past, he thought it equally important to persuade the Gentiles that the Jews fully deserve their emancipation. The topic of his sermon on

[42] M. Rosenmann, *Dr. Adolf Jellinek;* cf. Stephen S. Wise, *The Menorah,* ed. by M. Ellinger, VIII (February, 1894), pp. 137-144.

the seventh day of Passover, 1861, for example,—that year having initiated a liberal era in Austria—was "Israel's Defense and Hope." Another of his famous sermons was delivered on *Shemini Atzeret,* 1870, "On the Present Turning-Point in the Religious Life of the Nations." He sought to prove in this sermon that all the holidays during the month of Tishri rise above the confessional limits of Judaism and make their appeal to all mankind. Jellinek's oratorical talents were of a rare quality, so that one who knew him thoroughly did not exaggerate when he said:[43]

> Mannheimer's speech flowed like a living well, a solace for the thirsty soul, a well whose waters never fail. He spoke like a prophet; his very language was biblical. It seemed as though every word flowed right out of his heart and for that reason had a mighty effect upon the hearts of his hearers. Jellinek's speeches were finished works of art, fully wrought candelabra chiseled and worked out with superb finesse. The whole was like a piece of purest gold.

And yet, although the *Bet ha-Midrash* in Vienna, where Midrash and the source material for the sermon were the subjects of investigation, was founded by Jellinek,[43a] he was a teacher without disciples. On the other hand, he remained a model for many rabbis and preachers, such as Elias Karpeles (1822-1889)[44] David Leimdörfer (1851-1922) in Hamburg,[45] Abraham Frank (1839-1917) in Cologne.[46]

Adolf Schmiedl (1821-1914), also rabbi in Vienna, distinguished himself likewise through his love for the Aggada and his unique manner of fusing it with his thoughts, as his standard work of homilies on the Pentateuch (*Sansinim,* 1859; second ed., 1885) proves.

Geiger and Stein

Within the Reform movement, the first to be considered must be Abraham Geiger (1808-1874).[47] On principle,

[43] Rosenmann, *op. cit.,* p. 99.

[43a] *Ibidem,* p. 147.

[44] *Encyclopaedia Judaica,* IX, p. 1007.

[45] Leimdörfer, *Festschrift,* p. 35 f.

[46] Kober, *Cologne* (Jewish Communities Series) (Philadelphia, 1940), pp. 232-238.

[47] L. Geiger, *Abraham Geiger,* pp. 29, 72-75, 191-204; A. Geiger, *Nachgelassene Schriften,* ed. by L. Geiger, I (Berlin, 1875), pp. 355-444; Rosenzweig, in *Ost und West* (1907) pp. 721, 722.

Geiger never worked out the details of the sermon he wanted to preach. He chose his topic, found his text, arranged the order of his aggadic and other questions, thought the sermon through, but left its actual wording to the inspiration of the moment. He followed this procedure throughout his entire ministry, in Wiesbaden, Breslau, Frankfort on-the-Main, and Berlin. Not only his method but his point of view in preaching also remained constant—the formulation of Jewish belief. His great scholarship supplied him with the material he needed. As to rules of homiletics, he considered them an impeding chain, at best a crutch, and refused to be bound by them. Yet, despite idiosyncrasy of method and scholarly content, Geiger was an ingenious and talented orator who could treat masterfully all questions of life and religion. Only a few of his sermons are found in print to bear witness to his gifts. His probation-sermon at Breslau in 1839 may serve as an example. Its text was taken from *Kohelet* (I.4), "One generation passeth away and another generation cometh, but the earth abideth forever," and he developed it in the sense that religious and moral truth remains imperishable, despite changes in religious forms and rites. His sermon at the dedication of the synagogue at Wiesbaden in 1869 remains a classic. In it he spoke about Israel's spiritual life, in which he included, first of all, the living ties which bind Jews together, and the faith which guarantees them everlasting survival, as well as the learning and the spiritual energy which have been characteristic of the Jewish people.

Leopold Stein (1810-1882) was also of primary importance to the Reform group.[48] He possessed high-mindedness, great poetical talent and a rich fantasy. The clarity with which he built up his theme combined with the aptness of his explanations and the warmth of his language to charm not only the hearers of his sermons, but also the readers of his works, *Koheleth, Der Israelitische Volkslehrer* (1851-1860) and *Aus dem Westen.* With his superb poetic sense, Leopold Stein sought out the most beautiful legends, stories,

[48] C. Seligmann, in *Liberales Judentums*, II (1910), pp. 241-247.

parables and traditions from the Midrashic literature, and when he did not find anything to fit the point he was trying to make, he drew upon his own fantasy for charming stories which he wove into his sermons with rare skill. Moreover, he influenced and promoted preaching in Germany by the above-mentioned *Israelitischer Volkslehrer,* which was sub-titled, "A Monthly of Edifying Content." He made of it an organ for synagogue and school, of life and science, in which he published not only sermons, but also sketches and brief homilies.

Finally, within the circle of his followers, Samuel Holdheim, already mentioned above, exercised considerable influence as a preacher.[49]

S. R. Hirsch, M. Sachs, D. Kaufmann

Another group of preachers included those who represented orthodox and conservative tendencies. In this list Samson Raphael Hirsch must take first place (1808-1888). Many of the articles which he published in *Jeschurun* and which are now to be found in his *Collected Writings* (6 vols., 1902-1912), were really sermons which he had delivered before his congregation in Frankfort on-the-Main. Although he never quite adhered to the rules of homiletics, his forcefulness and originality made him a master of the Jewish sermon. The central theme of his preaching was that "the reform of which Judaism is in need is an uplifting of the age to fit the Torah, not a levelling of the Torah to fit the age." His eloquence had ample support in his wide general knowledge and his deep spiritual roots in Judaism, in the Holy Scriptures and in Jewish tradition.[50]

Michael Sachs (1808-1864) represents the conservative in Jewish preaching in German.[51] He introduced the regular sermon to the Jewish community of Berlin in 1844. At home in all that concerned classical antiquity, up-to-date in the

[49] *Encyclopaedia Judaica,* VIII, pp. 183-187.

[50] J. Wohlgemuth, *l. c.,* p. 92.

[51] David Kaufmann, *Gesammelte Schriften,* I (1908), pp. 328-332; on David Rosin, see David Kaufmann, *op. cit.,* pp. 283-289.

humanistic culture of his day, well acquainted with developments in philosophy, he combined with these aspects of general culture a firm conviction about the nature of Revelation and wholehearted belief in the binding power of Divine Law. He thus represented implicit faith interwoven with earnest thought. His sermons flowed like a broad stream and displayed variety in theme, an exalted point of view, and deep knowledge of the life and the hearts of the people. Passages from the Bible and the Talmud, practical philosophy, rabbinic story and legend were so masterfully intertwined in his sermons as to make an organic whole. Yet Michael Sachs never delivered a sermon for publication. Only after Sachs' death did his pupil, David Rosin, teacher of homiletics at the Jewish Theological Seminary at Breslau, edit a selection of his Sabbath and holiday sermons. They prove the truth of the rabbinic statement about "the beauty of Japhet dwelling in the tents of Shem." They give, however, an inadequate idea of the power and charm of Sachs' words; they do not do full justice to his genius and to his personality.

Michael Sachs, too, while a teacher without disciples, found many imitators. Chief among these was David Kaufmann (1852-1899) who, while his fame rests upon his achievements in the field of the history of Jewish culture, was also an effective preacher. In his sermons in the synagogue at Berlin in 1876 (*Sieben Festpredigten in den Berliner Gemeinde-Synagogen*, 1877)[52] he enchanted his hearers by his eloquence and reminded everyone of Michael Sachs. He and Sachs were, indeed, alike not only in their deep understanding of Judaism, but also in their common love of Judah Halevi who also comprehended Judaism, both intellectually and emotionally. Although his excellent education, his wide and varied erudition, his fervent enthusiasm for the faith of his fathers and his personal charm seemed to mark Kaufmann for the rabbinate, his hopes in this direction were frustrated,

[52] Ed. by Ludwig Blau and Max Weiss (Budapest, 1931); Preface, pp. V-VII; David Kaufmann, *Gesammelte Schriften*, III (1915); cf. *REJ.*, XLI (1900), p. 6; *MGWJ.*, LXXV (1930), p. 96; M. Brann and F. Rosenthal, *Gedenkbuch zur Erinnerung an David Kaufmann* (Breslau, 1900), pp. XXV-XXXIX; Samuel Krauss, *David Kaufmann, eine Biographie* (Berlin, 1900), p. 14.

and he became Professor at the Landesrabbinerschule in Budapest. He did, however, teach homiletics at this institution and for the first decade of his connection with it he also preached at its synagogue. Besides the above-mentioned sermons, eighteen others, delivered by David Kaufmann between 1873 and 1882, were published. They are distinguished by beauty of thought, loftiness of language, abundance of color and wide knowledge. They conform to the rules which he had set forth. A sermon, he had taught, must concern itself with explaining the word of God; and only that sermon may be so designated which is based on a Scriptural sentence from the current Torah reading. Otherwise a sermon becomes merely an unnecessary interruption of the service. "No text, no sermon!" David Kaufmann never extemporized in the pulpit, and he exhorted his pupils to follow his example.

Nehemia Anton Nobel (1871-1921) also belonged to the conservatives.[53] A preacher of originality and power, he possessed great Jewish and general learning, especially in the fields of philosophy, poetry, Talmud and Zohar. The small number of his sermons which have appeared in print give an inadequate idea of the charm and forcefulness of his preaching.[54]

The Philosophical School

We turn now to a group of preachers who emphasized the philosophical aspects of Judaism and of religion in general, men who preached a *Weltanschauung*. The outstanding representative of this type was Manuel Joel (1826-1890).[55] He began his career as an assistant-teacher at the Jewish

[53] cf. his *Fünf Reden, gehalten am Versöhnungstage und am Schlussfest d.J. 5673* (Frankfurt a.M., 1912); *Kriegspredigten in der Gemeindesynagoge am Boerneplatz* (Frankfurt a.M., 1915); *Die Richtlinien* (Frankfurt a.M., 1912); cf. O. Wolfsberg, *N. A. Nobel, 1871-1922, Versuch einer Würdigung* (Frankfurt a.M., 1929).

[54] J. Wohlgemuth, *Beiträge zu einer jüdischen Homiletik*, pp. 69-77, has given further excellent examples; cf. also J. Nobel, *Homiletische Zeitschrift Libanon*, 1912 f.

[55] Several essays were dedicated to the memory of Manuel Joel, on the occasion of his one-hundredth anniversary, in *MGWJ.*, LXX (1926), p. 305-350; cf. *MGWJ.*, XXXVII (1893). pp. 100-103.

Theological Seminary in Breslau. Zacharias Frankel conferred upon him the privilege of preaching at the Seminary Synagogue and soon thereafter (1858) Joel took over the homiletical training of the rabbinical students. Subsequently he became the rabbi of the Breslau Jewish community and held this post until his death. Manuel Joel created a new sermonic style. His connection with the Seminary had accustomed him to an intellectual audience, and even when he became rabbi of the community he preached with that type of audience in mind. "To preach the best, and nevertheless to express this best so that not only the best can understand it, is the pinnacle of popular preaching." He addressed himself to the educated classes in the hope of convincing them to humble their thoughts and opinions, their will and their actions to the word of God. His attitude is expressed in his preface to his *Holy Day Sermons* (1867). In brief, he requires of an orator that he affect the will of his hearers.[55a]

Joel's method consisted in finding modern ideas in the religious genius of Israel and thus make evident to his contemporaries the profundity of Scriptural teaching. He would take an insignificant biblical word or phrase and make it shed a brilliant light. He liked to deal with questions involving a broad outlook upon the world (*Weltanschauung*). Such a broad view of life, he asserted, had always been part of Judaism, and he wanted Judaism to continue to express it. Kant was his philosophical guide, but he was also influenced by Schleiermacher. He insisted that a sermon be constructed out of living material, out of the actual life of the people and out of their worship. His sermons were organized with utmost simplicity; he avoided digressions from his chosen theme which he would formulate in precise terms, avoiding the usual bipartite and tripartite divisions. Although his sermons lacked the emotional appeal which characterized other great preachers, like Mannheimer or L. Stein, they were in-

[55a] This aim of preaching is echoed by J. Wohlgemuth, *Beiträge einer jüdischen Homiletik* (1905), pp. 14, 17: "The object of a sermon is to affect the will while arousing religious emotion."

spired by a deep love for Judaism and enthusiasm for its eternal ideals. If Michael Sachs, to whom Joel was indebted for many suggestions, spoke as an inspired prophet, Joel spoke as a quiet sage. His sermons, whether the Holy Day Sermons of 1867 or those published after his death, are eminent works of art.[55b]

Jakob Guttmann (1845-1919), Joel's successor in the Breslau pulpit, had the same approach.[56] The Holy Day and Sabbath sermons edited by his son, Julius Guttmann,[56a] prove that Jakob Guttmann also made philosophical and social questions of the day the center of his homiletic activity, very much in the spirit of Manuel Joel, though, of course, the style was his own.

Another preacher with the philosophical approach was Moritz Steckelmacher, rabbi of Mannheim, (1880-1919).[57] He strictly observed the homiletical rules and made apt use of biblical and aggadic passages. On the other hand, he was influenced by Kant to such an extent that he identified Kant's principles of ethics with the supreme principles of Judaism and, at the same time, markedly showed the influence of Ludwig Steinheim's faith in Revelation.

Caesar Seligmann (born 1860) considers himself a pupil of Joel and as a preacher followed Joel's method.[58] His poetical talents, however, show much resemblance to Leopold Stein. Saul Horovitz (1859-1921) published in 1894, when he was rabbi in Bielitz, Austria, a number of sermons in which he treated current philosophical problems.[59] From 1896 he taught homiletics at the Breslau Seminary. As a preacher

[55b] Ed. by Eckstein and Ziemlich, 3 vols. (1893-1899).

[56] *Encyclopaedia Judaica*, VII, pp. 743, 744.

[56a] (Frankfurt a.M., 1926).

[57] See his *Festpredigten; Sabbatpredigten zum ersten Buch Mose* (Leipzig, *s. a.*); cf. Adolf Lewin, *Geschichte der badischen Juden* (1909), p. 414 and passim; also *Populär-Wissenschaftliche Monatsblätter*, ed. by Adolf Brüll, VIII (1888), pp. 145 ff., 178 ff., 207 ff.

[58] See his essay, "Rabbiner Manuel Joel zu seinem hundertjährigen Geburtstage, 19. Oktober 1926," *MGWJ.*, LXX (1926), pp. 305-315; on his sermons, see *Katalog der Stadtbibliothek Frankfurt a.M.*, I Judaica, (Frankfurt a.M., 1932), p. 619, s. v. C. Seligmann.

[59] *Enc. Jud.*, VIII; on his *Festpredigten*, see C. Seligmann, in *MGWJ.*, XXXIX (1895), pp. 424-427.

Horovitz was a pioneer. Formally he seemed to adhere to the rules of modern preaching, but his sermons are not all built after the same pattern. Questions and answers followed upon one another, very much as in the old *derashah,* difficulties were resolved, the knot was tied and untied. The point of the sermon revolved about a midrashic statement the interpretation of which was very ingenious and contained a surprise. His sermons were not like a stream flowing smoothly from one source and in one direction, but rather like a mountain cascade in a wild, uneven country. Saul Horovitz displayed the Jewish trait of mobility and bubbling vitality, sometimes even at the expense of the inner unity of the sermon. In addition to his printed sermons, which are few, we also possess his sermon delivered at the fiftieth anniversary of the Jewish Theological Seminary in Breslau and his address at the funeral of Israel Lewy (1917).[59a] All of these show classical perfection, none gives any idea of how stimulating Horovitz was as a teacher of homiletics or as a guide to students in private conversation. To paraphrase the words of the Psalmist, Horovitz could take a midrashic statement which seemed as arid as a stone and turn it into a fountain of living waters, the refreshing word of God.[60]

Individual Personalities

Naturally, there were many preachers who cannot be classified exactly. Even as the rabbi said, "No two prophets prophesied in the same manner," so every Jewish preacher had his own methods and manners, even though some of them might have come from the same rabbinical school. On the whole, the Jewish sermon was far above the average sermon of the third quarter of the nineteenth century, possessing timeliness and good organization. This is evident from the *Israelitisches Predigt Magazin,* a homiletical monthly which

[59a] *Jahresbericht des Jüdisch-Theologischen Seminars Breslau,* 1905, 1918: The Library of the Breslau Seminary possessed a manuscript by Saul Horovitz on Modern Jewish Preaching.

[60] These words were used by the present writer in his address at the graduation exercises at the Jewish Theological Seminary in Breslau (1907).

printed sermons of celebrated preachers (6 vols., 1874-1880). Many of the rabbis whose sermons were published in this periodical came from the Jewish Theological Seminary in Breslau. This publication also devoted itself to a discussion of the sermon's place in the life of the day. In it Horovitz of Krefeld characterized the sermon as an instrument for popular education (*Volksbildungselement*).[61]

Among the preachers who cannot be classified in the above groups were many men of fame and influence: Moritz Güdemann of Vienna (1835-1918) with his witty, pointed manner of speaking;[62] Cossman Werner (1854-1918) of Munich, a powerful orator who has been called "the speaker for Judaism in Germany;"[63] Adolf Schwartz who was at first rabbi at Karlsruhe and after 1894 rector and teacher of homiletics at the Israelitisch-Theologische Lehranstalt in Vienna. The last-named published, while still rabbi at Karlsruhe, seven volumes of Sabbath and Holiday sermons (1878-1892) which prove him to have been original—sometimes too original—in his use of Scriptures and Midrash. While adhering to the accepted forms of the sermon, he made clear-cut divisions among the religious, spiritual and current problems of the day. Benjamin Rippner (1842-1890), some of whose sermons and discourses were published on the occasion of the twenty-fifth anniversary of his ministry at Glogau (1897) and many more after his death, was a brilliant stylist and thoughtful essayist. Indeed, he preferred the religious essay and embellished it with passages from the Bible and the Talmud as well as poetic quotations from the world's literature. Pinkus Fritz Frankl (1848-1887) was rabbi of the Jewish Community of Berlin between 1877 and 1887.[64] His *Sermons*

[61] M. Rahmer, *Israelitisches Predigt-Magazin*, I, p. 33.

[62] *Enc. Jud.*, VII, pp. 711, 712.

[63] "*Worte der Erinnerung an den am 22. Juni 1918 aus dem Leben geschiedenen Rabbiner der Israelitischen Kultusgemeinde München, Professor Dr. Cossmann Werner gesprochen bei den am 25. Juni. 1918 stattgefundenen Trauerfeierlichkeiten*" (Munich, 1918), p. 12; cf. *Festgabe: 50 Jahre Hauptsynagoge München*, 1887-1937, (*Münich*, 1937), pp. 53-60.

[64] *Enc. Jud.*, VI, pp. 1122-1123; Elbogen, in *Festschrift der Lehranstalt für die Wissenschaft des Judentums* (1907), p. 76; David Selver, in *Populär-Wissenschaftliche Monatsblätter*, VIII (1888), pp. 172-180.

for the Holy Days and Other Occasions were published only after his death (1888). Although his early interests were those of the scholar, he soon became a master of Jewish preaching, his sermons being outstanding for vigor and originality, logic and organization, elegance of language and a sense of the poetic. Quotations from Midrash and Talmud were woven into his discourses like silver threads. His were the perfect examples of the classical Jewish sermon. He was also the first lecturer in homiletics at the Lehranstalt für die Wissenschaft des Judentums.

His successor in this position was Sigmund Maybaum, his colleague in the Berlin rabbinate.[65] Maybaum turned homiletics into a science and his work, *Jüdische Homiletik,* (1890), became a widely used handbook for rabbinical students as well as rabbis. To him the sermon was the very heart of Jewish worship. Concerning the holy days, for example, he said, "On these days the Jewish preacher should preach only on Humanity in the image of God."[66] Maybaum spoke with a cultured audience in mind and created a special sermonic style, as the seven volumes of his sermons and discourses, *Predigten und Schrifterklärungen,* (1892-1914), show. He gave his sermons a biblical foundation; he made them concise and well-proportioned, dividing them skilfully into their component parts. This along with his interesting explanations of biblical and midrashic passages, his sense for the timely and his excellent diction enabled him to exercise for decades great influence not only in the Jewish community of Berlin but also over all German Jewry. My own memory goes back to a very striking sermon which Maybaum delivered on the occasion of the well-known outbreak of persecution which the Jews of Russia suffered in 1903. He took his text from Psalm 96, "He will judge the world with righteousness and the peoples in his faithfulness," and with

[65] Elbogen, *op. cit.*, p. 77.; S. Hochfeld, *Festschrift, Professor Dr. Maybaum zum 70. Geburtstage* (29. April 1914) *gewidmet von seinen Schülern* (Berlin, 1914), p. III.

[66] Preface to the fifth volume of his *Predigten,* p. VIII.

great force and moving eloquence discoursed on "God's Judgment".[67] It was an experience not easily forgotten.

Maybaum has had numerous disciples in whose development he played an important role, yet each finally went his own way. Among the more eminent of these was Samson Hochfeld, the outstanding preacher to youth.[68] Another was Malvin Warschauer whose sermons were characterized by a certain inwardness and a deep understanding of psychology. In the Reform circle, there was Moritz Levin (1843-1914), with his poetical approach and clarity of form and content (*Harfe und Posaune*), part 1, 1909; part 2, 1914).[69] Felix Coblenz also belonged to this group.[70]

About the beginning of the twentieth century the taste of the public changed, generally speaking in the direction of greater simplicity. The unornamented, secular sermon came into vogue. M. Wohlgemuth declared, "If the *derasha* could only be revived in a modern form."[71] In Hirsch Perez Chajes (1876-1927) Vienna, from 1918, found a Chief Rabbi who was a preacher no less powerful than Jellinek. But Chajes was not given to rhetoric.[72] He felt and spoke as the intellectual conscience of the community. His discourses were punctuated with historical examples which gave heart and color to his ideas. He was especially given to drawing the Zionist question into the center of his addresses, whether on or off the pulpit. For Zionism was the essence of his thinking. He had no desire to be a priest or a representative of God. "And nevertheless, my friends, great is the power that was laid in my hands—to restore to you the old, sacred Jewish self-respect, the wonderful, wonder-working power of Jewish

[67] *Ibidem*, pp. 38-48.

[68] Before him David Cassel had published sermons for the youth, under the title *Sabbat-Stunden* (Berlin, 1866); cf. *Enc. Jud.*, V. pp. 76 f.

[69] *Enc. Jud.* X, p. 875.

[70] Felix Coblenz, *Predigten* (Berlin, 1904; Frankfurt a.M., 1907; Berlin, 1926).

[71] *Beiträge zu einer jüdischen Homiletik*, p. 98; cf. the brief addresses of Felix Kanter, דבר בעתו: *Zeitgemässe Betrachtungen zu allen Wochenabschnitten des Jahres* (Frankfurt a.M., 1905); M. Littmann, *Aus jüdischem Geist* (Zürich, 1937).

[72] M. Rosenfeld, *H. P. Chajes, Leben und Werk, two vols.* (Vienna, 1933); esp. II, pp. 62-76.

strength." Thus he spoke in his inaugural address in Vienna, on August 3, 1918. He often deviated from the conventional standards of rhetoric, but the breadth of his scholarship and the simplicity of his character enabled him to exercise an influence from his pulpit like that of a prophet of old.[72a]

We come now to the last classical representative, not only of Jewish preaching, but also of Judaism in Germany, Leo Baeck. In his inaugural address, speaking on the subject, "The Greek and the Jewish Sermon," at the Lehranstalt für die Wissenschaft des Judentums, on May 4, 1913, Baeck defined the task of modern Jewish preaching.[73]

He who wants to preach must understand Religion . . . It is not a question of knowing that which one has made his own, but rather knowing in the sense of the constant quest which can never come to an end. The primary aim of preaching is to make Judaism comprehensible. Here, too, learning must take precedence over technique. What is currently wrong with Jewish preaching is that it does not base itself sufficiently on deep understanding of Judaism. The roots of modern preaching are too thin; they lie too close to the surface . . . To the preacher is entrusted the dignity of our religion, and he must never forget that he is a descendant of the prophets . . . To preach means to study and to teach.

Baeck's own addresses, sermons and lectures followed these principles. Whatever he has said to Jews or Christians, whether within or without the borders of Germany, shows not only perfection of form and eloquence of language, but also psychological appreciation, philosophical depth, practical understanding, thorough scientific knowledge and a fine perception of every aspect of Judaism. Always and everywhere he proclaimed Judaism as the religion of action.[73a]

Modern Trends in Preaching

As we have pointed out, the modern Jewish sermon in the German language began as a child of the Enlightenment. But it soon developed into an instrument of Jewish will and

[72a] *Ibidem*, I, *Reden und Vorträge*, pp. 91 ff.

[73] 32. *Bericht der Lehranstalt für die Wissenschaft des Judentums* (Berlin, 1894), pp. 57-70.

[73a] Cf. also Baeck, *Wege im Judentum* (Berlin, 1933).

Jewish action. During the first decades of the nineteenth century it was opposed and attacked in various Jewish communities, but its importance was finally appreciated, so that before long, it was authorized even in orthodox circles. A second characteristic of the modern Jewish sermon stems from the fact that its pioneers were also the pioneers in the Science of Judaism. It began by fighting for Humanity, for Emancipation and Jewish equality[74] and, after these had been won, it continued in a defensive attitude, repulsing attacks against Jews and Judaism and, struggling against the efforts of the antisemites to undo the work of Emancipation. Polemics and apologetics have therefore been an essential part of the modern Jewish sermon. At the same time, much of the published sermonic material bears a patriotic stamp, connected as these were with days of commemoration in the life of Germany and its sovereigns, and also with the First World War.[75] Messianic hopes have also played a considerable part in recent Jewish preaching. Moreover, the Jewish sermon has reflected the varying philosophical and scientific tendencies of the world at large as well as the differences of opinion within the Jewish community. The struggle between Orthodoxy and Reform was carried on largely by means of the sermon. Such, too, has been the case with Zionism. The sermons on the subject show the interesting transformation from a nationalist emphasis in the movement's earlier days to a religious emphasis in later times.[75a] Clearly, the Jewish sermon is not an ephemeral manifestation of Jewish life; it has come to be an aspect of modern Jewish literature. Moreover, it has great historical value, reflecting the time in which it was delivered and the changes which have taken place in Jewish life and thought.

[74] E.g., L. Adler, *Landesrabbiner* of Kassel, dedicated his addresses for the furtherance of humanity to his coreligionists and contemporaries (Kassel, 1860); second vol. (Berlin, 1870).

[75] E. g., Dr. Jelski, *Aus grosser Zeit: Predigten* (Berlin, 1915); Bruno Italiener, *Von Heimat und Glauben: Kriegsbetrachtungen* (Darmstadt, 1916; third ed., 1917); S. Hochfeld, *Kriegspredigten* (Berlin, 1918).

[75a] Georg Salzberger, "Die moderne Predigt," *MGWJ.*, LXXV (1931), pp. 81-94.

Preaching in France and England

From Germany and Austria Jewish preaching in the vernacular spread to other countries.[76] In France it developed slowly reaching maturity only in the second half of the nineteenth century, especially with Zadoc Kahn (1839-1905) whose *Sermons and Allocutions* (four vols.) show a high degree of excellence.[77] In England, Nathan Marcus Adler, who became Chief Rabbi in 1845, helped in the establishment of preaching which he brought with him from the Philantropin in Frankfurt and from Oldenburg (1829) and Hannover (1836) where he had introduced it.[78] His son and successor, Herman Adler, and the present Chief Rabbi, Joseph H. Hertz, elevated preaching to a very high standard.[79]

Preaching in America

In the United States, preaching on the German model began in the eighteen-forties. This was due to the large immigration of German Jews who organized congregations with a German background. Moreover, many rabbis from Germany (especially Bavaria and Prussian Posen) and Austria-Hungary arrived in the United States and made regular preaching in German or in English a regular institution. Isaac Leeser, born in Neuenkirchen, Westphalia, began his ministry career in 1829 as *Hazzan* of the Mikveh Israel Congregation in Philadelphia, and at once advocated the addition to the service of a sermon in English. James K. Gutheim, also a Westphalian, in 1846 rabbi of Congregation B'nai Jeshurun of Cincinnati, in 1849 of Shaare Chesed, and in 1853 of Nefutzot Jehuda in New Orleans, much sought after as a guest speaker, was the first to introduce English preaching

[76] Winter and Wünsche, III, p. 824.

[77] Cf. *MGWJ.*, XXXV (1886), pp. 509-514.

[78] Kayserling, II, p. 239-240; *Philanthropin-Festschrift*, p. 54. At the same time the Reform-rabbi, David W. Marks (1811-1909), preached in England; he published three volumes of sermons (1851-1854).

[79] Joseph H. Hertz, *Affirmations of Judaism* (Oxford, 1927); *Sermons, Addresses and Studies* by the Chief Rabbi, three vols. (London, 1938); *Early and Late* (Surrey, 1943).

into a German synagogue west of the Alleghenies. Between 1868 and 1872 he preached at Temple Emanuel in New York and finally returned to Temple Sinai in New Orleans.

Isaac M. Wise a native of Steingrub, Bohemia, became rabbi in Albany in 1846 and after 1850 at B'nai Jeshurun in Cincinnati.[80] He preached in both English and German and some of his German addresses have come down to us. He himself, however, set forth the principle, "We need English preachers." Nevertheless, generally speaking, congregations of German background from the Atlantic to the Pacific coasts continued far into the second half of the nineteenth century and even later to have their rabbis preach for the most part in German and only occasionally in English. The German language was preferred and the reasons for this are not difficult to find.

Most of the rabbis of that period had brought with them a good Jewish and general education. They were full-grown men, some of them had already held rabbinic positions in Germany, Austria or Hungary, and had even made a name for themselves in scholarly research; for example Samuel Hirsch in the field of religious philosophy and Max Lilienthal in the field of education. Others won a high place for themselves in public life or in scholarship after their arrival in the United States; for example Leo Merzbacher in his work for the B'nai B'rith, Moses Mielziner as professor of Talmud at the Hebrew Union College, Alexander Kohut and Marcus Jastrow as lexicographers. Their very training and practical experience, which made their sermons outstanding, predisposed them to the use of the German language. Besides, this language was chosen, not only because the congregations could understand it better, but also as David Einhorn rather naively expressed it at Temple Beth El, New York, on July

[80] Besides the named and others the following rabbis immigrated into the United States in the eighteen-forties: Leo Merzbacher, Max Lilienthal, Henry Hochheimer, Isidor Kalisch; in the eighteen-fifties: Herman Bien, Elkan Cohn, Liebman Adler, David Einhorn, Bernhard Felsenthal, Benjamin Szold, Jonas Bondi; in the eighteen-sixties: Samuel Hirsch, Adolf Huebsch, Marcus Jastrow, Moses Mielziner, Kaufmann Kohler; in the eighteen-seventies: Isaac S. Moses, Gustav Gottheil; in the eighteen-eighties: Alexander Kohut.

12, 1879, because he considered it more appropriate as a medium for preaching.

I cannot forget that the Old Homeland is the land of thinkers, and at the present time the most cultured country in the world. It is, above all, the country of Mendelssohn, and the birthplace of the Reform of Judaism. Its culture has been carried farther and farther to other countries and across the seas. Remove the German spirit, or—what comes to the same thing—the German language, and you have removed the ground from beneath human culture and the delicate flower must wither. The object of preaching in English can be nothing more than to make use of the treasures of the German spirit and of German literature for the enhancement and enrichment of religious life . . . Where the German language is banned, there Reform of Judaism is nothing more than a glittering veneer.

Einhorn was right to at least this extent—the ideological foundations of radical Reform had been laid in the German language and, for this reason it was easier to utilize the language in Reform congregations. Nevertheless, there were several shades of opinion among those who used German for purposes of preaching. Benjamin Szold represented mild Reform. Bernhard Felsenthal and Gustav Gottheil were Zionists. Alexander Kohut was conservative, and in his sermons on the *Pirke Abot,* subsequently translated from German into English and published in book form in 1885, he criticized both Reform and Orthodoxy.

These preachers in the German language devoted much of their sermons to the universalistic elements in Judaism. Patriotic sentiments were given due emphasis. American preachers in German seem to have been peculiarly apt at the use of Bible texts and Aggada. On the whole, both in content and in form these sermons followed the model of their German predecessors and contemporaries.

Among the most important preachers in the German language were Isaac M. Wise, Max Lilienthal, David Einhorn, Kaufmann Kohler, Bernhard Felsenthal, and Adolf Huebsch. Kaufmann Kohler, son-in-law and successor of David Einhorn, portrayed the latter as one who succeeded in "finding the inner unity between spirit and heart, between past and future, between the principles of the Bible and Reform." Kohler, too, distinguished himself as a fiery orator who made

use of spiritual interpretation of Bible and Midrash as well as by his extraordinary ability in the use of the German language which he employed throughout his life. Some of these preachers had inclinations to poetry. Thus Adolf Huebsch, Isidor Kalisch, and Gustav Gottheil wrote German poetry and made contributions to Jewish literature and history in the German language.

Consequently it is possible to say, without exaggeration, that the second half of the nineteenth century was the high water mark of German preaching in the United States.

APPENDIX*

Notes on American Sermons in the German Language

Abbreviations

JIR. = Jewish Institute of Religion, Library.
JTSA. = Jewish Theological Seminary of America, Library.

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* The author is indebted for information to Mr. Moses Marx, Acting Librarian, Hebrew Union College, Cincinnati, and to Rabbi Jonah B. Wise, New York City.

The Hebrew Union College Library is in possession of a collection of American Jewish sermons in German ("Sermons-German"), including sermons by rabbis Herman Milton Bien, James Koppel Gutheim, Ignatz Mueller, and M. A. A. Wolff, not listed in this Appendix since they were not available to the writer.

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"Werde ein Segen," Gedächtnis-Rede auf Salomon Jehuda Rapoport (New York, 1867).

"Zeugnisse und Hoffnungen." Predigt gehalten zur Wiedereröffnungs-Feier des renovierten Gotteshauses der Gemeinde Anshi Chesed, am 22 *Mai* 1868 (New York, 1872).

Wie und was soll Predigt, und wie die Predigt gehört werden? Zwei Predigten (New York, 1872).

"Der Priestersegen." Abschiedspredigt gehalten Sabbath Naso, den 7. Juni 5633 bei seinem Scheiden aus dem Amte eines Rabbiners der Gemeinde Anshi Chesed in New York (New York, 1873). JIR.

BIBLIOGRAPHY: William Rosenau, *A Tribute to Moses Mielziner, Professor of Talmud at the Hebrew Union College,* 1879-1903 (Cincinnati, 1903), pp. 5-7; Ella McKenna Friend Mielziner, *Moses Mielziner,* 1828-1903, *A Biography with a Bibliography of His Writings* (New York, 1931).

Isaac Solomon Moses

Zwei Reden, gehalten am Neujahrs—und Versöhnungstage im Tempel der Gemeinde Emanu-El, Milwaukee: I: "Gewinn und Verlust;" II: "Die Mittel zur Versöhnung" (Milwaukee, Wisc., 1879). JTSA., JIR.

Many sermons by Moses are found in *Der Zeitgeist, ein israelitisches Familienblatt: Organ für die Interessen des amerikanischen Judentums,* which was published by I. S. Moses jointly with Adolf Moses and Emil Hirsch, from 1880 to 1882.

Benjamin Szold

Gottesdienstlicher Vortag beim Antritt seines Rabbiner—und Predigeramtes an der Oheb Scholem Gemeinde Baltimore 1889 (Baltimore, 1889). JTSA.

Der Sabbath, Predigt, (Baltimore, 1889). JTSA.

Isaac M. Wise

The Deborah. Some of his sermons in the George Alexander Kohut Library, New York.

BIBLIOGRAPHY: David Philipson and Louis Grossman, *Selected Writings of Isaac M Wise with a Biography* (Cincinnati, 1910), p. 109; Isidor Levi, *Isaac Mayer Wise and Emanu-El* (New York, 1930), pp. 9 ff.; cf. Joshua Trachtenberg, *Consider the Years: The Story of the Jewish Community of Easton,* 1752-1942 (Easton, Pa., 1944), p. 170.

JUDAICA IN NUMMIS

Suggestions for Arranging a Collection of Jewish Coins and Medals

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I

HISTORY OF COLLECTING JEWISH MEDALS

AS LATE as 1779 the famous numismatist Johann Christoph Rasche deemed it necessary in the first chapter of his book on the valuation of ancient coins to offer a kind of apology for treating this field of investigation.[1] At present no justification is necessary for being interested in numismatics. It is being recognized more and more that medals and sometimes also coins not only commemorate famous personalities and facts but are also frequently material witnesses of past periods and historic events. Formerly, despite the vivid interest in all fields of Jewish cultural history, there did not exist many collections of Jewish coins and medals, especially not among Jews. But there were a few, most of them private, containing mainly coins and not medals.

The first Jew in modern times to collect not only Jewish coins but also Jewish medals in a systematic and scholarly manner was Albert Wolf (born on March 16th, 1841, in Dresden, Germany), a jeweller and dealer in antiques. His father, the founder of their well-known firm in Dresden, had implanted in him a deep understanding of art and science. Albert Wolf began collecting in 1874, specializing in Jewish coins and medals in addition to other Jewish antiquities.[2] He

[1] Johann Christoph Rasche, *Die Schätzbarkeit antiker Münzen* (Nuremberg, 1779).

[2] Moritz Stern, *Die Kunstsammlung der Jüdischen Gemeinde zu Berlin* (Berlin, 1917).

bequeathed his entire collection to the Jewish Community of Berlin, and it was his wish that this collection of Jewish cultural objects should be continued. Upon his death on February 15, 1907, it came into the possession of the Jewish Community in Berlin, where it was made accessible to the public ten years later. The Jewish Museum of Berlin was built around Albert Wolf's collections. He was a pioneer in the field of collecting Jewish medals, and published several scholarly essays on this subject.[3] Especially interesting is his article on Jewish medals published in *The Jewish Encyclopedia,* in 1904, where he compiled the first catalogue of Jewish medals reaching up to his time. His catalogue of the Jewish medals of Hamburg followed in the same year. All his numismatic articles are written in a truly scholarly spirit.

Another collection mainly of Jewish coins, well-known to numismatists, was that of Leopold Hamburger of Frankfort on-the-Main. This collection is now in the British Museum in London.[4] Outstanding as collectors of Jewish coins and medals were also the banker Abraham Merzbacher of Munich (1812-1885), and his son Dr. Eugene Merzbacher (1845-1903), the latter a renowned scholar and expert in Jewish numismatics. Another large collection of Jewish medals was that of the late Dr. Egmont Muenzer, Professor of Medicine at the University of Prague, who died in that city in 1924. To this writer's knowledge, it was not preserved in its original composition. One could find, though not too frequently, also some small collections among scholars interested in Jewish history such as that of my father, Professor Alexander Kisch, late rabbi of the Jewish Community in Prague.

[3] Albert Wolf's publications on Jewish medals appeared in
a) *Monatsschrift für Geschichte und Wissenschaft des Judentums,* XXXVIII (1894), p. 239 f.; XLII (1898), p. 328; XLIV (1900), p. 539;
b) *Mitteilungen der Gesellschaft für jüdische Volkskunde,* 1899, p. 147; 1900, p. 135; 1904, p. 51.
c) *Jewish Encyclopedia,* VIII (1904), p. 401; XI (1905), p. 134.

[4] See George Fr. Hill, *Catalogue of the Greek Coins of Palestine* (London, 1914), Preface.

In this country, David L. Walter was probably the first to collect Jewish medals, and he even intended to write a book on this subject, which was never published, however.[5] A booklet, *Medallic Memorials of the Great Comets,* by that author, appeared in 1893.[6]

Only a few years ago Jewish communities, archives and museums became interested in Jewish coins as well as in Jewish medals. Until recently most of the Jewish collectors, even those of high standing, did not show much interest in the Jewish numismatic field.

When in 1887 the Anglo-Jewish Historical Exhibition was on display in the Royal Albert Hall in London, there was a special section "Coins and Medals."[7] Among the 2626 items of the catalogue, not less than 324 were coins and medals (314 coins, and only 10 medals). The latter included two shekel medals and three medals struck in honor of Sir Moses Montefiore. The exhibitors of these items were: Leopold Hamburger of Frankfort on-the-Main (168 coins); John Evans (48 coins); H. Montagu (15 coins, 2 medals); Rev. Dr. W. Wright (5 coins); Rev. S. S. Lewis (15 coins); Rev. C. C. Babington (43 coins); B. L. Benas (2 coins); Marcus N. Adler (4 coins, 1 shekel medal); Rev. J. L. Strachau-Davidson, Oxford (3 coins); B. Heymann, Clifton (1 medal); Dr. Loewe, Groadstairs (9 coins); James L. Hart (1 medal); Sidney Meyer (1 shekel medal); Lucien Wolf (2 medals); Samuel Montagu (2 coins); Mrs. Almosinko and Joseph Goldstone (each 1 medal). This shows that at the time of this exhibition even the finest collectors in the field of Jewish numismatics did not care much for Jewish medals.

A similar exhibition of Jewish art and antiques was held in 1906 at the Whitechapel Art Gallery in London.[8] The catalogue lists 1688 items. Among them as "case 26" "Coins",

[5] See *American Journal of Numismatics,* XVIII (1889), p. 83, and XIX (1890), p. 43.

[6] (New-York, 1893).

[7] *Catalogue of Anglo-Jewish Historical Exhibition* (London, 1887).

[8] *Whitechapel Art Gallery Exhibition of Jewish Art and Antiquities,* Nov. 7 to Dec. 16; 12 noon to 10 p.m. (London, 1906).

and "case 27", "Medals". Only 12 medals were on exhibition, among them four Montefiore medals; in addition, a collection of 34 medals and 9 coins designed by the Jewish artists J. Leopold, and Charles Wiener in possession of E. Wiener.

Even in 1930, when an auction of Jewish objects of art was held at the galleries of Hugo Helbing in Munich, only five of the 115 lots sold represented medals of Jewish interest.[9] The collection of Judaica of S. Kirschstein, Berlin, sold at the galleries of Hugo Helbing in Munich, in 1932, consisting of 850 lots, did not contain Jewish medals.[10] In the first annual report of the Society for the Collection and Preservation of Jewish Monuments of Art and History in Vienna, a catalogue of the collections of this society was published. In the last of thirteen groups, twelve coins and medals were listed.[11] When in 1906 the same society published a guide through the Jewish Museum of Vienna, which did not contain every item present in the collection, coins and medals were again mentioned (No. 57). Eighteen different Jewish medals and one coin were listed, and a remark was added that the collection contained more medals.

In the beautiful and large collection of Jewish art objects of the Jewish Community of Danzig, including the Judaica collection of the well-known collector, Lesser Gieldzinski (donated to that community in 1904) no numismatic items are found except a few odd pieces. These were not even mentioned in the pamphlet published on the opening of this exhibition in New York, in 1939.[12]

In 1900, owing to the stimulus of the Anglo-Jewish Historical Exhibition of 1887, a detailed working program was published by the Society for the Study and Collection of

[9] *Sammlung alter Kunstgegenstände für das jüdische Ritual* (Munich, 1930).

[10] *Die Judaica-Sammlung S. Kirschstein Berlin,* (Hugo Helbing, Munich, 1932).

[11] *Gesellschaft für Sammlung und Conservierung von Kunst-und Historischen Denkmälern des Judentums: Erster Jahresbericht für die Jahre 1895 und 1896* (Vienna, 1897).

[12] *Museum Collection of the Danzig Jewish Community* (New-York: The Jewish Theological Seminary of America. Mimeogr.; no year given).

Jewish Objects of Art in Frankfort on-the-Main.[13] Director Frauberger of Düsseldorf presented there a detailed program of 38 pages in folio covering the various branches of artistic activities for which a society of that kind would have to care. Jewish coins and medals were not even mentioned in that exposé. Nor were Jewish medals included in Rudolf Hallo's book on Jewish art in Hesse,[14] or in S. H. Lieben's Guide through the Jewish Museum of Prague.[15] It is equally significant that among 576 objects exhibited in 1929 in the Schlesisches Museum of Breslau, the Jewish Museum of Breslau presented only 5 Jewish medals (Nos. 87, 96, 531, 569, 571).[16]

In 1931, Dr. Elisabeth Moses wrote an extensive article on Jewish relics of art in the Rhineland, but Jewish medals were not mentioned.[17] At that time collections of Jewish coins and medals were found in some Jewish and non-Jewish museums such as the British Museum in London, the Jewish museums at Frankfort on-the-Main, Vienna, and other places.

Private collectors as well as museums are now beginning to take an interest in collecting Jewish coins and medals realizing that it is a duty to preserve the numismatic remnants of Jewish history and culture, especially those which survived the Nazi furor in Europe. This may therefore be the right moment to give some thought to finding a proper way of arranging such collections. An appropriate system of arrangement will make it easier to survey the whole field, and will also help the private collector to decide whether he should prefer to collect only one definite branch of the material or endeavor to embrace it in its entirety.

[13] *Mitteilungen der Gesellschaft zur Erforschung jüdischer Kunstdenkmäler*, I (October, 1900; no printing place given).

[14] Rudolf Hallo, *Jüdische Volkskunst in Hessen* (Kassel, 1928).

[15] S. H. Lieben, *Das Jüdische Museum in Prag* (Prague, no year given).

[16] *Katalog der ... Ausstellung: Das Judentum in der Geschichte Schlesiens* (Breslau, 1929).

[17] Elisabeth Moses, "Jüdische Kunst und Kunstdenkmäler in den Rheinlanden," *Rheinischer Verein für Denkmalspflege und Heimatschutz*, Heft 1, (Düsseldorf, 1931), pp. 99-205.

II

THE ARRANGEMENT OF A COLLECTION "JUDAICA IN NUMMIS"

Not many schemes on how to subdivide and arrange the material of a numismatic collection have been published or generally accepted. For the ancient period Joseph Eckhel is still the recognized authority.[18] One of the best-known and up to this time most commonly used systems for arranging medieval and modern coins is that presented by Joseph Bergmann at a meeting of the Imperial Academy of Sciences in Vienna, on April 5, 1865.[19] Bergmann described the earlier attempts at arranging collections of coins and medals, and then set up his own system. Section 19 of this system comprises medals in honor of famous persons. Like his predecessors, Bergmann was especially interested in coins of different countries and times. Medals were mentioned only in an appendix to his system.

In the last century, an increasing number of collectors have become aware of the difficulty (or hopelessness) of making an attempt to start a general coin or medal collection. Most of the collectors have therefore confined their efforts within certain limits. Besides, it is realized at present that medals, formerly neglected by coin-collectors, may be of great interest from the point of view of cultural history, and that sometimes they can even be of greater importance than coins. Medical libraries, for instance, have started to add to their books collections of "Medicina in Nummis", and Jewish libraries should definitely follow this trend by the addition of collections of "Judaica in Nummis". Recently, I proposed a method of arranging a collection of medals pertaining to

[18] Josef Eckhel, *Doctrina nummorum veterum*, eight vols. (1792-1798).

[19] Joseph Bergmann, "Darstellung mehrerer erbisheriger Systeme für Anordnungen von Sammlungen mittelalterlicher und moderner Münzen und Medaillen und Begründung eines wissenschaftlichen Systems von Kaiser Karl dem Grossen bis auf unsere Tage," in *Denkschriften der philosophisch-historischen Klasse der Kaiserlichen Akademie der Wissenschaften* in Wien, Vol. XIV (Vienna, 1865); also in separate reprint (Vienna, 1865).

medicine,[20] and should now like to suggest a similar system for a collection of "Judaica in Nummis". For the entire field in question such a system has not been suggested as yet.

The registration and cataloguing should be performed according to the decimal system which is now in use in most libraries. Cross-references should be made in the catalogue wherever necessary.

The serious collector will not collect medals of gold and silver only, as was formerly done, but every coinage (big or small) pertaining to his field, and each type in every available material (silver, copper, iron, brass, etc).[21] A strict distinction should also be made between coins and tokens on the one hand, and medals on the other. By the expression "coin" every kind of coinage is meant that was used as money in the marts of trade. Tokens, while also usually of monetary use, were private coins rather than government issues. Medals and badges, however, were not coined for the purpose of being used as money but for special purposes, e.g., to commemorate famous persons, historic events, etc. In the present system I therefore would suggest that these two entirely different sections be distinguished by different signs. Thus coins and tokens could be marked by "A", the medals and badges by "B", creating two distinctly different groups.

A. Coins and Tokens

A scholarly subdivision of the field of Jewish coins has been repeatedly attempted, particularly by George Francis Hill, in his *Catalogue of the Greek Coins of Palestine,* which comprises the collection of the British museum.[22] The field of collecting Jewish coins, however, is broader than Hill's catalogue makes us believe. The following more extensive system of classification is therefore necessary:

[20] Bruno Kisch, "Suggestions for Arranging a Collection of *Medicina in Nummis*," *Bulletin of the Medical Library Association,* XXXII (1945), pp. 80 ff.

[21] Carl Asmus Rudolphi, *Index numismatum in virorum de rebus medicis vel physicis meritorum memoriam percussorum* (Berlin, 1823).

[22] (London, 1914).

A 1 Coins issued by Jews for use in the Jewish homeland, Palestine
A 2 Coins issued by non-Jewish rulers in Palestine for use in Palestine
A 3 Coins and tokens issued by Jews outside of Palestine for certain purposes
A 4 Coins and tokens issued by non-Jews outside of Palestine for use by Jews
A 5 Coins of non-Jewish governments issued outside of Palestine referring to Jews or Jewish problems
A 6 Coins issued by Jewish mint-masters, or designed or made by Jewish artists
A 7 Forgeries of the previous groups.

These groups (A 1 -A 6) should be subdivided. Thus A 1 could be subdivided in a historical and geographical sense. In this respect Hill's subdivision could be adopted, at least partly. This means, a subdivision into Palestine provinces could be made as follows:

A 1.1 Galilee
A 1.2 Samaria
A 1.3 Judea
A 1.4 Uncertain mints of Palestine.

As to group A 2, it is open to discussion whether Philisto-Arabian and Egypto-Arabian coins should be added as A 2.5.

Each of these groups is to be subdivided alphabetically according to mint places; for instance, in group A 2.3 (coins issued by non-Jewish rulers in Judea) A 23.1 would denote Aelia Capitolina, A 23.2 Anthedon, A 23.3 Ascalon, etc.

These suggestions for subdivision are made with full cognizance of the fact that there are still many unsolved problems in Jewish numismatics. Such blank spaces in this field will have to be filled in later.

A further subdivision can be made on the basis of historical facts; for example, A 1.3 which denotes coins issued by Jews for Palestine in Judea, can be subdivided in the following manner:

A 13.1 Coins issued by Jews in Judea during the Maccabean period

A 13.2 Coins of individual Jewish rulers named on the coins

A 132.1 John Hyrcanos I

A 132.2 Judas Aristobulos, etc

A 13.3 Coins of the First Revolt

A 13.4 Coins of the Second Revolt

Group A 2 contains the coins issued by non-Jewish rulers for use in Palestine. The following historical subdivision is suggested:

A 2 . . . . 1 Pre-Roman times

A 2 . . . . 2 Roman times

A 2 . . . . 3 Post-Roman times.

These groups should be subdivided into provincial groups; for example, A 2 . . . . 2 which denotes coins of Roman times:

A 21 . . . . 2 Galilee

A 22 . . . . 2 Samaria

A 23 . . . . 2 Judea

A 24 . . . . 2 Coins of uncertain mint places.

The next subdivision differentiates the mint places of each province, for instance:

A 23 . . . 2 which denotes coins issued by the Romans in Judea, can be subdivided according to the different mint places arranged in alphabetical order as follows:

A 23.12 Aelia Capitolina

A 23.22 Anthedon

A 23.32 Ascalon, etc.

The historical subdivision of each of these groups with regard to the Roman rulers by whom they were issued, should follow. Wherever a subdivision has more than nine numbers, Roman figures or brackets should be introduced for these groups. This could be avoided by a skillful subdivision.

Group A 3 will comprise coins and tokens issued by Jews outside of Palestine. As a rule, the Jews were for obvious reasons not able to issue coins in the diaspora. The only exception known to this writer are the gold coins struck by Julius Popper, a Rumanian Jew, in El Paramo (Tierra del Fuego, South America) in 1889. They bear the name Popper

as can be seen in the reproduction.[22a] For exclusive use in the ghettos, redeemable tokens were issued and circulated by Jews. Similar tokens were also issued by private firms.

Group A 3 should thus be subdivided into:

A 3.1 Coins issued by Jews outside of Palestine
A 3.2 Tokens issued by Jewish communities
A 3.3 Tokens issued by private Jewish enterprises or persons.

Tokens issued by Jewish communities for internal purposes fall into group A 3.2 They were bought by the consumers to be used as payment, e.g., as fee for the ritual slaughtering of fowl in slaughterhouses. Two such tokens found in the Friedenberg collection in New York were recently reproduced in a work on *Shehitah*.[23] Both were used in the Papal State in the early part of the nineteenth century, one to pay for the slaughtering of big fowl, the other for the slaughtering of small fowl. The legend on the large token reads "B. 3", on the small one "B. 1½". This indicates that the large token represented a value of three, the small one a value of one and a half bajocchi. From 1592 to 1867, a Papal baiocco was a small coin 1/100 scudo worth. Another, smaller specimen of this interesting group of Jewish community money issued in the diaspora is an unpublished token of Serajewo in this writer's collection. It is a uniface strike and has the following legend: 5 פ /סאריי/ ק"ק that means, *Kehilah kedosha* (holy community of) Seraj(ewo), P(ara) 5. Such pieces as comprise group A 3.2 could certainly be found in larger number if a search would be made.

Tokens of Jewish private enterprises and private persons belong to group A 3.3. In addition to the name of the issuing enterprise or person, these tokens show their value or a remark stating that they were redeemable at the issuing store. In this writer's collection are American hard-time tokens of this kind from the period of the Civil War as well as porcelain money which was made in Saxony and issued in

[22a] Cf. Waite Raymond, *The Goldcoins of North and South America* (New York, 1937).

[23] Jeremiah J. Berman, *Shehitah* (New York, 1941), p. 180.

1921 as "Notgeld" by the Jewish firm of Henry Seligman in Hannover. Money in the form of encased stamps was also issued by Jewish firms in Germany in the period of inflation after the First World War. Furthermore, a token, probably of the nineteenth century, deserves mention. It was issued by the "Jerusalem Hotel in Jaffa", and bears an "A" on the obverse, and "1 Piaster" on the reverse.

Store cards and commemorative medals of Jewish firms and enterprises are not to be confounded with this group. They belong to group B, because they were not redeemable, and were issued only for advertising purposes.

The next group, A 4, contains coins and tokens issued by non-Jews outside of Palestine for use by Jews. To this group belongs the money issued by the Nazis for their Jewish victims in the ghettos. It is open to discussion whether or not to include in this group such coins as were struck by a ruler outside of Palestine but were circulated in that country. That would mean the addition of types of money issued by those rulers who governed the Holy Land in the course of the centuries. It is unquestionable, however, that one must include within this group money coined for Palestine and bearing a partly Hebrew inscription as issued by the present mandatory power from 1927 on.

The writer has a special department in his collection which could be called A 8, consisting of coins of ancient times unearthed in Palestine, showing interesting historical facts and thereby bearing witness to the different kinds of money used there in former times. To this group also belong Roman coins with Palestinian countermarks, e.g., those of the tenth legion which was once stationed in Palestine.

The next group, A 5, contains coins of non-Jewish governments issued outside of Palestine, not meant for circulation in Palestine, nor for circulation among Jews in particular, but referring to Jews and Jewish problems. This group should be subdivided either alphabetically or according to Bergmann's system with regard to the issuing governments. In this group are to be included all the coins which were issued by the Romans in commemoration of the conquest of the

Jewish country (*Judea Capta*), insofar as they were struck in Italy and not in Palestine. Vespasian, Titus, and Domitian had such coins struck and there is no question that the "*Judea Capta*" *aurei* and *denarii* were not made in Palestine. As Hill pointed out, the same holds true for the "large brass' and the "second brass" coins which bear an inscription in Latin and the letters "S.C." (*Senatus Consultu*).

In the Middle Ages Jews were not infrequently masters of the mint in some regions of Germany and Poland. Bracteates of this period with Hebrew lettering on the rim are known. Such a bracteate with the Hebrew inscription, *David Ha-Kohen* of the twelfth century from Wetterau, has been described.[24] Other bracteates of this kind known in the numismatic literature have come down to us from the time of Otto the Rich, Markgrave of Meissen (1156-1190), and of Ladislaw II, King of Bohemia (1158-1173), for the province of Lusatia. It is historically ascertained that Leopold V of the Ostmark made Rabbi Solomon master of the mint of Vienna in 1194. In the well-known work of Rabbi Isaac ben Moses of Vienna, *Or Zarua,* decisions are included concerning Jewish mint masters.[25] According to Julius Cahn, portraits of Jews are found on medieval bracteates of which he published photographic reproductions.[26] Bracteates of Halberstadt of about 1160, which were found in Freckleben, show Jews with their typical hats killing St. Stephanus. A picture of a Jew is also visible on the Wetterau bracteate of about 1180 mentioned above. Such coins will find their place in group A 5. In the same group belong also coins referring to biblical personalities or facts (but not to the stories of the Gospels) or bearing quotations from the Bible. Such a specimen is the Strasbourg Thaler of 1679 commemorating the peace treaty of Nymwegen showing Noah's Ark and the peace dove (see picture).

A special group, A 6, should be designated for all non-

[24] Julius Cahn, "Ein Wetterauer Dynastenbrakteat mit hebräischer Umschrift," in *Zeitschrift für Numismatik,* XXXIII (1923), p. 91.

[25] Chapter II, 1, B, paragraph 2; J. Cahn, *loc. cit.*

[26] See Cahn, *loc. cit.*

Jewish coins issued by Jewish mint-masters and such coins designed or made by Jews. To the former group belong coins from medieval as well as modern times; for instance, the rare Prussian Hoym Thaler, the Hoym Friedrichsdor, etc. issued by Hirsch Simon and Isaac Daniel Itzig in Breslau on August 20th, 1781. To the latter group belong, e.g., the coins made by Jakob Abraham and his son Abraham Abramson[27] or the coins designed by J., L., and Ch. Wiener.[28] These groups could be numbered A 6.1 and A 6.2.

Group A 7 is comprised of the forgeries of all coins of the previous six groups. In A 7 two groups are of special interest.

The first is made up of forged Jewish shekels, old and modern, and other forged Jewish coins. There are no forged shekels from the Maccabean or the ancient Jewish times, a fact for which an explanation was suggested by this author elsewhere.[29] In later times, Jewish coins and shekels in particular were forged time and again in order to deceive collectors. The so-called "false shekels" with square lettering, frequently offered in catalogues of coin dealers are not included here because these are shekel-medals and not false shekels.[30]

The second group includes the frequently found falsifications of the various Roman *Judea Capta coins.*

Famous in numismatics are the "Paduans" made by John Cauvin (Cavinus) who lived in Padua from 1499-1570, and the false silver shekels of the year 2, made by the German court counsellor Becker of Offenbach. Also well-known is the unique wooden falsificate of a *Judea Capta* discovered by the late numismatist, Philip Lederer, through his courtesy now in this writer's collection.[31]

[27] Tassilo Hoffman, *Jacob Abraham und Abraham Abramson, 55 Jahre Berliner Medaillenkunst* (Frankfurt-on-Main, 1927).

[28] *Whitechapel Art Gallery Exhibition of Jewish Art and Antiquities* (London, 1906).

[29] Bruno Kisch, "Shekel Medals and False Shekels," *Historia Judaica,* III (1941), pp. 75 ff.

[30] B. Kisch, *loc. cit.*

[31] Philipp Lederer, *Zeitschrift für Numismatik,* XL (1930), p. 42.

B. Jewish Medals

At first glance, a differentiation between medals issued by Jews and those issued by non-Jews would appear to be an obvious method of classification. To proceed in this way, however, is not advisable. The most practical way would rather be to subdivide the medallic field according to the various topics represented by the medals.

The following general subdivision seems most adequate:

- B 1 Medals on biblical subjects
- B 2 Jewish political medals
- B 3 Medals concerning Jewish communities and their institutions
- B 4 Medals referring to Jewish organizations other than Jewish communities or congregations
- B 5 Medals commemorating Jewish personalities and their activities
- B 6 Medals issued to commemorate or advertise Jewish commercial enterprises
- B 7 Antisemitica
- B 8 Medals made or designed by Jewish artists regardless of their topics
- B 9 Charm medals, cabalistic medals.

Group B 1 is comprised of medals on biblical subjects, and should be confined to those presenting topics taken from the Torah and the Prophets. In this writer's opinion items presenting topics from the Gospels should be excluded. A subdivision of this vast field may not be easy because biblical ideas and scenes were very popular and favorite themes in the entire realm of art from the Middle Ages to the Renaissance period. A few groups present themselves as well defined units and can therefore be separated from the rest. First mention is deserved by the large group of shekel medals. This group does not include forged shekels but only shekel medals as described and subdivided in a previous monograph.[32]

[32] Bruno Kisch, "Shekel Medals and False Shekels," *Historia Judaica*, III (1941), pp. 67-101.

Another well defined group, to be arranged according to its mint place Joachimsthal, Bohemia, are the medals issued there especially during the sixteenth century. A large number of these "Joachimsthal medals" present biblical scenes and are treated in the comprehensive work by Victor Katz, *Die erzgebirgische Prägemedaille des XVI. Jahrhunderts.*[33] It may seem somewhat inconsequential to make a subdivision from a geographical point of view. But the "Joachimsthal medals" are such a well defined group in the field of numismatics that placing them into one group seems to be justified, even if this should necessitate many cross-references.

The following subsections should be used:

B 1.1 Medals showing symbolic presentations of Judaism like the tablets with the Ten Commandments

B 1.2 Medals representing biblical persons, e.g. Adam and Eve, Moses, Aaron, etc.

B 1.3 Medals representeing biblical scenes or quotations from the Bible

B 1.4 The shekel medals

B 1.5 The biblical medals of Joachimsthal.

Group B 2 (Jewish political medals) should be subdivided so that B 2.1 would denote medals commemorating political events of importance to the Jews. Examples are the medal by Reich of 1782 commemorating Emperor Joseph II's Edict of Toleration, the medal by Abramson of 1808 celebrating the emancipation of the Jews of Westphalia, that of 1805 on the emancipation of Russian Jewry, or that of 1860 commemorating the right to buy real estate granted to Austrian Jewry by Emperor Francis Joseph I.

B. 2.2 would contain medals commemorative of Zionist political activities, e.g., the medal commemorating the Second Zionist Congress (in the writer's collection in bronze and iron), or a little-known medal on the same event showing the portraits of Theodor Herzl and four other members of the directorial board of this congress.

[33] (Prague, 1931).

A further group, B 2.3, should contain medals referring to political events in which Jews played a special role, or political medals whereon Jews are especially mentioned. Examples are two medals of 1686 commemorating the participation of Jews in the defense of Buda, and the satyrical medal by Kurt Goetz showing Curt Eisner, one of the leaders of the revolution in Bavaria after the First World War. Cross-references in a catalogue will be needed here, because the latter medal may also be listed under Antisemitism B 7. Medals in honor of champions of the Jewish Emancipation in the first half of the nineteenth century will also have their place in this group, such as the Gabriel Riesser medal of 1836 or the Robert d'Azeglio medal of 1848.

The next group B 3 needs an elaborate subdivision, because it contains numerous medals of different kinds. The following classification is suggested:

B 3.1 Medals issued by Jewish communities and congregations.

These medals may be subdivided alphabetically according to the countries of origin and, within the countries, counties counties may be differentiated, and within the counties the individual communities. Medals issued by a Jewish community as such should be in group B 3.1 insofar as they do not commemorate one of the topics of the following groups of B 3, e.g., B 3.2, etc. Accordingly, under B 3.1 may be put the medals issued by the community of Berlin during the Nazi regime as awards for special merits in its charitable work, and the medal issued by the community of Breslau in 1837 commemorating the fiftieth anniversary of the doctorate of the Jewish physician, Elias Henschel. Here too, cross-references are necessary whenever such medals bear the name or portrait of a famous Jew. The medal dedicated in 1790 to Landgrave Ludwig X by the Hessian Jews, the three variants of the medal dedicated in 1790 by the Hessian Jews to the Landgravine Carolina Henrietta, and the one dedicated to Baron Wilhelm Carl von Rothschild and his wife by the Israelitische Religionsgemeinschaft in Frankfurt in 1899 on the occasion of their golden wedding anniversary belong

to the same group. The golden original of the last-mentioned medal was in the possession of the Jewish Museum in Frankfurt as late as 1938.

Group B 3 should be further subdivided in these sections:

B 3.2 Synagogues of Jewish communities or congregations.

Many such medals were issued, the first in commemoration of the laying of the cornerstone of the synagogue in Munich, in 1824.

B 3.3 Schools of Jewish communities and their activities.

In this writer's collection are two different medals refering to the *Realschule* of the Israelitische Religionsgemeinschaft of Frankfort on-the-Main.

B 3.4 Other institutions and activities of Jewish communities or religious organizations.

To this group belongs the *Sela* medal struck by the Agudas Yisroel in 1937.

B 4 will contain medals issued by the numerous Jewish organizations and institutions of a private character:

B 4.1 Medals and badges of Jewish lodges, such as the medal commemorating the twenty-fifth anniversary of the B'nai B'rith Lodge of Munich (1922), by Arthur Zadikow, and the medal of the B'nai B'rith Lodge of Frankfort on-the-Main commemorating the dedication of its home in 1902.

B 4.2 Private (not congregational) Jewish schools, Jewish educational institutions, and their activities. Within this group fall the award medals and badges of Jewish schools and colleges such as Yeshiva College in New York.

B 4.3 Medals referring to Jewish charitable institutions

B 43.1 Hospitals, asylums, dispensaries

B 43.2 Homes for the Aged

B 43.3 Orphanages

B 43.4 Social charitable organizations such as the medal of 1841 commemorating the silver jubilee of the Jewish Credit Institution in Hamburg.

B 43.5 Other Jewish charitable activities.

To this group belongs the medal of 1876 on the two hundredth anniversary of the *Hebra Kaddisha* of Gailingen, Germany.

B 4.4 Medals commemorating Jewish expositions.

For instance: the medal by L. Razor on the International Colonial Exhibition in Paris (1931) with partly Hebrew inscription; the small badge of the Jewish Palestine Pavilion at the New York World's Fair of 1939. It is doubtful whether such medals should be included in group B 2 (political medals).

Group B 5 (Jewish personalities and their activities).

This group should be arranged within each sub-group alphabetically, and not according to countries. Many difficulties will thus be avoided. The subdivision should be made as follows

B 5.1 Rabbis
B 5.2 Philosophers and mathematicians
B 5.3 Historians and other scholars
B 5.4 Lawyers
B 5.5 Scientists
B 5.6 Politicians
B 5.7 Artists
B 5.8 Men of commerce and industry
B 5.9 Other popular personalities

Suggestions for subdividing these groups will be found in the Index concluding the present study. A separate group should be devoted to Jewish wedding medals. They could be best placed under B 5.9. Section B 5 will probably be the most voluminous in each collection of "Judaica in Nummis". A subdivision of each group according to the persons responsible for the issuance of a medal may therefore be helpful. Such a differentiation should be made in each catalogue since the importance of a medal will vary according to whether it was issued

a) by a government, community or congregation, or another public organization, to honor a personality or his work; or

b) by a recognized society or other body; or

c) by groups of admirers such as pupils, friends, relatives; or

d) through a commercial enterprise for the selling of plaques or medals with the portrait of a famous personality.

In cataloguing group B 5 cross-references should be referring to other groups whenever persons are mentioned on medals comprised therein. It should be made clear that in group B 5 persons of all groups hereafter enumerated are to be included:

1) Jews by descent and religion

2) Baptized Jews

3) Persons only partly of Jewish descent.

Group B 6 is self-explanatory and here Jewish as well as partly Jewish firms are to be included, the prerequisite being that at least some of the owners were Jews at the issuance of the medal.

B 7 Antisemitica.

This group should be subdivided according to the causes of the antisemitic attitude and propaganda. To B 7.1 belongs antisemitism on religious grounds, e.g., the satyric medals on the conversion of Jews to the Christian faith like that of 1659 on the baptism of the Jew Michael of Prague, Bohemia.

B 7.2 includes medals on antisemitism caused by economic reasons.

Here is the place for medals on usury, the "Kornjuden" medals and others

B 7.3 medals on antisemitism fostered by racial theories

B 7.4 medals on political antisemitism.

To this group belong all antisemitica not clearly belonging to B 7.1, B 7.2, or B 7.3, many of the Viennese Lueger medals, etc.

In B 8 all medals designed or made by Jewish artists should be included with no regard to their topic. This group should be arranged alphabetically according to the artists' names.

Probably the most interesting group is the last, B 9, which contains cabalistic and charm medals, including those bearing the text of certain prayers such as the prayer for a journey. These were often worn on a chain around the neck, as was done with other charm medals. This explains why they often show a hole or loop.

III

INDEX FOR A COLLECTION OR CATALOGUE OF "JUDAICA IN NUMMIS"

A. Coins

A 1 Coins issued by Jews for use in the Jewish homeland, Palestine.

Little is known about the mint places of this group. Therefore the subdivision follows that of A 2 of which much more information is available.

A 1.1 Galilee
A 1.2 Samaria
A 1.3 Judea
A 1.4 Uncertain mints of Palestine

Each of these groups has to be subdivided historically, for instance:

A 13.1 Maccabean time
A 13.2 Individual Jewish rulers
A 13.3 First Revolt
A 13.4 Second Revolt

A 2 Coins issued by non-Jewish rulers in Palestine:

A 2.1 Galilee
A 2.2 Samaria
A 2.3 Judea
A 2.4 Uncertain mints of Palestine
A 2.5 Philisto-Arabian and Egypto-Arabian coins

Each of these groups has to be subdivided alphabetically according to mint places as in Hill's catalogue. The historical subdivision would be the last figure of the catalogue, 1 meaning pre-Roman times, 2 Roman times, 3 post-Roman times. To give an example, a coin issued by the Romans in Aelia Capitolina would be A 231.2.

A 3 Coins and tokens issued by Jews outside of Palestir

A 3.1 Coins

A 3.2 Tokens issued by Jewish communities
A 3.3 Tokens issued by private Jewish enterprises or persons
A 4 Coins and tokens issued by non-Jews outside of Palestine for use by Jews
A 5 Coins of non-Jewish governments issued outside of Palestine not meant for circulation among Jews but connected with Jews and Jewish problems:
A 5.1 Judea Capta
A 5.2 Coins with signs of Jewish mint masters
A 5.3 Coins presenting portraits of Jews or scenes or quotations from the Scriptures
A 6 Coins issued by Jewish mint-masters (A 6.1), or designed by Jewish artists (A 6.2)
A 7 Forgeries of the previous six groups
A 8 Ancient coins found in the soil of Palestine

B. Medals

B 1 Medals on biblical subjects
B 1.1 Symbolic presentations of Judaism like the Tablets of the Law, etc.
B 1.2 Medals representing biblical persons
B 1.3 Medals representing biblical scenes or quotations
B 1.4 The shekel medals
B 1.5 Biblical medals made in Joachimsthal, Bohemia
B 2 Jewish political medals
B 2.1 Medals commemorating political events of importance to the Jews
B 2.2 Medals commemorating Zionist political activities
B 2.3 Medals commemorating political events with Jews involved, or mentioned on the medals
B 3 Medals concerning Jewish communities and their institutions
B 3.1 Award medals and commemorative medals issued by Jewish communities or congregations
B 3.2 Synagogues of Jewish communities or congregations
B 3.3 Schools of Jewish communities or congregations
B 3.4 Other institutions and activities of Jewish communities or religious organizations
B 4 Medals referring to other Jewish organizations and their activities
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B 43.3 Orphanages
B 43.4 Social charitable organizations
B 43.5 Other Jewish charitable activities
B 4.4 Jewish expositions
B 5 Jewish personalities and their activities
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B 53.1 History
B 53.2 Legal history
B 53.3 Medical history
B 53.4 Numismatics, etc.
B 5.4 Lawyers
B 5.5 Scientists
B 55.1 Natural scientists
B 55.2 Physicians
B 55.3 Explorers
B 55.4 Engineers
B 55.5 Inventors, etc.
B 5.6 Politicians
B 5.7 Artists
B 57.1 Musicians
B 571.1 Composers
B 571.2 Conductors
B 571.3 Singers
B 571.4 String instrumentalists
B 571.5 Pianists
B 571.6 Others
B 57.2 Poets and writers
B 57.3 Actors
B 57.4 Painters
B 57.5 Sculptors
B 57.6 Other artists
B 5.8 Commerce
B 58.1 Bankers
B 58.2 Dealers
B 58.3 Factory Owners
B 58.4 Printers, bookdealers, publishers
B 58.5 Mine owners
B 58.6 Others
B 5.9 Other popular personalities
B 59.1 Teachers
B 59.2 Philanthropists
B 59.3 Personalities not known for any outstanding activities

B 59.4 Wedding medals
B 6 Jewish commercial and industrial enterprises
B 6.1 Store cards, not issued to commemorate a certain event
B 6.2 Commemorative tokens of Jewish firms
B 7 Antisemitica
B 7.1 Religious antisemitism
B 7.2 Economic antisemitism
B 7.3 Racial antisemitism
B 7.4 Political antisemitism
B 8 Medals, designed or made by Jewish artists
B 9 Cabalistic and charm medals.

Explanation of the Plates

Plate I

1 Silver Shekel, Year 2
2 Silver Half-shekel, Year 2
3 Silver-Denar (Simeon), Second Revolt, 132-135
4 Tetradrachme, Second Revolt (silver)
5 Bronze Coin, (Simeon), Second Revolt
6 Bronze Coin, same time
7 Bronze Coin, same time
8 Judaea Capta, Silver-Denar of Vespasian
9 Judaea Capta, Sesterce of Vespasian
10 Judaea Capta, Sesterce of Vespasian, other type
11 Bronze-Coin of Titus: kneeling Jews before the victorious emperor.

Plate II

1 } Julius Popper's Goldcoins of one and five grams issued
2 } by him in El Paramo (Tierra del Fuego), 1889
(The five-gram piece by courtesy of the American Numismatic Society)
3 Community Token issued by the Jewish Community of Sarajewo (brass), nineteenth century
4 Emergency Money, 50 Pfennig in value, Hannover (Germany), issued by a Jewish firm, made of brown china in the state-factory Meissen (Saxonia); 1921
5 Storecard issued by a kosher dining saloon (Felix) in New York (brass and silver), 1863
6 Sela issued by the Agudas Yisroel, 1937
7 Silver Token issued on the occasion of the twenty-fifth anniversary of the world language Esperanto, showing the portrait of its inventor, Dr. L. L. Zamenhof, a Jew
8 Stephanus-Bracteate, Bishopric Halberstadt, Gero von Schermcke, 1160-

1177: two Jews and St. Stephanus

9 Another similar Stephanus-Bracteate, Bishopric Halberstadt, Gero von Schermcke, 1160-1177

10 Strasbourg-Taler of 1679 commemorating the peace treaty of Nymwegen: Noah's ark and dove

PLATE III

1 Wiedertäufertaler of Münster: Adam and Eve, Jacob's Dream, sixteenth century (Notice Adam's hat and beard)

2 Regensburg, 1½ Taler, 1649, commemorating the Westphalian Peace: Noah's ark with dove

3 Biblical Medal (Adam and Eve), Joachimsthal, 1549, made by Concz Welcz

4 Medal, Joachimsthal, 1539: Moses with the serpent in the desert

PLATE IV

1 Political Medal, Italy, nineteenth century, with loop: Propaganda for the celebration of the first of May and the eight-hour working day, with portrait of Karl Marx

2 Commemorative Medal dedicated to Dr. Elias Henschel by the Jewish Community of Breslau (Germany), on the occasion of the fiftieth anniversary of his graduation as M.D., 1837

3 Medal dedicated to Baron Wilhelm Carl von Rothschild and his wife on the occasion of their golden wedding (1899) by the "Israelitische Religionsgesellschaft" in Frankfort-on-the-Main

4 Premium Medal of the "Israelitische Religionsgesellschaft" in Frankfort-on-the-Main for the best choir pupil

5 Unilateral Silver Medal of Karl Marx and Ferdinand Lasalle, nineteenth century

6 Unilateral Brass Medal of M. C. Saphir by C. Radnitzky

PLATE V

1 Heine Medal of tin issued in New York 1897. The dedicatory inscription reads in translation: The Germans in America to their greatest lyric poet Heinrich Heine

2 Silver Medal of 1852 commemorating the building of the synagogue of the "Israelitische Religionsgemeinschaft" in Frankfort-on-the-Main

3 Tin Medal by Weckwerth commemorating the fortieth anniversary of the Royal Conservatory of Music in Leipzig, 1883, with the portrait of its founder Mendelssohn.

4 Silver Medal in honor of the Jewish explorer of Africa, Emin Pascha

5 Unilateral Reward Medal issued in Nazi Germany by the Jewish Community of Berlin

JEWISH PERSONAL MEDALS WITHOUT PORTRAITS

By Guido Kisch
Jewish Institute of Religion
New York

THE Associate Editor of this journal recently extended an invitation to the writer to describe and discuss in these pages the first medal pictured on the accompanying plate.[1] In complying with this request the author is well aware of his adding to the several peculiarities characteristic of that medal, one more curiosity. It is the fact that the very person in whose honor a medal was made, offers a description and discussion of this item. But even if a precedent of such procedure should be brought to light from the annals of medallic history or the discipline of numismatics at large, the other unusual features of this medal will still justify the Editor's suggestion and the author's writing this brief article.

To the Editor one fact, above all, seemed unusual, and even unique in medallic history. The medal under consideration was designed by one numismatist and collector of medals, and dedicated and presented to another numismatist and medal collector. Both of them are, moreover, brothers.

The medal under consideration was cast in a heavy composite metal of a dark silver-gray color, and measures sixty millimeters in diameter. The obverse bears a coat of arms in the center. In the symmetrical shield a *Magen David* or Shield of David is visible. Its center is occupied by a heraldic animal being a hart or male deer, in Hebrew *Zvi,* in German *Hirsch.* On top of the shield is a rising lion, holding with his paws the tablets of the Law. It is a special type of heraldic lion: the double-tailed Bohemian lion wearing on his head the ancient Bohemian crown. The inscription on the surrounding circu-

[1] The present article in its original form appeared in the *Numismatic Review*, vol. II, No. 4 (April-June, 1945), pp. 25-27. It is here reprinted in expanded and annotated form. In the *Numismatic Review* four medallic illustrations accompanied the text. The plates, however, were inadvertently destroyed before reprints had been made. Therefore these medals are here reproduced anew. Five more medallic items of interest are added.

lar band reads: • Professor J.U.Dr. GUIDO KISCH PRAGENSIS • Below is the date: 22.I. 1889.

The symbols on the reverse of the medal are arranged in a manner corresponding to the arrangement on its obverse. The center is occupied by a reading desk. On top of it lies an open book. On the front side of the desk the names of the following cities are inscribed, filling six horizontal lines, with a concluding ornament at the bottom: LEIPZIG / KÖNIGSBERG / HALLE-WITT(EN)B(ER)G / BRESLAU / NEW YORK. At the right of the beholder the name of the designer is visible in a vertical line: B. KISCH D. The surrounding circular band has the following dedicatory inscription in Latin: • SCRUTATORI DOCTORI AMICO FRATRI CONGRATULATIO • Translated into English this means: Congratulations to the researcher, teacher, friend, (and) brother: Below again the date appears: 22.1. 1939.

The names of the cities and the name of the designer on the reverse, and the numbers representing the Ten Commandments on the obverse are incused. The student of medallic art is immediately struck by this fact since incuses are decidedly rare on medals.

The medal was designed in conception as well as ornamentation by Doctor Bruno Kisch, formerly Professor of Physiology at the University of Cologne, Germany, at present cardiologist and Professor at Yeshiva College, New York City. His reconstruction of the coat of arms of the Kisch family was based on a thorough study of all documents pertaining to its history.[2] According to tradition, the Kisch family is of Sephardic, i.e., Spanish-Portuguese origin. After the expulsion of the Jews from Spain, its members settled in Chiesch (pronounced Kisch), a small country village near Cheb (Eger) and Karlovy Vary (Karlsbad), in Bohemia. Early in the seventeenth century Jacob, who called himself Kisch after the name of his home town, emigrated to Prague, where members of the family were proprietors of the Jewish pharmacy, distinguishing themselves through several genera-

[2] For bibliography on the Kisch family and its history, see *Universal Jewish Encyclopedia,* Vol. VI (1942), pp. 400-403.

tions as physicians and scholars. For more than three hundred years, with no interruption, the family resided in the Bohemian capital. In almost every generation Zvi-Hirsch recurs as the first name of individual members. This tradition was maintained also in the Dutch and English branches, which were founded by emigrant members of the Kisch family, after the expulsion of the Jews from Prague by Empress Maria Theresa in 1745. The hart was thus a recurring symbol on old signet-rings preserved in the family. The shield of David on the obverse needs no further explanation. The rising Bohemian lion is reminding of the historical connection of the family with Bohemia, and the tablets of the Law of its traditional devotion to Judaism. The heraldic animals, hart and lion, suggest an allusion to a passage in Hebrew literature, namely, *Ethics of the Fathers,* V: 23, reading thus: "Be bold as a leopard and light as an eagle, fleet as a hart, and strong as a lion, to do the will of thy Father who is in heaven."

The latter idea is also indicated by the intentional omission of a portrait, in strict interpretation of the Second Commandment, *Exodus* XX:4. From the artistic point of view in general and that of a medallist in particular, the lack of a portrait may be considered as contradictory to the idea and aim of a personal medal. Nevertheless, this is neither the first nor the only medal to offer this problem.

The well known medal presented to *Haham* Isaac Bernays of Hamburg (1792-1849) on the twenty-fifth anniversary of his being in office in 1846, has on the obverse an inscription in Hebrew, consisting of a dedicatory poem of twelve lines, on the reverse a brief dedication in German with no portrait (No. 2).[3]

Five years earlier, the Jewish community of Hamburg had honored the great philanthropist, Sir Moses Montefiore (1784-1885), and Lady Montefiore upon their return from Egypt by issuing a medal (No. 3). The obverse shows their

[3] In C. F. Gaedechens, *Hamburgische Münzen und Medaillen* (Hamburg, 1850-1876), vol. I, p. 223, no. 29, and vol. III, p. 154, no. 2090, the obverse is erroneously considered as the reverse, and vice versa. This medal is not mentioned in any of the biographies of Bernays in the various Jewish encyclopedias.

joined coats of arms surrounded by this dedicatory inscription (in Hebrew): "For my brethren and companions' sakes, I will now say: 'Peace be within thee.'" (*Psalm,* CXXII:8). "Pride of Israel" לפ"ק שנת גאון ישראל The reverse of the medal is arranged in a manner corresponding to the arrangement on its obverse. The entire space is taken by the names of the honored persons substituting for their portraits. The ten-line legend, moreover, mentions the occasion and date of the issuance of the medal. The inscription on the surrounding circular band reads (in German). "Dedicated by their coreligionists in Hamburg." Both aforementioned medals were produced by the firm of Nathan Brothers of Hamburg.

The Jewish community of Hamburg issued a third Jewish medal without a portrait of the honored person. It is the earliest among those mentioned here and was dedicated in 1836 to the champion of Jewish Emancipation in Germany, Gabriel Riesser, a native of Hamburg (1806-1863) (No. 4). Its reverse bears a six-line dedicatory inscription (in German): "To the champion for right and freedom, Dr. Gabriel Riesser, from his coreligionists of Hamburg, 1836." The obverse shows—differing from the rest of the personal medals without portraits made in Hamburg—a group of allegorical figures representing the Synagogue with the tablets of the Law, kneeling and chained, and the Church with crown and sceptre. They are placed before the figure of a mother impersonating Love. The woman representative of the Synagogue raises the forefinger of her left hand and points to the representative of the Church. The appropriate circumscription is a quotation from *Malachi,* II:10: "Have we not all one father? Hath not one God created us?" This medal was designed by Moritz Oppenheimer (1799-1882), the well-known painter of scenes from Jewish family life. A portrait of Riesser omitted on this medal is found on a bronze plaque which was cast in 1906 upon the one-hundredth anniversary of Riesser's birth.[4]

[4] Cf. Moritz Stern, *Aus dem Berliner jüdischen Museum* (Berlin, 1937), pp. 37-38.

These three Jewish personal medals bearing no portraits of the honored personalities were all made in Hamburg. It would be erroneous, however, to assume that the omission of portraits could be attributed to the strictly religious attitude still prevailing in the first half of the nineteenth century in that German-Jewish community which as one of the first had witnessed the struggle between traditional Judaism and the rising Reform movement. For in 1841 a medal was struck, also in Hamburg, to commemorate the laying of the foundation-stone of the German-Jewish Hospital (*Krankenhaus der deutsch-israelitischen Gemeinde*). While the building is reproduced on the reverse of the medal, the obverse bears the portrait of its founder, Salomon Heine (1767-1844), uncle of the poet, Heinrich Heine (No. 5). Salomon Heine was also the founder of a Jewish loan-society (*Israelitisches Vorschuss-Institut*) in Hamburg. On the twenty-fifth anniversary of this insititution a commemorative medal was struck in silver and bronze, again bearing no portrait (No. 6).

There is, finally, a wedding medal made in Frankfort on-the-Main in 1898 which has no portrait of the bridal pair in whose honor it was struck (No. 7). On the obverse it shows a bridal canopy covering two coats of arms symbolical of the parties' names, Hamburger and Rosenbaum, surrounded by this inscription (in Hebrew): "As a lily among thorns —so is my beloved among the sons." "Thou art beautiful, O my love, as Tirzah." (*Song of Songs*, II:2,3; VI:4). On the reverse there is a brief dedicatory inscription in German: "To our children, Siegmund Rosenbaum, שמשון and Dora Hamburger, תרצה, on the occasion of their wedding, from H. and L. H." This nine-line inscription is surrounded by two circular bands. The inner band is smaller and gives the names of the bridegroom's and bride's birthplaces or residences, Mannheim and Grebenstein, and the city where the wedding was performed, Frankfurt am Main. The Hebrew inscription on the larger outer band reads in translation: "On the day of their wedding and on the day of the joy of their hearts, Sunday, *Erev Rosh Hodesh* Shebat 5658 (1898)."

All these instances offer satisfactory evidence that the personal medal described in the beginning of this essay stands by no means alone regarding the fact that it shows no portrait.

A contrast is a medal made in 1735 to commemorate the election of R. Elazar (not Eleazer) ben Samuel Schmelka of Brody (1665-1742) as chief rabbi of Amsterdam, Holland, which shows on its obverse the relief portrait of this orthodox rabbi with head covered (No. 8). This medal is unusual for two reasons. First, it was issued on the accession to office of a rabbi while it always was and still is customary to honor prominent personalities by medals on anniversaries only or upon their death. Secondly, it is the only medal with the portrait of an orthodox rabbi known to have been made during his lifetime. Patently R. Schmelka did not permit the medallist to make his sketch from nature. It was R. Jacob Emden (1697-1776), famous as a talmudist and opponent of the Sabbatian movement, who in his *Responsa* (I, No. 170) raised objections against this medal on religious grounds just because of the portrait. He maintained however, that R. Schmelka was certainly ignorant of the plan to produce a medal with his portrait. In fact, the medal was made from a portrait lost to us, and was intended to testify to the rejoicing over the restoration of peace and unity in the Amsterdam Jewish community after years of schism and struggle.[5]

This author knows of only one non-Jewish personal medal which bears on obverse and reverse merely inscriptions, and no portrait. It is a medal, measuring 40 millimeters in diameter, struck 1827 in silver and bronze, in honor of Bernhard Cristopher Faust (1755-1842), protagonist of vaccination and personal physician to Prince George William of Schaumburg-Lippe.[6] For the sake of comparison another personal medal without portrait may be mentioned. It was struck in Brazil to pay homage to James Monroe (1758-1831) who, on December 2, 1823, issued the famous message which warned the powers of continental Europe against in-

[5] For details, see Stern, *op. cit.*, pp. 17-19.

[6] Cf. Hippolyte Kluyskens, *Des Hommes Célebres dans les Sciences et les Arts, et des Médailles, qui consacrent leur souvenir* (Gand, 1859), Vol. I, p. 296.

tervention in or colonization of the American continents. The obverse of the medal presents the coats of arms of Brazil and the United States, the reverse, within a wreath, the dedicatory inscription surrounded by the American and Brazil watchwords characteristic of the Monroe Doctrine.

Now again returning to the description of the first medal discussed here, merely name, doctoral degree, and professional designation of the present writer appear on its obverse. He is called "Pragensis," i.e., born in Prague. The date of birth is given at the bottom. J.U.D. stands for *Juris Utriusque Doctor,* i.e., Doctor of both laws, namely, of secular and Canon Law, these degrees having been conferred on him by the University of Prague, in 1913. He held the Chair of history of law and political theory and institutions in the universities indicated on the reverse: Leipzig (1915-19), Königsberg (1920-22), Halle-Wittenberg (1922-24), Prague (1924-25), Halle-Wittenberg (1925-33). Breslau refers to his professorship in history at the Jewish Theological Seminary of Breslau, to which he was appointed after his dismissal from the university by the National Socialist government in 1933. The next post he occupied in his teaching career was at the Jewish Institute of Religion in New York City, a position still held by him.

The date appearing on the reverse of the medal is that of his fiftieth birthday. On the eve of January 21, 1939, the original cast of the medal was presented to him. From this only seven replicas were made by the original engraver. Three of them are in his possession, the rest is owned by his brother.

The medal was executed in December 1938 in Cologne, Germany, by Mr. M. Maier who was held in high repute as a skillful and artistic engraver of medals. He had been entrusted to execute the large seal and insignia of the Rector (President) of the newly established University of Cologne, in 1919, and of the Carl Ludwig medal, an award of the German Cardiological Association. Mr. Maier had also executed an interesting pacifistic medal. After Hitler's access to power, the medallist was, naturally, afraid of being persecuted by the Nazis for this very reason and thus destroyed the entire stock.

At that time silver for medallic purposes was obtainable in Germany upon the issuance of an official permit only. The engraver would, of course, not dare to file an application for such a permit with the Nazi authorities for material to be used for a "Jewish" medal. For this reason the latter had to be executed in a base metal instead of silver, as had originally been intended. It was only under the cover of night that he delivered the anniversary medal to my brother's house, just a few days before the latter left for America. Also for obvious reasons Mr. Maier did not incuse his name with the customary "*fecit*" on this medal, as he had done previously with all other medals produced by him. He could not take the risk of eventually being discovered and identified as the maker of a "Jewish" medal by the Nazi authorities.

No doubt, it was the last "Judaica" medal made in Nazi Germany, and it will retain this sad mark of distinction in medallic history.

Explanation of the Plates

Plate I

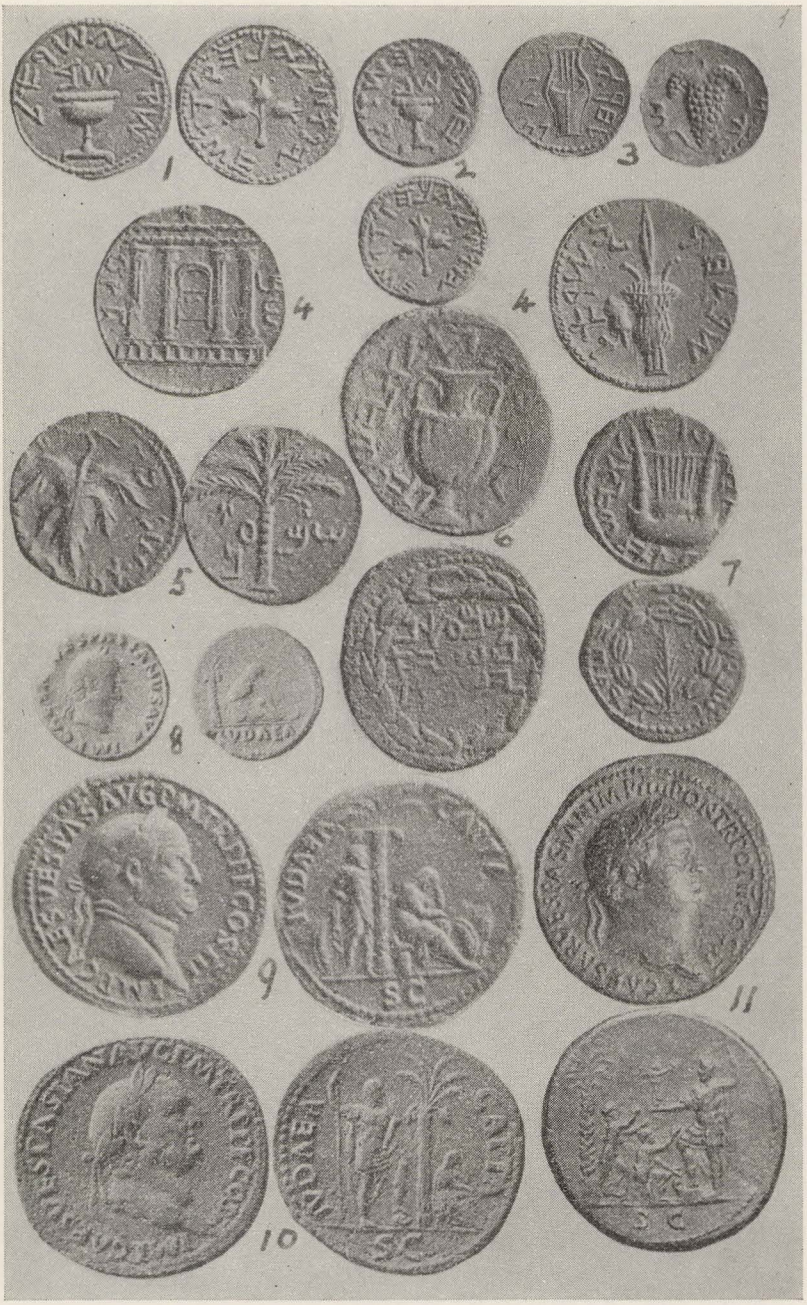
No. 1. Medal of Professor Guido Kisch, cast on his fiftieth birthday, 1939.
No. 2. Medal of *Haham* Isaac Bernays, struck on his twenty-fifth anniversary of being in office, 1846.
No. 3. Medal of Sir Moses Montefiore and Lady Montefiore, struck on their return from Egypt, 1841.

Plate II

No. 4. Medal of Dr. Gabriel Riesser, struck in honor of the champion for right and freedom, 1836.
No. 5. Medal of Salomon Heine, struck in honor of the founder of the German-Jewish Hospital in Hamburg, 1841.
No. 6. Medal, struck on the twenty-fifth anniversary of the foundation of the *Israelitisches Vorschuss-Institut* (Jewish loan-society) in Hamburg, 1841.

Plate III

No. 7. Medal, struck on the wedding of Mr. Siegmund Rosenbaum and Miss Dora Hamburger, 1898.
No. 8. Medal of Rabbi Elazar ben Samuel Schmelka, made on his installation as Rabbi of Amsterdam, 1735.
No. 9. Medal of James Monroe, struck in Brazil in commemoration of the "Monroe-Doctrine," 1894.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1
LAVADEROS DE ORO
DEL SUD-O
2
TIERRA DEL FUEGO
POPPER
1889
3
HENRY SELIGMANN
50
4
HANNOVER
1921
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1908
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JUBILEO DE ESPERANTO
1887 - 1912
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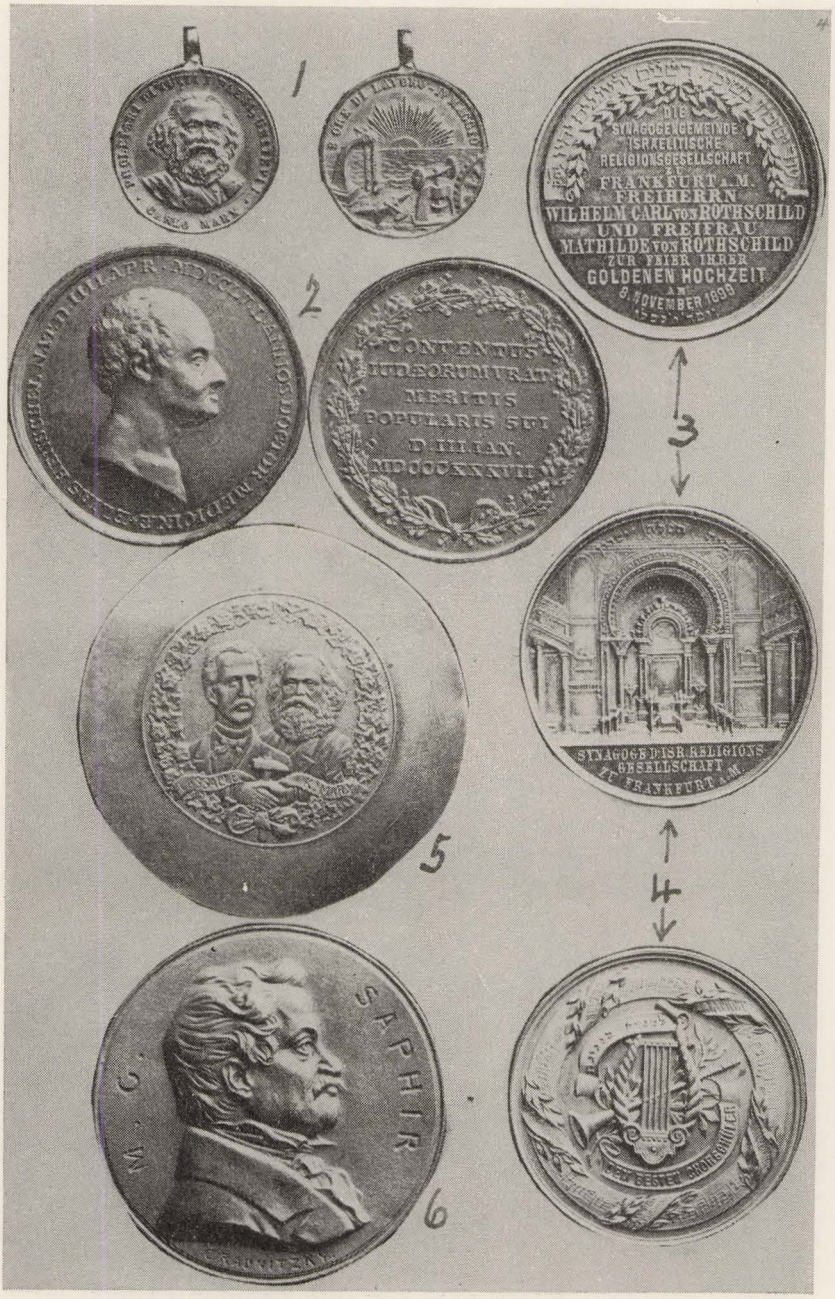
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DIE
SYNAGOGENGEMEINDE
ISRAELITISCHE
RELIGIONSGESELLSCHAFT
ZU
FRANKFURT A.M.
FREIHERRN
WILHELM CARL von ROTHSCHILD
UND FREIFRAU
MATHILDE von ROTHSCHILD
ZUR FEIER IHRER
GOLDENEN HOCHZEIT
8. NOVEMBER 1898
CONTENTUS
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POPULARIS SUI
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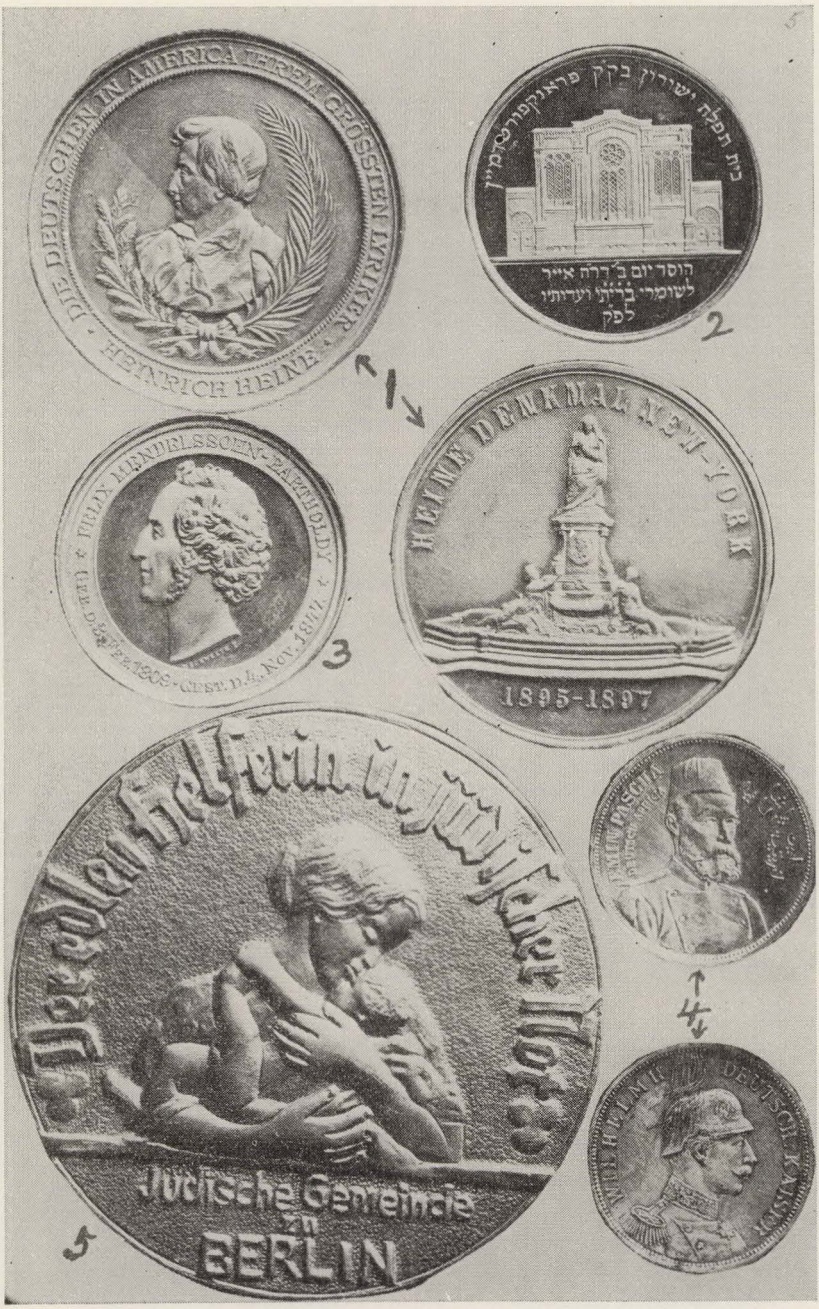
M. C. SAPHIR


DIE DEUTSCHEN IN AMERICA IHREM GRÖSSTEN LYRIKER
HEINRICH HEINE
1
2
FELIX MENDELSSOHN-BARTHOLDY
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HEINE DENKMAL NEW-YORK
1895-1897
Jüdische Gemeinde
zu
BERLIN
5
4

LEIPZIG
KÖNIGSBERG
HAREWITSCH
PRAG
HAREWITSCH
BRESLAU
NEW-YORK

No. 1

No. 2

SIR MOSES
MONTEFIORE
UND
LADY MONTEFIORE
NACH
IHRER RÜCKKUNFT
AUS
AEGYPTEN
IM JAHRE
1841

No. 3

DEM STREITER
FÜR RECHT UND FREIHEIT
DR. GABRIEL RIESSER
SEINE HAMBURGISCHEN
GLAUBENSGENOSSEN
MDCCCXXXI

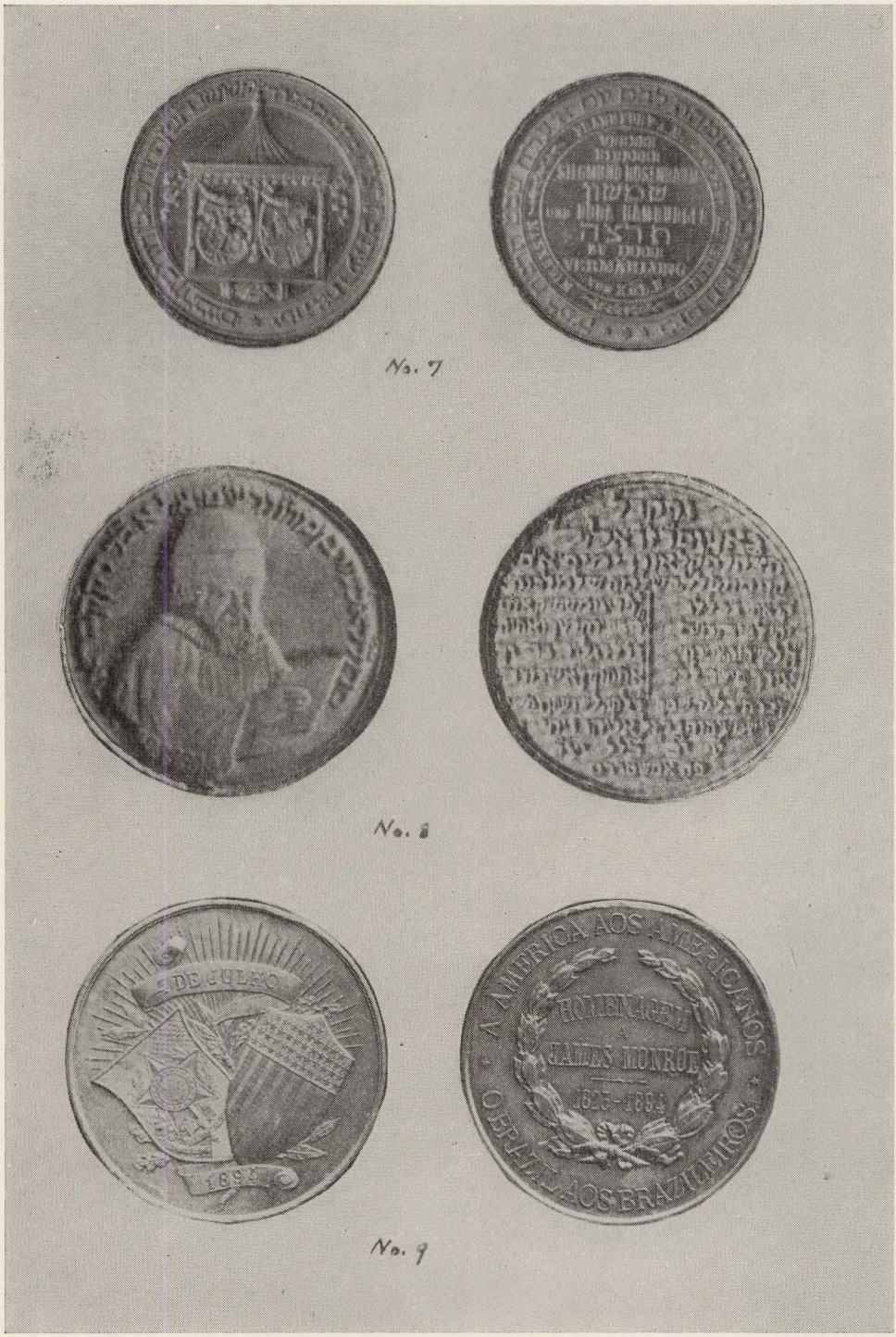
No. 4

SALOMON HEINE
DER SEL. FRAU BETTY HEINE
ZUM ANDENKEN ERBAUT
VON IHREM GATTEN
HAMB. 1841.

No. 5

ERRICHTET
1816.
ZUM
25 JÄHR. JUBILÄUM
1841

No. 6


4 DE JULHO
1895
A AMERICA AOS AMERICANOS
HOMENAGEM
JAMES MONROE
1823-1923
O BRAZIL AOS BRAZILEIROS

No. 7

No. 8

No. 9

THE RISE OF CHRISTIAN HEBRAISM IN THE SIXTEENTH CENTURY

By FRANK ROSENTHAL
Pittsburgh, Pa.

I*

THE HISTORICAL BACKGROUND

CHRISTIANITY from its beginnings thought of the Hebrew Scriptures as of its own inheritance, genetic to its faith and in no way alien to the field of thought from which its religious ideas emerged and developed. From 300 B.C.E. the Jews in Palestine and in the diaspora had begun the work of translating the Sacred Scriptures into other tongues (Greek and Aramaic). The Christians, of course, needed these versions, such as the Greek and Syriac, for teaching and for the ministry.

With the expansion of Christianity into wide lands and with the passing of time other versions were needed. These often suffered from inadequacy of translation and inaccuracies of the copyists. It was not only time and distance that made the Hebrew books appear remote to Christian Latin Europe. The Hebrew Bible had been written in the Semitic world and in a language that used words, grammar, and processes of thought different from those of the Indo-European languages. In general Europe could have looked upon the

* This article is a section of the author's Ph.D. dissertation, "Christian Hebraists of Western Europe: The Hebrew Scriptures in Christian Learning from the Time of the Vulgata of Jerome to the Opus Grammaticum of Münster", which was accepted by the Graduate School of the University of Pittsburgh. The author wishes to thank Professor George B. Hatfield of that University for his wise counsel and indispensable guidance through many years; and to express appreciation to Dr. Herman Hailperin whose valuable library was at his disposal and whose advice was freely given; to Mr. Marcus Rosenthal who assisted in the translation of difficult Hebrew material; to Professor Alexander Marx, Librarian of the Jewish Theological Seminary of America, and to the librarians of the Western Theological Seminary, Pittsburgh, Pa.

Latin Bible translation as a competent version, adequate for all teaching. This was, however, not the case.

By the fourth century C.E. Christian scholars had become increasingly aware of the duty to guard their sacred books from all dangers of corruption, i. e., to compare them for correction with the original materials. In this situation Sophronius Eusebius Hieronymus (Jerome, died 420), a man in the front rank of Latin scholars and perhaps the most encyclopedic of all Fathers, became the first great Hebraist in time and in importance in the Christian world. The genius of the master brought into existence the great Latin version of the Bible, extensive commentaries, prologues and epistles, all of which provided not only method but also the persuasive argument that Christians could never lay aside the originals of their sacred writings. From this line of thought and learning a number of scholars grew up who through the centuries and until our own day kept alive and developed an ever enlarging apparatus which was to include languages, texts, syntactical equipment, methods of interpretation, and thoughts. They were the men who formed a never ending chain of Christian Hebraists.[1]

In the centuries after the great Church Fathers—owing

[1] It is to be remembered that here as in the case of all sacred books and laws, schools of interpretation arose which emphasized the allegorical, anagogical, historical, or moral exegesis in particular. In this field the work of Jerome had great effect, if even with reference to conflicting views; yet, in time, it proved its substantial necessity and attained, as one may say, "the palm of victory," Cf. SS. *Eusebii Hieronymi et Aurelii Epistulae Mutuae* . . . , ed. by J. Schmid, vol. XXII, in *Florilegium Patristicum* (Bonn, 1930). Christian Hebraism was not perpetuated in Latin Europe because of the presence of Jews in these lands. Yet the presence of many learned Jews and also of an abundant biblical literature counted in a very positive way in scholarship. Christian writings, though sometimes polemic (i.e., especially vs. the messianic interpretations of the Scriptures by the Jews) show most clearly that leading Christian scholars at all times in nearly all the Latin lands availed themselves of the aid that Jews could give them. They used to mention this by stating: "Hebraei dicunt . . . , Hebraei putant . . . , Rabinus meus dicit etc." From the social history of the Jews (extensively investigated today by Dubnow, Baron, Parkes, and others) it is clear that free intellectual contacts existed between Jews and Christians. The study of Hebrew by Christians was advanced also in an indirect way. When Thomas Aquinas quotes extensively and approvingly from Maimonides on biblical and philosophical terms, one feels that these interrelations were close indeed; cf. Julius Guttmann, *Die Scholastik des* 13. *Jahrhunderts in ihren Beziehungen zur jüdischen Literatur* (Breslau, 1902).

to conditions of time and place—Hebrew learning waned or subsided to be succeeded by periods of greater interest only in the Carolingian age, the later Middle Ages, and the Renaissance and Reformation. There were always those in the Latin Church who were content to take the Vulgate as final and sufficient—*libri ad plenissimum fidei instrumentum Ecclesiis.* Roger Bacon dubbed these men so aptly as *Latini* in contrast to those more critical scholars who sought the *proprietas* of the Hebrew as an aid for the correction of the—by that time corrupted—Latin text of the Bible and for the fixing of the simple, natural sense of the Old Testament.[2]

During the later Middle Ages Christian scholars set up somewhat formal methods of exegesis and of critical inquiry which as a part of a larger theological critique appeared first in Abaelard's *Sic et Non.* This critique took for the most part the form of commentaries upon the *Four Books of the Sentences* by Peter Lombard (died 1167).

In Henricus Totting de Oyta's *Commentary* on the *Sentences* we find a wide, comprehensive, and in points of controversy adequate presentation of the *quaestio de Sacra Scriptura* concerning the canon of the Scriptures, the reason for different versions, and suggestions for historical criticism and exegesis.[3] This small work—*magno apparatu scientifico secundum morem illo tempore Parisiis usitatum adhibito*—is a more historical than argumentative sum of these topics. It provides evidence of the tradition and trend that stemmed from Jerome and found its culmination in Nicolas de Lyra.

[2] In recent years several studies have appeared which examine specific aspects of this large field of Christian research in the Bible and Jewish-Christian intellectual relations; cf. Beryl Smalley, *The Study of the Bible in the Middle Ages* (Oxford, 1941); Herman Hailperin, "Nicolas de Lyra and Rashi: The Minor Prophets," *Rashi Anniversary Volume of the American Academy for Jewish Research* (New York, 1941); and Hailperin's articles "Saadia's Relation to Islamic and Christian Thought," *Historia Judaica,* IV, (1942) pp. 1-15; and "The Hebrew Heritage of Medieval Christian Biblical Scholarship," *ibidem,* pp. 133-154. V, (1943), An indispensable guide in tracing this long story has been Ludwig Diestel's, *Die Geschichte des Alten Testaments in der Christlichen Kirche* (Jena, 1869).

[3] Henrici Totting de Oyta *Quaestio de Sacra Scriptura,* prim edid. Albertus Lang (Monasterii, 1932, 58 p.). The Latin quotations given in the text are from the Preface by Lang. Professor G. B. Hatfield and this writer expect to present soon a study of this *Quaestio* hitherto practically unused and little known.

Oyta (died 1397) became a messenger of the French-Flemish schools of biblical studies in wider areas since he was one of the scholars who left Paris at the time of the strife between the realists and nominalists at the Universiy of Paris. The feeling for the Bible as a primary ground of religious experience and thought gave rise to pragmatic inquiries which, in a short time, grew into linguistic studies.

The one fifteenth-century scholar of Northern Europe who deserves to be called a Christian Hebraist is the Dominican Peter Schwartz or Nigri, (died about 1485). His training in Spain, his learning and understanding made him a forerunner of the sixteenth-century Hebraists although the basis and attitude of his work which was polemic and anti-Jewish, were not those of later students.[4]

The Renaissance, seen from a wide angle, provided critical methods, the Reformation energy and enthusiasm. The great questions of the politico—theological forms of society brought to the front the demand to trace age-long historical inheritances. In this situation the Bible received preeminent consideration, not merely in its general teachings but in all matters that pertained to texts and their correction, to interpretations, and to the history of this literature.

II

THE ESTABLISHMENT OF HEBREW LITERATURE AS A BASIC FIELD OF CHRISTIAN LEARNING

1. The Philological Beginnings

When one thinks of the vast scholarship in the Christian world that has developed during the last four hundred years in the field of Semitic languages and culture, one may as

[4] The best critical study on Nigri can be found in B. Walde, *Das Studium der Hebräischen Sprache in Deutschland am Ausgang des Mittelalters* (Münster i.W., 1916). In three of his larger writings, the *Tractatus contra Judaeos,* its German version *Der Stern Meschiah* (Esslingen, 1477), of which a copy is found in the Library of the Jewish Theological Seminary, New York City, and in a *ms. Commentary on the Psalms* (CLM 23818, Munich) Nigri made use of his Hebrew learning in translations from the Hebrew, in transliterations of biblical passages, and in short grammatical and exegetical annotations.

rightly speak of a Hebrew Renaissance of literature and learning as one speaks of the Latin or Greek Renaissance. The term Hebrew Renaissance must not be taken to imply a sudden awakening of interest. Even if not to such an extent as Latin, Hebrew had been known to Christian scholars and had been studied by them throughout the preceding centuries though not in a formal grammatical sense.[5] Now, however, men would work on biblical and Hebrew material with the methods of intellectual inquiry and with an historical and philosophical exactitude hitherto unknown. To find the inner significance of Scriptures—the "Primacy of the Bible" that was the latent demand and feeling back of this Renaissance—scholars realized that they must work out the scientific equipment as to words, grammar, and historical meaning.

As is well known, Elias Levita (Elia b. Asher Levita, *vulgo* Bahur, about 1460-1549) made a supreme contribution in marking the ways and paths that Christian students of Hebrew could follow. His Hebrew grammars, Aramaic dictionaries, and masoretic studies were almost immediately translated into Latin or published with Latin annotations—mainly by Paulus Fagius and Sebastian Münster—and became

[5] During the later Middle Ages, knowledge and exegetical study of the Bible were in the ascendant in Northern Europe. Until that period the Christian interpreter and even translator knew little of the grammatical science of Hebrew, of etymology, syntax, and of the various subjects of biblical literary writing (law, narrative, wisdom literature, and poetry). In the Mediterranean world, however, Jewish scholars had developed Hebrew philology as a discipline separate from exegesis, from the eleventh century on. This science of Hebrew grammar did not come into the purview of Christian Hebraists before the age of the critical period after 1400, which suggests a kind of coordination with the Latin Renaissance. Those men then desired to study Hebrew as comprehensively as Latin and Greek, and not merely as an apparatus for a better understanding of Scripture. The Hebrew language thus became a field of rich and interesting knowledge as one of the three historic ancient languages of the West. Cf. W. Bacher, *Die hebräische Sprachwissenschaft vom 10. bis zum 16. Jahrhundert* (Trier, 1892); H. Hirschfeld, *Literary History of Hebrew Grammarians and Lexicographers* (Oxford, 1926), and the pertinent articles in *Encyclopaedia Judaica*, VII, 1033 ff.; 1066 ff.; L. Geiger, *Das Studium der hebräischen Sprache in Deutschland vom Ende des 15. bis zur Mitte des 16. Jahrhunderts* (Breslau, 1870); O. Kluge, "Die hebräische Sprachwissenschaft in Deutschland im Zeitalter des Humanismus," *ZGJD.* III (1931), pp. 81-97, 180-193; IV (1932), 100-129.

the textbooks of the sixteenth century.[6] Levita spent most of his long life in Italy which at that time was the foremost producer of Hebrew texts, grammars and lexicons, and also the home of such renowned scholars as Santes Pagninus (about 1470-1541), Agostino Guistiniani (1470-1536) and Agatius Guidacerius (about 1480-1540).[7]

But, the interest in Oriental studies which had been of significant value in the late Renaissance period, decreased in Italy, while a positive rise of interest can be seen in France, Germany, the Netherlands, and later in England. The northern countries became the center of Hebrew scholarship and of the increasing occupation with its historic culture because their contributions followed the line of interest brought about by the Reformation.[8] The Vulgata, its texts, and theology

[6] Levita's major published treatises are:

The Bahur	(Rome,	1517; first ed., by Münster, Basel, 1525);
Sefer Ha-Harkabah	("	1518; first ed., by Münster, Basel, 1525);
Sefer Shirah (*Pirke Eliah*)	(Pesaro,	1520; first ed., by Münster, Basel, 1527);
Tishbi Parent	(Isny,	1541; P. Fagius *ed.*);
Meturgeman	("	1541; P. Fagius *ed.*);
Masoret ha-Masoret and *Tub Taam*	(Venice,	1538; first ed., by Münster, Basel, 1539).

Cf. J. Levi, *Elia Levita und seine Leistungen als Grammatiker* (Breslau, 1888); W. Bacher, *op. cit.*, p. 103 ff.; L. Geiger, *op. cit.*, pp. 55-56; O. Kluge, *loc. cit.*, pp. 184 ff.; M. Steinschneider, *Bibliographisches Handbuch über die theoretische Literatur für hebräische Sprachkunde*, second ed. (Jerusalem, 1937), no. 1159 ff. Levita seemed to feel that his foremost task was the preparation of good grammars and textbooks for Hebrew and Aramaic. Up to his time Christian students of Hebrew, studying with Jewish teachers, had an apparatus which was either too elementary or too advanced to serve as an introduction into a new field. The elementary works were Moses Kimhi's *Mahalak* and Yachya's *Leshon Limmudim*, while David Kimhi's *Miklol* and *Sefer ha-Shorashim* which soon became the "Bible of the Hebraists" were too much for a beginner. Here Levita's works distinguished by their lucidity, simple language, and methodic arrangement provided the appropriate pedagogical material.

[7] These Italian scholars established Hebrew as an academic discipline in France where they spent the most productive years of their lives. Cf. H. Galliner, "Agathius Guidacerius: An Early Hebrew Grammarian in Rome and Paris," *Historia Judaica*, II (1940), pp. 85-101.

[8] To be sure Italy and countries in which the Catholic Church remained dominant, continued to produce significant scholars in the Semitic field during the sixteenth century, such as Steuchus Eugubinus, Johann Albert Widmanstadt, Andreas Masius, Guillaume Postell, Arias Montanus, Franciscus J. Ribera, etc. But Catholic learning which, in general, became more intent upon the strengthening of ecclesiastic power and the clarification of the dogmatic position, was motivated by polemic considerations; it could not have such objective aims as scholarship in Protestant regions.

built on that foundation were no longer the only important factors that mattered. Historical thought carried men's mind now once and for all to the origin of these writings, and this thought was not limited to the linguistic problem of Hebrew and Greek vs. Latin. It contained forces which, in various degrees and in various ways, had been active for a long time and which had centered around the Bible: the question of the ultimate validity of Scripture as opposed to philosophic theology.

With the widening of the interest in Hebrew learning among Christian scholars at the dawn of the Reformation arose the task of preparing textbooks in Latin which naturally, in the first place—as in the case of Reuchlin—was done on the basis of the Hebrew system and arrangement. This transfer of grammatical material from Hebrew into Latin involved more than mere translation. It inevitably called for extended explanation in syntax and etymology and for the establishment of a Latin nomenclature which in development and form followed the Greek-Latin system. The grammatical material as provided by Levita was put in the Latin form introduced by Reuchlin, and in this way Semitic philology became a subject of Christian study.[9]

Owing to Reuchlin's insistance and to his influence upon humanists and German princes, chairs of Hebrew were established at several schools during the first decades of the sixteenth century. Among the teachers called to these chairs must be mentioned Joh. Böschenstein, Matthaeus Aurogallus and Johannes Forster (Wittenberg), Conrad Pellican and Leo Juda (Zurich), and the Englishman Robert Wakefield.

2. The School of Wittenberg

Reuchlin's pupils, who with one notable exception—that of Dr. Johannes Eck—belonged to the foremost men of the Protestant groups, showed the same scientific attitude as their

[9] L. Geiger's *Johann Reuchlin, sein Leben und seine Werke* (Leipzig, 1871) and *Joh. Reuchlins Briefwechsel* (Tübingen, 1875) are still the best books available which deal with Reuchlin and his age.

master.[10] Through these men Germany and Switzerland became centers of Hebrew scholarship, and these countries continued to occupy a most significant position in this field until almost our own day.

It became the great pedagogical task for the Protestants, who based their theology and religion on the primacy of Scriptures, to prepare for the scholars a Latin text of the Bible, corrected on the basis of the Hebrew, and a good vernacular version for the people. In view of all the accumulated problems and controversies in translation, text, and exegesis, both these endeavors required a thorough knowledge of Hebrew. The Wittenberg circle whose guiding spirit and bold protagonist was Martin Luther (1483-1546) understood first the necessity and the nature of these fields of study.

It is not Luther's own knowledge of Hebrew that could be pointed out in this connection. He said repeatedly that his learning in Hebrew was limited, that there were better Hebraists in Wittenberg, and that he had a "Sanhedrin of the best people then available" to help him with the Hebrew text.[11] He was a man of almost supreme linguistic abilities

[10] The following were among Reuchlin's pupils (as is known from his extensive correspondence and some prefatory epistles):
Philip Melanchthon (1497-1560), Reuchlin's famous grand-nephew;
Joh. Oekolampadius (1482-1531), the reformer of Basel who taught Hebrew from 1523 on;
Joh Cell. Gnostopolitanus who appears to have taught at Leipzig, about 1519;
Joh. Forster, Professor of Hebrew at Wittemberg, about 1550;
Jacob Ceporinus (Wisendanger), Professor of Hebrew at Zürich (died 1523);
Conrad Pellican (1478-1556), successor to Ceporinus and the friend and collaborator of Zwingli; Pellican asked Reuchlin repeatedly for information on Hebrew matters;
Robert Wakefield B. A. of Cambridge who taught at Louvain, Tübingen, Cambridge, and Oxford, (died 1537);
Joh. Eck (1486-1543); Reuchlin was one of his many teachers among whom were also Levita and Joh. Böschenstein (1472-1540).

[11] Cf. H. Schmidt, *Luther und das Buch der Psalmen* (Tübingen, 1933); Franz Rosenzweig, *Die Schrift und Luther* (Berlin, 1933); Fr. Grundt, "Luthers Urtheile über seine hebräischen Kenntnisse," in *Jahresberichte der Lausitzer Prediger-Gesellschaft zu Leipzig*, 13. Mitteilung, Bericht von Dezember 1886 bis dahin 1887, quotes a passage of Luther's biography by Joh. Mathesius (Nuremberg, 1570): In the winter 1531 the "Sanhedrin von den besten Leuten, so desmals vorhanden" met sixteen times in Luther's study. To this "Sanhedrin" belonged at one time or another Melanchthon, Aurogallus, Bugenhagen, Cruciger,

which is apparent from both his significant translation and exegetical work. It was natural that Luther used the Vulgate for his translation as a guide in sentence-structure and division which, of course, was but a reference to Jerome's concept of it. But he never forgot that the Hebrew text was the ultimate source of his exegetical task. Above all he wanted to write German, good common German, "to present a clear language, understood by every man in its unadulterated meaning." However, there were serious considerations which at times required that the "Hebrew language be given space (latitude), even if such an expression might sound strange to the German reader." It was a difficult thing to "make the old Hebrews speak German," whereby Luther meant that he wanted to express in German what the Hebrews had said in Hebrew. On the other hand, at times, he had "to make the modern German speak Hebrew," i.e., he had to force the Hebrew idioms into German words:

"Widerum haben wir zuweilen auch strachs den Worten nach gedolmetscht, ob wirs wohl hätten anders und deutlicher hätten können geben, darum, dass an denselben Worten etwas gelegen ist. Als hier im 18. Vers: Du bist in die Höhe gefahren und hast das Gefängnis gefangen. Hier wäre es wohl gut deutsch gewesen: Du hast die Gefangenen erlöset. Aber es ist zu schwach, und gibt nicht den feinen, reichen Sinn, welcher in dem Hebräischen ist, da es sagt: Du hast das Gefängnis gefangen, welches nicht allein zu verstehen gibt, dass Christus die Gefangenen erledigt hat, sondern auch das Gefängnis also weggeführt und gefangen, dass es uns nimmermehr fangen kann noch soll . . . Darum müssen wir zu Ehren solcher Lehre, und zu Trost unseres Gewissens, solche Worte behalten gewohnen, und also der hebräischen Sprache Raum lassen, wo sie es besser macht, denn unser Deutsch tun kann."[12]

Rorer, and Forster. Before the great revision of the German Bible in 1539-1540 Luther "kam in das Konsistorium mit seinen alten lateinischen und neuen deutschen Bibeln; darbei er auch stettigs den Hebreischen Text hatte. Herr Philippus brachte mit sich den Greckischen Text, D. Cruciger neben dem Hebreischen die Chaldeische Bibel, die Professores hatten bei sich ihre Rabinen, D. Pommer hatte auch ein Lat. Text für sich . . . Zuvor hat sich jeder auf den Text gerüst, davon man rathschlagen solte, Grekische und Lateinische neben den Jüd. ausslegern übersehen. Darauf proponiert diser President ein Text und liess die Stimm herumb gehen und höret, was ein jeder darzu zu reden hatte nach eigenschaft der Sprache oder der alten doktorn auslegung . . . " (p. 151 b).

[12] *Sondervorrede zu dem deutschen Psalter*, Erlangen edition, vol. 37, p. 260. The reference is to Psalm 68 v. 19. In the 1513-1516 commentary to the Psalms (Seideman, see *infra*, *note* 14). Luther did not discuss this passage at all.

His preaching and academic work led Luther to feel more and more the primary importance of the Hebrew Scriptures for true religious understanding and emotion. This persuasion grew in his thought throughout his life, and the stages of his activities are parallel to this conviction.[13] In the Augustinian monastery of Erfurt where Luther lived until 1508, he had a Latin version as his only Bible text. At that time he did not know Greek or Hebrew; the *Glossa ordinaria* was his commentary, and he did not have much regard for Lyra's *Postillae* though he later changed his view. It was only after he came to Wittenberg that he began to learn Greek and Hebrew, using Reuchlin's published work as a basis. As can be seen from his earliest lectures on the Psalms (1513-1516), by that time he was able to read Hebrew and even ventured to give some independent judgments on grammatical questions.[14]

The *Operationes in Psalmos* of 1519-1521 show a much greater acquaintance with the Hebrew text. Continuous labors with the Bible and the progress of his hermeneutic understanding made him recognize that *analogia fidei,* should be

[13] Cf. Ad. Merx, *Die Prophetie des Joel und ihre Ausleger* (Halle, 1879), pp. 318-428; Jul. Köstlin, *Luthers Theologie in ihrer geschichtlichen Entwicklung und ihrem inneren Zusammenhang,* I (Stuttgart, 1883), pp. 603 ff.

[14] Doctoris Martini Lutheri *Scholae Ineditae de Psalmis habitae Annis* 1513-1516, *ed.* I. C. Seidemann (Dresden, 1876). In the commentary to Psalm IV Luther, following here Reuchlin's similar discussion to Psalm VI in the 1512 edition of the seven penitential psalms, discussed at great length the meaning of the Hebrew incipit למנצח; he opposed Rashi's explanation as presented by de Lyra *ad loc.* His own grammatical theory about the Lamed *auctoris* follows (Seidemann, p. 18):

"Hic ex Joh. Reuchlin. Sed Notandum. Quod in le (ל) omnibus titulis preponitur Huic nomini david, articulus dativi casus, quod Iudej dicunt tamen esse genitivi.

... in subscriptionibus et titulis. Quod mihi non placet sed volo quod sit dativi casus sicut alias semper, ita et in titulis .ps. Et tunc significat, psalmum non esse ipsius David proprie, sed ipsi David siue ad David per quod exprimitur motus spiritus sancti qui fecit ps. et reuelauit Dauidi seu ad Dauid. quomodo in prophetis legimus, factum est verbum domini ad Osee Isaiam etc. Quod autem Datiuum magis quam accusatiuum ponit arguit excellentiam revelationis: Quia non solum ad eum scilicet, Sed etiam ipsi (1 ad intellectum ad utilitatem, ad intimiorem eius sensum) factus est Mizmor.

Merx, *op. cit.,* pp. 393-399, observed that the commentary in general, and the above quotation in particular, characterizes this period of Luther's intellectual development when the beginning critical and grammatical insight did not yet oppose the traditional methods of interpretation.

accompanied by *grammatica* and *cognitio historiarum sacrarum* as applied in his commentaries on Isaias (1528 and 1534), in the introduction to Genesis (1544), and his German explanation of the last words of David (1543).[15] In the *Tischreden* the reformer thus summed up his position:

"If I were younger I would want to learn this tongue (Hebrew) because without it one can never rightly understand the Sacred Scriptures. The New Testament, though written in Greek, is full of Hebraisms and of Hebraic expressions. Therefore they have said correctly: The Hebrews drink from the spring, the Greeks out of the small creek which issues from the spring, the Latini, however, drink out of the puddles. I am no Hebraist as regards grammar and rules, for I let myself not be bound but pass freely through. Though a man knows and understands a language he cannot properly translate one tongue into another. Interpretation and translation are special gifts of God. The Seventy who put the Hebrew Bible into Greek, were inexperienced in the Hebrew; their version is foolish and absurd; they have despised the letters, the words and idioms of speech so that indeed St. Jerome's version and method ought to be preferred . . . Lyra has, for others, been the best Hebraist and a good interpreter of the Old Testament. If, however, I would study Hebrew I should take as guides the purest and best grammars such as David Kimhi and Moses Kimhi who are the most excellent grammarians; then I should read Moses since he speaks of the things *gar eigentlich;* after that I should read the psalms and proverbs, and finally the prophets who use much obscure wording and speech."[16]

In spite of this high estimation of the language of the Hebrew Scriptures Luther rejected, ridiculed and condemned the rabbinical exegesis with the hardest terms at his command. We know that this extremely violent expression of his attitude was caused by one fact as were most of the differences between Jewish and Christian exegetes: that the Jews had not and would not accept the Christian messianic view of the prophecies of the Old Testament. Both Luther and Calvin felt the moral and epic significance of the Old Testament, and they have left us some generous and inspiring

[15] *Operationes in Psalmos,* in *Opera exeg. lat.,* ed. Irmischer (Erlangen), vol. XIV. seq.;
Introduction to *Isaias* of 1534, *ibid., vol.* XXII, XXIV;
" " Genesis of 1544, *ibid.,* vol. I-XI;
Preface to *Isaias* of 1528 (Erlangen edition), vol. 63, p. 52;
Deutsche Auslegung der letzten Worte David, ibid., vol. 37, pp. 4 ff.

[16] *Tischgespräche,* Erlangen ed., LXII, pp. 314, 112.

homilies on Hebrew characters. The reformers wished to handle the language which tells the story of the great Hebrew experience for visitation and revelation, the teachings of holiness, covenant, glory, and mercy; they established for the Protestants these terms as their own religious psychology; yet they turned away from the respective rabbinic teachings because the Jewish interpretation lacked the idea of Christ.

Philip Melanchthon, though a near relative and student of Reuchlin's, did not continue in the philological line of his uncle. Coming into personal contact with Luther, Melanchthon took up the exegetical theology of his master. The humanist Melanchthon said he realized that the ground of exegesis must be the understanding of the Hebrew language without which the original ideas could not be properly expressed. Translations into Greek, Latin, even the valuable version of Luther would not suffice because many sentences and thoughts had been misunderstood and corrupted by translators and copyists, and because one language cannot express the proprieties and idiomatic peculiarities of another language (*peculiaris forma orationis*). Yet the theologian Melanchthon accused the Hebrew interpreters of filling their books with imbecilities and phantasms because they did not want to recognize the truth.[17]

The stronger this theological interest grew, the more had historical and critical study of the Old Testament in Hebrew to take a secondary place. Forster, Moller, Eber, Avenarius and other scholars of the Lutheran school repeated those sentiments again and again.

Johannes Forster (1495-1556), teacher of Hebrew at Wittenberg since 1549, is best known for his Hebrew lexicon in which Luther's and Melanchthon's ideas about the Hebrew language and the rabbinic commentaries of the Bible were faithfully applied and carried to the extreme. The title expressed the author's point of view:

[17] *Oratio de studio linguae Ebraeae* (1549), in Ph. Melanthonis *Opera*, ed. C. G. Bretschneider (Halle, 1843), XI, pp. 867-877; cf. *Oratio* of 1546, *ibid.*, pp. 708-715.

Dictionarium Hebraicum Novum, non ex Rabinorum Commentis nec ex Nostratium Doctorum stulta imitatione descriptum, sed ex ipsis thesauris sacrorum Bibliorum et eorundem accurata locorum collatione depromptum, cum phrasibus scripturae Veteris et Novi Testamenti diligenter annotatis.[18]

Forster's Preface begins thus:

"Many years after the restoration of the Gospel I have seen that—as in the synagogues and schools of the Jews so among the Christians—the rabbinic commentaries are controlling the work of translation and explanation, and that their *Perushim* (commentaries) are adored and worshipped by all with highest reverence as sacrosanct mysteries of God. Therefore we could not arrive at the true sense of the Scriptures.

Moved by a holy zeal I have written this dictionary in which the true and certain significance of the Hebrew words out of Moses and the prophets is indicated; lest the students of this language be confused by that Babylonian confusion and variety of meanings that until now they (the rabbis and their Christian disciples) have attributed to every single root (*themati*), they may not so much depend upon the authority of the rabbis but they shall rest upon the solid ground of the Sacred Scriptures.

Often I have wondered about the feeblemindedness of my Christian colleagues who without any discernment have happily embraced the commentaries of the Jews in which there is no light, no knowledge of God, no spirit, no real solid knowledge of any discipline and art, no learning of any language, not even of the Hebrew . . . They (the Jews) do not discern and see that the end of the Law is the Son of God . . . , the mediator, victim, and liberator of mankind . . . Therefore their dictionaries and commentaries have brought more obscurity and error into the Church of Christ than light and truth. And so our Christian commentaries, whenever an ambiguous word or obscure sentence occurs, refer to some of the rabbis since there have been different interpretations (rarely indeed do they agree among themselves), and thus afterwards they leave the reader in doubt; what indeed he may feel to be right and what should be followed they hardly indicate or if they indicate it, they confuse easily the false with the right because they do not know the force of the words. The result is that they not only fall into error but also mislead their reader and so it goes as Christ said: if a blind man is the leader of another blind man, both will fall into the ditch . . . "

Forster doubts that any of the Jewish commentaries and dictionaries can correctly explain words such as קחת or שכון ;

[18] The text continues:
"Autore Joanne Forstero Augustano, Sacrae Theologiae Doctore, ac, Hebraicae linguae professore in Academia Vuitebergensi. (Froben's printing mark) Basileae MDLVII. 2^0, 9 lv., and 912 pages.
The copy of the Library of the Jewish Theological Seminary of America, New York, was used by the writer.

or the difference of אבן and צור. Then he accuses the Fathers such as Gregory or Hilarius of having worked poorly. Finally he comes to his own method which is to explain the primary meanings of each biblical word only out of the Bible text and out of its theology which is to prefigure Christ.[19]

As a result of this attitude and interpretation his dictionary is extremely one-sided, monotonous and dull. It was felt to be so even in Forster's own day. With the exception of a few references to Rashi and to the *Hebraei*—Forster does not indicate whether he means the ancient Hebrews or the rabbinic commentators—no Jewish grammarian, exegete or even Christian scholar of his day is mentioned. Forster relied solely upon the biblical text, his own hermeneutical ability, the Latin classics (sic!), and the ancient Christian authors to interpret the Hebrew Scriptures.[20]

This extreme attitude seems strange to us. An explanation may be found in the fact that in the theological disputes of Melanchthon and his followers the insistence upon Christological-messianic ideas in the Old Testament assumed dominating control over all other purposes of biblical study. In order to make the Bible safe against the dangers arising from the dialectic of grammar, the shades of usages, and the historical-pragmatic criticism which were felt to be lurking in the Jewish commentators, it was hedged about by a wall

[19] Forster impressed upon his readers that "he himself was thoroughly acquainted with the Jewish tradition which he had learned from his Jewish teachers and in many hours he spent in their synagogues and over their books. However, he did not derive anything worthwhile from this study." He used a violent language against the rabbinic exegetes and their modern followers: "Sordes et ineptia Rab" (9b); "obscoenitatis et spurcitiae Rab (9a); "inania somnia Rab." (2b). The following explanation is given for the triliteral character of Hebrew roots: " . . . idque non sine magno mysterio. Nam ut una est dictio et ea tribus subsistit literis substantialibus, ita una est divina essentia tribus personis realiter distincta" (2b).

[20] *Dictionarium*, p. 779 root לוג mensura parva olei, quam Hebraei sex ova continere scribunt." Here the *Hebraei* refer to Kimhi, *Liber Radicum, ed.* Biesenthal & Lebrecht (Berlin, 1847), p. 178. To the knowledge of this writer no scholar has as yet critically examined this dictionary and compared it with Kimhi and other lexicographers.—As is to be expected, Forster would not employ the customary Hebrew terms for the conjugations of the verbs; instead, he used the ambiguous designations, *coniugatio prima, secunda,* etc. In contrast to its Preface, the lexicon is free of anti-Jewish polemic. Cf. Kluge, *loc. cit.*, II, p. 106; Geiger, *op. cit.*, p. 101 f.

which would exclude them all. To be sure, the Catholics could advance their objections to the Hebrew commentaries, but they did not need to take so positive a view on every point since they had the official instrument of control of interpretations.

Before 1600, the schools associated with Wittenberg had thoroughly excluded the general field of Hebraic learning. For Hebrew remained an adjunct to their theological study of the Bible.[21] But these broader studies gained more and more ground. Scholars who had a sense for the historical and appreciation for the contemporary culture would not disregard previous exegetical or grammatical labors. Thus they left the field open for further growth.[22] In the schools of Southern Germany and Switzerland, the philologic-historical work of Reuchlin and Levita found a congenial development. From this source of inspiration and method Semitic studies and the field of cultural history came rapidly in perspective in the countries of Western Europe.

3. The School of Basel

Reuchlin had recognized that the Hebrew language could not thoroughly be learned from the biblical text alone, which was only a partial record of a once living tongue. As late as 1516 he intended to take up Aramaic, the *lingua franca* of the Near East during the Hellenistic period, in which parts of the Hagiographa and the earliest translation of the Old Testament were written.[23] However, this language as well as

[21] Avenarius is one of the better known successors of Forster; he taught at Wittenberg from 1575 to 1590. His Grammar (1586) and Hebrew Dictionary (1589) have the same spirit of biblical exclusiveness. The same narrowness of spirit is observed in the two representative Orientalists of Catholic Germany, Andreas Masius (died 1573) and Johann Albrecht Widmanstadt (died 1557). A genuine school of Hebrew did not grow up in Catholic circles, however, during the sixteenth century since the Council of Trent had affirmed the inspiration of the Vulgate. This doctrine tended to exclude the broader fields of Hebraic study.

[22] Examination of the works of Münster, Buxtorf, Selden, Grotius, Capellus, or even lesser men such as Bertram, Leigh, or Glassius, discloses that their scholarship is motivated and directed by the aim to appropriate the best of this cultural learning, be it directly rabbinical or learning which Christians had drawn from it.

[23] It is not known whether Reuchlin was interested in Aramaic as the language spoken by Jesus. Fagius offered this as an important reason for the study of Aramaic; see the Preface to his edition of the *Targum Onkelos* (1546).

the talmudic literature remained inaccessible to him. It fell to Paulus Fagius and primarily to Sebastian Münster, Elias Levita's disciples, to provide the material in Latin for the extension of this field of study.

Paulus Fagius "Buechlein" (1504-1549), teacher at Isny in the Allgäu and Strasbourg, established a Hebrew printing press in Isny. He had received his first Hebrew instruction from Capito, but his literary activity began only after he had come in contact with Elias Levita. The publications of his press, which accompanied its owner from Isny (1541-1542) to Constance (1543-1544) and Strasbourg (1546), were essentially his works and those of Levita, who in 1540 had left Venice, and spent two years at Isny. The Christian printers of Hebrew books in Germany are of importance because, unlike Bomberg and his Italian successors, they did not print for the Jewish market but made it their task to provide the Christian students with texts and apparatus including, in the course of time, talmudic material.[24]

Sebastian Münster (1489-1552), cosmographer, astronomer, Hebraist, editor and publisher, and for twenty-three years professor at Basel, is the first of the great representatives of Oriental studies in that city. His wide interest in the most varied fields and his conciliatory, non-polemic point of view made him a true humanist. With his philological method and critical insight he often pointed the way to that deeper and wider understanding which was soon to characterize linguistic and Oriental studies.

In 1520 Münster's prolific activity as author, translator and editor began and it lasted until his last years.[25] The

[24] Fagius printed and annotated Levita's *Meturgeman* and *Tishbi* in 1541 and the *Nomenclatura* in 1542; he edited several of the apocryphal books and translated into Latin David Kimhi's *Commentary on Ps. I-X* (1543), the *Pirke Aboth* (1541), and one volume of the *Targum Onkelos* (1546). Archbishop Cranmer of Canterbury, who during his stay in Germany, married the niece of Andreas Osiander of Nürnberg, in 1548 invited continental scholars to teach Hebrew in England and to aid in the revision of the English Bible. Fagius and the Italian convert Emanuel Tremellius were among those who accepted such an invitation; cf. W. Becker, *Ein Proselyten-Leben im Zeitalter der Reformation* (Leipzig, 1891).

[25] V. Hantzsch, "Sebastian Münster, Leben, Werk und wissenschaftliche Bedeutung" in *Abhandlungen der Königl. Sächs. Gesellschaft der Wissenschaften,*

Epitome Hebraicae Grammaticae (Basel, 1520) and the *Institutiones Grammaticae in Hebr. Linguam* (Basel, 1524) followed more or less in the footsteps of Reuchlin and Pellican. Apparently Münster had not come in contact with the grammatical works of Levita. It was in 1525 that he published a Latin translation of the *Baḥur*.[26]

In the same year he published a Latin edition of the *Sefer Ha-Harkaba,* and in 1527 that of the *Capitula Cantici* followed. Henceforth Münster's grammars, elementary as well as advanced, were essentially Latin adaptations and arrangements of Levita's books. The frank acknowledgment of his dependence on the Jewish scholar—whom he probably never met personally—by no means injured the spread and the reputation of Münster's publications, as the many editions indicate. Münster's books became the textbooks of Christian scholars and the prototype for later treatises, grammars, *isogogae, compendia,* etc. Finally, he summed up the philologic labor of almost thirty years in the *Opus grammaticum consummatum ex variis Elianis libris concinnatum.*[27]

phil.-hist., Klasse, XLI (1898), 187 pages, offers the only complete biography and bibliography of Münster. Münster's first teacher of Hebrew had been Conrad Pellican (bef. 1516). After a short sojourn in Heidelberg the young Franciscan Münster joined the Reformed Church. Then he was called to Basel where he lived for the remainder of his life. His marriage to the wealthy widow of the Basel printer and editor Adam Petri put him in such comfortable financial circumstances that henceforth he could devote his whole time to studies; usually but one hour daily was spent in teaching. This may, at least in part, account for his truly tremendous literary output: out of approximately 75 publications some 45 titles pertained to the Semitic field, and almost all of them were revised and reprinted several times under Münster's own supervision. Cf. Steinschneider, *op. cit.,* nos. 1372-1387 listing his grammatical and lexicographical treatises.

[26] *Sefer ha-Dikduk Grammatica Hebraica Absolutissima, Eliae Levitae Germanii nuper per Seb. Münsterum iuxta hebraismum latinitate donata, postquam lector aliam non facile desiderabis. Institutio elementaria in hebraicam linguam eodem Seb. Münstero autore.* Appendices to this *Baḥur* translation were the *Compendium accentuum hebraicorum,* and the *Luah ha-Binyonim omnium hebraicarum conjugationum iuxta octo verborum classes pulchre in ordinem digesta,* both based upon Levita 8^0, (Basel, 1525), reprinted according to Steinschneider, no. 1375, in 1532, 1537, 1543, 1552. Hantzsch, *op. cit.,* pp. 171-172, claims to have seen copies of this work printed in 1542, 1544, and 1563.

[27] According to Hantzsch, *op. cit.,* p. 172, the *Opus Grammaticum Consummatum* was printed by Heinrich Petrus, Basel, in 1540, 1541, 1542, 1544, 1549, 1556, 1563, 1568, and 1570. Steinschneider, no. 1383, gives the following

This book—printed at least seven times before 1570—does not include involved grammatical and syntactical problems which were not suited for a beginner. Advanced students were referred to the books by Levita and Kimḥi which dealt with specific questions of syntax, accents, textual criticism, etc. and had been previously translated and published by him. Münster's Preface is of general interest since it presents a picture of the man and his working method. There are few humanistic scholars who so readily would acknowledge their indebtedness—as does Münster—to earlier scholars, Christian as well as Jewish, and who do not try to aggrandize their merits by criticizing others:

" . . . Now again I thrust upon the studénts of Hebrew this new, not augmented but emended edition of the grammar which I published a few years ago. It appeared advisable to combine in one volume all the grammatical rules which previously were found here and there in several books. Out of separated pieces one integral body was created so that the students of the holy language are no longer obliged to draw water out of the puddles or rather out of dried up cisterns and to obtain information out of broken tablets. As is known, I have nourished and promoted this study in the Christian world making full use of the various books of Elias (Levita) which I have put into Latin with my little talent, and which I have honestly made available to all students; . . . In all the grammatical treatises written by Christians, before Elias had begun his work, the true fundament was missing; John Campen attests this in his grammar and the most learned Capito told me more than once—before I happened to obtain the needed information in Elias— that the nature of the dagesh has not been satisfactorily explained . . . I do not say all these things in order to flout at the men who before Elias have attempted to promote Hebrew studies. Every real scholar does as much as he possibly can, and no one should be deprived of his due praise . . . "

After sketching the works and merits of Reuchlin, Pellican, Capito, Campen, Pagninus, and others Münster continues:

"Among all these men the Lord awakened in Italy a certain Jew, who was born in Germany, at Neustadt on the Aysch, near Nürnberg. About

years: 1542, 1544, 1549, 1556, 1563, 1570 and 1576 (?). Without access to the European libraries this question cannot be definitely settled. The writer used the 1544 edition to which the Hebrew text and Latin translation of *Tobith* is appended. This list of editions of one of Münster's books—to give only one example—will indicate the range of their dissemination and testify to their wide use in schools.

1518 this man, Elias by name—who had also been requested by his Jewish brethren to do so—composed a most excellent grammar for which he made use of the best Hebrew texts and sources. He called this book the *Bahur*, i.e. *Liber Electus* in which he describes and explains the entire basis of Hebrew grammar . . . In the *Bahur* Elias referred to some of his other publications and I did not rest until I received copies of them. Next to the *Bahur* the *Pirke Eliahu* i.e. *Capitula Eliae* are most valuable to me and all other students. In this treatise he discusses the vowel-points, servile letters, and gutterals, also the various classes of nouns and their characteristics. Not without great profit, indeed, have I used his book dealing with irregular verbs, the *Sefer Ha-Harkabah*. Finally the book *Taamim*, i.e. accents, has been published, to which the *Masoreth hammasoreth* is appended, and from Constantinople I received the complete grammar of David Kimhi. I have made use of all these books in composing the grammar . . . "

In addition to his grammatical textbooks Münster published dictionaries of Hebrew (1523 ff.) and of Aramaic (1527) and several minor works of the same nature.[28]

In considering Münster's contribution to research on the Bible, one must not forget that in his time Christians studied Hebrew and Aramaic primarily to understand Scripture more fully. Only later in that century scholars in the various fields of learning, such as law, government, philosophy and science came to realize what post-biblical Hebrew and Aramaic literature could contribute to scholarship and culture at large.[29] Shortly after his permanent settlement in Basel Münster began his *opus magnum*, the edition of the whole Hebrew Bible together with a Latin translation and annotation of his own, a task which had not yet been attempted by any other scholar. After several years of preparation

[28] Cf. Hantzsch, *op. cit.*, pp. 173 ff., containing a complete bibliography of these lexical works. Hantzsch, who claims to have seen most of Münster's publications in European libraries, relied upon Perles and Geiger since he did not know Hebrew. Cf. J. Perles, *Beiträge zur Geschichte der hebräischen und aramäischen Studien* (Münich, 1884), pp. 20-44, 77-112.—Münster's *Chaldaica Grammatica* of 1527 was the first Aramaic Grammar written by a Christian.—The Library of the Jewish Theological Seminary of America is in possession of the largest collection of these sixteenth-century works. The writer was permitted to examine them.

[29] Münster pointed the way in some of his astronomic and cosmographic writings; e.g. the *Kalendarium Hebraicum* of 1527: " . . . historiographis et astronomiae peritis subservire poterit", the translation of Abr. ben Chiyya's *Sphaera mundi*. In his *Cosmographia Universalis* he drew freely upon Hebrew learning.

the two folio volumes were completed in 1534 and 1535. A second edition appeared in 1546 with more voluminous annotations.[30]

The question may here be appropriate why in the short span of half a century four new Latin translations of the Bible appeared, those of Pagninus (1528), Leo Juda of Zürich (1545), Münster (1534), and Tremellius (1579). For one thousand years the Christian world had been satisfied with the Vulgate of Jerome as a basic version. The correctoria-movement and other criticism of the Vulgate did at no time propose to replace this version by a new, "more accurate" one. Then, however, it was felt, at least among the Protestants, that the text of the Vulgate had become so corrupted by the mistakes of the copyists and by the well-intentioned emendations of badly trained correctors that the whole work should be done over again. The theologic necessities of the day must also not be forgotten. A more accurate Latin version was necessary as long as Latin remained the language of the educated world, the language of theology, philosophy, ethics, science, geography, law, etc. Used in schools and seminaries, by teachers and ministers the Latin Bibles became, in regard to meaning and sentence structure, the first instrument of the scholars who translated the Scriptures into the popular tongues. Frequently, these Latin texts carried the textual interpretations of the Targums, Rashi, Kimḥi, etc., which then found entrance into the vernacular Bibles.[31]

[30] Geiger, *op. cit.*, p. 82 and Hantzsch, *op. cit.*, pp. 174-175, describe the first edition. The edition of 1546 is in New York (see *supra*, n. 28). In 1536 Froben printed the Hebrew text in one folio volume, and in 1539 Froschauer (Zürich) reprinted the Latin text of the Old Testament. In 1551 Justiniani (Venice) issued Münster's Hebrew and Latin texts and annotations to the Pentateuch and the Megilloth. Münster's name is not mentioned in this Catholic edition, however. The fact that the work of a Protestant Hebraist was made available so soon to Catholic Hebraists, is indicative of the quality of Münster's scholarship and of the requirements of a field of study which could only grow in an atmosphere free of theologic-dogmatic considerations. Wherever artificial restrictions were set up, as in the Wittenberg schools, linguistic studies became unproductive and finally dried up.

[31] These versions of the Bible, especially that of Münster, exercised a major influence upon the making of the English Bible; cf. D. Daiches, *The King James Version of the English Bible* (Chicago, 1941). At present, English scholars are examining the Hebraic equipment of the English Bible translators.

Münster no more than Pagninus endeavored to translate into classical Latin since he desired to render the original as carefully as possible. As to obscure and ambiguous passages, he gave the Hebrew text literally adding explanatory notes which were chosen from earlier commentators. Thus the choice was left to the reader. If, on the other hand, the meaning was evident and only the Hebrew text difficult, he rendered the passage in Latin and added the necessary words in parenthesis.

Münster acknowledged in the Prefaces that he had frequent recourse to the Hebrew exegetes in order to arrive at the "Hebrew truth." Often he found the Targum to be more explicit than the Hebrew text. Abraham ibn Ezra, Naḥmanides and David Kimḥi are praised for their cautious exposition of Scripture and Rashi's commentaries to the Bible are constantly referred to or quoted. A list of all the Hebrew authorities and exegetes quoted in Münster's Latin Bible would read like a bibliography of early sixteenth century Hebraica from the printing presses of Venice and Constantinople. Bomberg's *Mikraoth Gedoloth* and the contemporary editions of the *Seder Olam, Josippon, Midrashim, Targumim, Kimḥi,* and other commentators, grammatical and masoretic treatises, above all Levita's works, had made possible this edition of the Hebrew text with masoretic accents and copious notes.

At the end of each chapter of the Bible some critical annotations are given; most of these notes are grammatical and literal and, as a rule, based on Hebrew commentaries. Whenever possible Münster quoted the passage of the Hebrew commentator he used, and then translated it into Latin. (Gen.

It seems that the translators of the English Bible from Tyndale on and culminating in the King James' Version did not depend upon the works of English Hebraists such as Wakefield or Shirwood. They relied largely upon continental scholarship, Münster's school of Basel and those of the Reformed Churches. Cf. E. I. Rosenthal, *Rashi and the English Bible* (Manchester, 1940); E. I. Rosenthal, "Sebastian Münster's Knowledge and Use of Jewish Exegesis," in *Festival Studies in Honor of the Chief Rabbi Dr. J. H. Hertz* (London, 1942). According to an information received from Professor E. I. Rosenthal of Manchester, England, Dr. Alan Scher of London recently completed a thesis dealing with Hebrew Scholarship of Sixteenth-Century England.

I.1): "In principio creavit Deus coelum et terram. Dicunt Hebraei, ante conditum mundum septum fuisse creatum, nempe גן עדן ותורה וצדיקים וישראל וכסא הכבוד וירושלים ומשיח id est, paradisum, legem, iustos, Israel, solium maiestatis, Ierusalem et Messiam . . . " In these *Annotationes . . . in Primum Caput Geneseos,* which cover one and a half pages in folio, we find extensive references to the Targumim, several Midrashim, Rashi, Naḥmanides (Gerundi), and David Kimḥi.

Even in the discussion of christological passages Münster made full use of Jewish interpretation—though he is at pains to declare the often lengthy quotations as useful exercises for the student of Hebrew. He could not help knowing that this dependence on Jewish literature would meet with much resistance in Catholic as well as Protestant circles. We know that Jerome had become involved in serious controversies on account of his novel departures in method and scholarship. Münster who, opposed to theologic strife, had kept his writings free from dogmatic discussions—a quite unusual feat for his age—devoted three pages of his Preface to this question of the anticipated opposition:

Sebast. Munsteri *Praefatio Hebraeorum commentarii non contemnendi.*

The works of St. Jerome teach us that the writings of the Hebrews are not all to be condemned by one who tries to render the holy Hebrew codices into Latin. In fact, he confesses that he, by no means, would have been able at all to interpret the Sacred Scriptures without the aid of the Hebrew teachers . . . I do not doubt that, if the commentaries of ibn Ezra, Moses Gerundi, Ben Gerson, or David Kimhi had been available to Jerome, he would not have needed living teachers (*sic!* Münster needed living teachers before he could make intelligent use of these rabbinic commentaries).

After an extended discussion on the age of the vowel-points which in Münster's opinion were not in the texts used by Jerome, the Preface continues:

Many places in Scripture are, indeed, obscure and perplexing so that they cannot easily be understood without the Hebrew tradition—however smart people today may growl . . . We should be reminded not to listen to those who believe they must despise the Hebrew writings because they contain nothing good; and if there should be anything good therein as

in some obscure passages, the Jews have taken it from Christian scholars. Of all of them Steuchus Eugubinus attacks most frequently Rabbi Salomon (Rashi) saying that he (Rashi) took the greater part of his interpretations from Jerome. If this were true, viz., that the Jews could not interpret the Sacred Scriptures in the days of Rashi and before his days, from whom, I ask, did Jerome learn the interpretation of the Law and the Prophets? Not from the Jews? At least, they knew the language, kept the idioms of the language, and did not become ignorant of the interpretations handed down to them, as it were, from their elders, even if they did not comprehend the deepest meaning of the Scriptures as Christ and the Apostles have shown us . . .

This one thing I know: There are many points in the commentaries of Jerome, which he asserts to have learned from the Jews, and which I have also found in R. Salomon. And do you think that Jerome, this Christian man, learned from the Jews in order to make Hebrews of a later age no longer learn from their elders? . . . If the Jews know nothing else than what they had acquired from the Christians, then also the Christians must have provided them with their Hebrew Bible. Or if they guarded these divine oracles, the whole body of the Sacred Scriptures, so that no corruption could harm it—and this for their advantage—were they then not able to conserve also the interpretations of their teachers or the traditions of their forefathers which they had in the days of Jerome and which Jerome himself used? . . . Now if you say: from the time of Jerome to R. Salomon the Jews had no learned men but were only custodians of their holy texts—as dogs in an enclosure—and destitute of all exegesis of the Law and the Prophets, then I will respond in this way: you are wrong on two counts. Read, if you can, the book *Seder Olam* edited by R. Abraham Levita ben David, in which he writes concerning illustrious Jews and their deeds. This chronicle begins with the year 3450 *anno mundi* at the time when Ezra, the Scribe, and the last prophets Haggai, Zechariah, and Malachi died, and this book extends up to the year 4909 *anno mundi.*[32] Therein you will find many worthy rabbis of Spain, Africa, Egypt, and other lands. These men have composed books and they did not need to repeat anything from the Christians because Jerome confessed to have acquired many treasures from earlier Jews. I say that these rabbis are famous and distinguished according to this writer (Abr. ibn Daud) lest anyone take occasion for maligning me. Therefore the lecture and interpretation of the rabbis, O Christian reader, will not harm you if you

[32] Münster's reference is to Abraham ibn Daud's *Sefer ha-Kabbalah* published in 1519 at Mantua. Ibn Daud wrote the book about 1160 C. E. which date corresponds to that given above (4909 *anno mundi*—1149 C. E.)—The *Seder Olam Rabbah* appeared at Mantua in 1514 together with the *Seder Olam Zuta, the Megillat Ta'anit* and Abraham ben David's *Sefer ha-Kabbalah.* Münster also made use of this book in his biblical commentaries. G. Genebrard, a Catholic Hebraist, edited the latter work in 1572 (Paris) with a Latin translation; cf. Perles, *op. cit.*, p. 45.

have studied Christ truly. In fact, this information will be helpful to you whether they agree with us or not."

Critical scholars of the sixteenth and seventeenth century paid tribute to the achievement of Münster. Luther considered Münster's Bible edition as a work done with "incredible labor and incomparable diligence" (*studio incredibili et diligentia inimitabili*). This quotation is found in one of Luther's most bitter anti-Jewish treatises *Vom Schem Hamphoras und vom Geschlecht Christi* (1544).[33] Isidorus Clarius, the learned Italian Benedictine, included a large part of Münster's annotations in his commentaries. In the voluminous *Critici Sacri* of the seventeenth century Münster's commentaries regularly open the long list of annotations to the individual chapters of the Bible. His Preface of 1534 served as an introduction to the whole work.[34]

Münster did not become familiar with the Halakah and the later legal literature. It was left to Johann Buxtorf, some fifty years later, to treat this larger field of rabbinic learning and to make it available to Christian scholars. Münster died on May 26, 1552. Oswald Screckenfuchs, his pupil and friend, eulogized the master in a Hebrew oration. The inscription on his memorial in the cathedral of Basel begins with the words:

> Here are interred the remains of the Ezra and Strabo of Germany.[35]

Münster's treatises and editions evidence the hard work and sincere enthusiasm of the author though he could not escape entirely the shortcomings of his age, such as the deficiencies of some sources, the want of a more accurate geographical and historical knowledge, and a certain degree of inaccuracy. His equipment and apparatus were independent and of a scholarly character. This apparatus became the starting point for higher criticism because of its objectivity and its freedom from certain theological limitations. Sebas-

[33] Erlangen edition, vol. 32, p. 357.

[34] The Bible of Clarius (Taddeo Zacchi of Chiari near Brescia) was printed in Venice in 1542 and 1557; cf. Diestel, *op. cit.*, pp. 261, 277. The three editions of the Critici Sacri were published in 1660 (London), Frankfort on-the-Main (1696), and Amsterdam (1698).

[35] For the complete inscription, see Hantzsch, *op. cit.*, p. 29.

tian Münster represents the beginning of a great continuous and interrelated study of Hebrew literature by Christian scholars.

III

Conclusion

Today the Bible is the "Book of a Thousand Tongues." The achievement of the translations of the Scriptures into a thousand languages and dialects, done for the most part during the last three hundred years, comprises a story of vast labor and learning. Historically seen, this achievement was not the work of these three centuries alone. The work done in the preceding centuries, and during the sixteenth in particular, was indispensable as a foundation for modern biblical scholarship.

In the half century from the publication of the *Rudimenta* of Reuchlin (1506) to the death of Münster, Christian Hebraists of Western Europe had translated from Hebrew originals into Latin and composed in Latin the comprehensive grammatical and lexical handbooks for biblical Hebrew, Aramaic, and related linguistic studies. The period which followed witnessed the beginnings of talmudic and Oriental studies by Christian scholars.

THE JEWS IN MEDIEVAL CARINTHIA

A Contribution to the History of the Jews in the Alpine Countries of Europe

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IV*

UNDER THE RULE OF THE HAPSBURGS

IN 1335 Carinthia came under the rule of the House of Hapsburg whose possessions in that land were widely scattered. The archbishops of Salzburg and the counts of Gorizia retained their large Carinthian estates.

The laws valid for the Jews in Austria and Styria, namely the *Privilegium Fredericianum* of 1244 and the *Ottocarianum* of 1268, were also applied to the Jews living in the part of Carinthia that belonged to the Hapsburgs. The reason for this was the political, social, and economic interdependence of these countries.[1] On June 24, 1377, Dukes Albrecht II and Otto III issued a special charter *(Handfeste)* concerning the Jews in Styria and in their part of Carinthia.[2] About twenty years later, Duke Wilhelm confirmed the "rights, privileges, and customs" of the Jews of both countries but the exact content of these laws is not known. In general, the practice of the former rulers of Carinthia regarding the Jews was continued under the Hapsburgs.

The anti-Jewish riots of Wolfsberg, 1336-1338, coincided with the Jewish persecutions in Austria, Bavaria, and

* Continued from *Historia Judaica*, VII (1945), pp. 13-28.

[1] Cf. J. Scherer, *Die Rechtsverhältnisse der Juden in den deutsch-österreichischen Ländern*, (Leipzig, 1901), p. 461 f.

[2] Cf. M. Wiener, *Regesten zur Geschichte der Juden in Deutschland während des Mittelalters*, (Hannover, 1862), p. 232, No. 110; Scherer, *op cit.* p. 462.

other countries stirred up by the calamities of the locust plague. The similarity of the legends about the expulsion of the Jews from Wolfsberg and that from Judenburg in neighboring Styria is indeed striking.[3] In the period of the Black Death the Jews of Carinthia were not spared. Since the rulers could not stop the massacres, the Carinthian Jews had to share the fate of their brethren in the rest of Europe. The bishops of Bamberg alone seem to have been strong enough to protect the Jews in their Carinthian domain.

A document dating from the ominous year, 1349, gives evidence of the continuance of commercial transactions between the bishopric of Bamberg and its Jews.[4] Bishop Ulrich of Gurk attested that Bernger, vicar at St. Leonhard and deputy of Bishop Frederick of Bamberg, had settled various debts with Merklein and Zodach, Jews of Friesach, in accordance with a Hebrew letter that was signed by Abrech and Fridlein representing the Jews of Friesach. In view of the growing centralization of the Hapsburg administration, the bishops of Bamberg sought to obtain protection for their Carinthian possessions. In 1358, Count Johann of Pfannberg, captain of Carinthia, guaranteed Bishop Leopold of Bamberg the protection of his domain in exchange for annual dues and certain privileges, thereby extending protection also to the Jews living in the Carinthian possessions of Bamberg.[5]

The Church and the Emperor, however, took advantage of the insecure and dependent status of the Jews. In 1361, Emperor Rudolph released the monastery of Admont of a debt of 500 florins which it owed to Hänsel, Jew of Judenburg, on the ground that the latter had moved to Friesach without permission. In such cases the ruler took the place of the creditor, i. e., the "disobedient" Jew, the ruler receiving half of the amount due, and absolving the debtor from further payment. Thus the ruler appeared as a benefactor

[3] Scherer, p. 467 f.

[4] Apograph (Schroll) in the archives of the *Geschichtsverein für Kärnten*, December 20, 1349.

[5] Scherer, p. 509; also apograph (Eichhorn) in the archives of the *Geschichtsverein f. K.*, No. C 496.

of the Church and a "protector" of the Jew's claims.[6] The migration of a Jew from one dominion to another was thus a welcome occasion for the confiscation of part of his property.[7] In his desire to oblige the Church, Duke Albrecht III released Bishop Johann of Gurk for one year from the obligation to pay any interest due to the Jews.[8] But the Church was also interested in the security of moneylending, and in 1368 Bishop Ludwig made an agreement with Dukes Albrecht III and Leopold III according to which the captain of Carinthia would assist the Bishop's subjects, Christians or Jews, in obtaining payment from their debtors.[9] In 1380 a similar agreement was reached between Leopold III and Bishop Lamprecht of Bamberg.[10]

At the end of the fourteenth century the records about Jews in Carinthia become scarce. The persecutions in neighboring Styria had also spread over Carinthia. Confiscation, transfer or sale of Jewish property, and cancellation of claims mentioned in deeds indicate the desperate plight of the Carinthian Jews.[11] Even incidents of conversion are recorded in the sources of this period. A convert, Paul, whose former name was Freudman, for instance, renounced his claim of 600 florins owed him by the counts of Ortenburg. His sister-in-law Rosa acknowledged in writing the receipt of two voided deeds, and this in the Hebrew language.[12] A preserved fragment of a tombstone with a Hebrew inscription gives evidence that Jews were still at Friesach in 1409.[13] According to an agreement of 1436, between Emperor Frederick IV and the Bishop of Bamberg, the former promised to aid, through

[6] Muchar, *Geschichte des Herzogtums Steiermark*, VI, p. 357.

[7] Wiener, *op. cit.*, p. 226, No. 66 (Feb. 11, 1362); No. 67 (March 3, 1362).

[8] MS. No. C 629 (Nov. 5, 1367), in the archives of the *Geschichtsverein f. K.*

[9] Scherer, p. 509 f., Wiener, p. 228, No. 86.

[10] Apograph (Schroll), Sept. 20, 1380.

[11] Scherer, p. 553, n. 2; Muchar, VII, p. 92.

[12] MS. No. 24 (July 16, 1368), in the *Haus-, Hof-, und Staatsarchiv* in Vienna, 4 seals, and an attached receipt of the following Hebrew text:
אני חתומה מטה מודה ש"ר שמריי" בהנ"ר מרדכי נתן לי לשמור מכחו שנים כתבים פסולים מן הפחה מאורטנבורג כתב אחד מגיד שש מאות זהוביקם] וכת[ב] אחד מגיד מאה זקוקים אגלי" וזה היה יום א' י"ב לחדש טבת שנת קכ"ח לפרט רוזא בת הנ"ר יצחק נ"ת"ב"ע (נשמתו תהא בגן עדן). שלו[ם] בן הקדו[ש] ר' יהוד[ה] ז"צ"ק"ל

[13] . . . של . . . באלול שנת [ה] אלפ[ים] צ"ב"ה ב"ע. (5169 - 1409).

his officer in Carinthia, Christian and Jewish moneylenders under Bamberg rule in recovering their claims from their debtors in princely territory.[14] Nevertheless many Jews left that country. Some of them settled at Marburg in Carniola and from there tried to sell their properties and rights in Carinthia. On November 21, 1438, for instance, Hindlin, Jewess of Marburg, sold her house at Völkermarkt to Peter von Orsechaw; Muschel, Jew of Feistritz living at Marburg, sold his vineyard near Piker at Glowotschitzerberg in 1427.[15]

The number of Jews in Styria, Carinthia, and Carniola was evidently not very considerable. Frederick III in his diary of 1440-1493 records an annual revenue of 6000 fl. from the Jews of all three countries.[16] Now Marburg became the center of Jewish enterprise. In addition to the municipal court *(Stadtrichter)* a special Christian court for Jews, a *Judenrichter,* was functioning there, a privilege which could have been accorded only to a sizeable Jewish population.[17]

Records show that forfeiture and revocation of Jewish claims were effected through public announcement in the synagogue *(Judenschule)* of Marburg. In 1445 such an announcement was made on behalf of Friedrich von Lamberg, and afterwards a waiver *(Totbrief)* was signed by five Jewish representatives from Marburg, Radkersburg, Judenburg, St. Veit and Laibach, who thereby acknowledged that they no longer had claims against any subject of the principality of Lamberg.[18]

Frequently restrictions were placed on Jewish enterprise by the rulers of Hapsburg.[19] According to Emperor Frederick III's charter of 1444 for Carinthia, *(Kayser Fridrichs des Dritten gegebene Freyhait und Bestätigung wegen der*

[14] Apograph (Schroll), Feb. 3, 1436; Scherer, p. 510.

[15] MS. dated March 3, 1427, in the archives of the *Geschichtsverein f. K.*

[16] Scherer, p. 532.

[17] The names of these *Judenrichter* prove that they were Christians, e.g.: *Heinrich der Kozirep, Judenrichter* (MS. A 568 of Nov. 21, 1390, in the *Geschichtsverein*); *Christof Seeleiter, Judenrichter zu Marburg,* (*ibid.* Jan. 17, 1465).

[18] Scherer, p. 523; Arthur Rosenberg, *Beiträge zur Geschichte der Juden in Steiermark,* (Vienna, 1914), p. 13.

[19] Scherer, pp. 473, 485 f.

Landrecht und Landgerichten alda in Khärndten) no peasant was allowed to pawn any goods to Jews without permission of his lord; and if he should do so, the rights of his master were not to be restricted thereby nor did the master become liable for any interest.[20] Moreover, limitations were imposed on the function of the *Judengericht.* The Jews' burden of taxes was steadily increased. For the marriage of the Emperor's sister, Katharina, for example, in 1446, an extraordinary levy of 60,000 florins was imposed on the Jews of Austria, in addition to their regular payments.[21] According to an agreement between Emperor Frederick III and Archbishop Siegmund I of Salzburg, of 1458, Jews in Styria, Carinthia, and Carniola were not permitted to seek satisfaction for claims in rented property *(Urbar)* of Salzburg, except for direct claims against the Archbishop. If Jews should have claims against his subjects, however, their rights would be recognized.[22] While Frederick thus yielded to the demands of the Archbishop of Salzburg, in 1461 he confirmed the privileges conferred on the Jews in the *Stadtrecht* of Bleiburg, of 1370,[23] and acknowledged their complaints against the denial of justice by and unfairness of the *Judengericht.*[24] The prohibition against compound interest also affected Jewish moneylending transactions adversely, although they were as such risky enough.[25] The riots of the peasants in neighboring Styria that contributed much to the general impoverishment in the three countries, were again a welcome excuse for imposing an extraordinary tax on the Jews.[26]

The plight of the Jews became more and more severe. In the diet of the three countries of January 20, 1468, the customary charges of Jewish trickery were made. In Jewish

[20] Scherer, p. 480; *Kärntner Landhandfest,* Reg. No. 9 (p. 19 f.), MS. in the *Kärntner Landesarchiv* at Klagenfurt.

[21] Scherer, p. 533.

[22] Scherer, p. 556.

[23] MS. No. C 2717 (December 6, 1461), in the *Geschichtsverein f. K.*: "Es sullen auch unser Juden zu Pleyburg alle die Recht haben, die ander unser Juden habent in unsern Stetten."

[24] Scherer, p. 479.

[25] Scherer, p. 487.

[26] Scherer, p. 538.

business transactions, bonds or deeds which could easily be forged, were not permitted any longer. Jews could lend on movable pledges only, the so-called *Schreinpfand,* named so because it could be kept in a *Schrein* (chest).[27] In 1470 the Jews of Styria, Carinthia, and Carniola were ordered to pay an extraordinary contribution of 4,000 fl. toward the costs of the war against the Turks,[28] to which another amount of 3,000 pounds was to be added in 1478.[29]

Rare exceptions to the general rule were made, however, and some favors or privileges were conferred on individual Jews. The Jewish physician, *Michel,* for instance, was privileged to settle in any princely city of the three countries and was exempted from the usual taxes as a reward for his valuable services in the Turkish war, in which he had been imprisoned and carried away to Constantinople.[30] The charges against the Jews in the ritual murder trial of Trent (1475), on the other hand, and their temporary expulsion from the bishopric of Bamberg (1478) had doubtlessly repercussions also in Carinthia.[31] A blood accusation similar to that of Trent is reported from Millstatt in 1478.[32] Nevertheless, special rights were conferred on some wealthy or important Jews. On March 4, 1478, Frederick III granted to Kifel, Jew at St. Veit, the right to be subjected to the jurisdiction of the Emperor's personal representative alone.[33] On September 5, 1490, Maximilian I appointed Levi, son of Leb, Jew of Völkermarkt, as "master of Jewry" with special authority over foreign Jews traveling toward Nuremberg, "on account of his ability" (he was probably a physician).[34] To promote security in the moneylending trade the *Judenbuch,* a special register of Jewish claims, was established for Carinthia in 1491.[35]

27 Scherer, p. 487.
28 Scherer, p. 539; Muchar VIII, p. 64.
29 Chmel, *Monumenta Habsburgica,* I, 2, p. 929; Scherer, p. 539.
30 Scherer, p. 459; Wiener, p. 249, No. 236.
31 Scherer, p. 510 f.
32 Scherer, p. 468.
33 Wiener, p. 96 (No. 111).
34 Scherer, p. 459 f. The German text reads: "von seiner kunst wegen."
35 Scherer, p. 485.

V

THE EXPULSION OF THE JEWS IN 1496

In connection with the preparations for the war against the Turks the eventual expulsion of the Jews from Carinthia became a subject of discussion at the diet of Marburg on April 27, 1494.[36] Emperor Maximilian I asked for a war contribution of 16,000 pound pfennige. The estates (*Stände*) of the three countries agreed to pay this amount as a compensation for the expulsion of the Jews. The share which Carinthia pledged to contribute was 4,000 Rhenish florins.[37] In his weakness and due to his financial need, Maximilian yielded to the demands of the estates to expel the Jews. But he also seemed to be concerned that debts owed to Jews should be paid. Thus, he ordered his administrator in Carinthia, Veit Weltzer, to see to it that Jewish creditors be satisfied before leaving the country.[38] August 24, 1496, was designated as the final date for these payments, since the date for the expulsion was set for September 14, 1496.[39] The reason for Maximilian's interest in a more or less fair liquidation of Jewish enterprises is not clear. He certainly was not motivated solely by human pity for the plight of the Jews. The Emperor's businesslike procedure during the final act of the expulsion shows that financial considerations were decisive, for he issued the decree of expulsion on March 9, one day after he had received the pledged 4,000 Rhenish florins from the Carinthian estates.[40] It stands to reason that most of the expelled Jews were expected to migrate to other parts of the Austrian empire where penniless Jews could not be welcome. Therefore, a period of six months was set for the liquidation of Jewish business in Carinthia. Many of the Jews, expelled from Carinthia, however, recognized the insecurity in the

[36] Scherer, p. 492 f.

[37] Scherer, p. 501.

[38] MS. No. C 4292 (September 3, 1494), in the archives of the *Geschichtsverein f. K.*

[39] *Ibid.*, (August 29, 1496); cf. Scherer, p. 505 f.

[40] *Landhandvest des Erzherzogtums Kärnten*, Reg. 16, p. 40, in the *Kärntner Landesarchiv at Klagenfurt;* Scherer, p. 501.

Realm of the House of Hapsburg and, most probably, followed the call of their former rabbi, Isaac Zarfati,[41] who had extended an invitation in 1456 to "the remnants of Israel in Swabia, the Rhineland, Styria, Moravia, and Hungary" to seek refuge in liberal Turkey.[42]

VI

THE MEDIEVAL JEW IN CARINTHIAN CUSTOM, LEGEND AND ART

1. "*Judenläuten*" in Wolfsberg[43]

Until this day the custom of the so-called *Judenläuten,* the daily ringing of a bell at 9 p.m., is observed at Wolfsberg in commemoration of an earlier expulsion of the Jews in about 1338.

According to the legend, the Jews made plans to expel all Christians (!) from the town. Alleged secret preparations were in process. But a Jewish girl, who was in love with a Christian butcher boy, revealed this plan to her friend. She even promised to announce to him the exact date of the planned massacre by hanging a sausage on the Lady's Statue in the market place. When, on the eve of that ominous day, the signal was visible, the Christians who had prepared counter measures, rang an alarm bell for a general rising to defend themselves against the Jews. These were beaten and driven out of Wolfsberg as far as Knittelfeld ("Cudgel Field") in Styria. That Sunday in the early part of January was named *Priglsunti* ("Whipping Sunday"), and was celebrated by hanging sausages made of white and red turnips around the Lady's statue at Wolfsberg. The ringing of the bell, called *Judenläuten,* survived as an established custom.

41 Israel (Isserlein) ben Petachya, author of תרומת הדשן in his פסקים וכתבים (Venice, 1519), No. 15: . . . ודע לך כי זה עתה שלשים שנה בתחילת קביעותי לשבת במרפורי"ק שלח מהר"א ז"ל מאוישפו"רק למדינת קער"נטן וכתב להרי"י צרפתי שישב שם באותו זמן לסדר נתינתו . . .

42 Cf. H. Graetz, *Divre yeme Israel,* transl. by S. P. Rabinowitz, VI (Warsaw, 1913), p. 24; S. Rosanes, *Divre yeme Israel be-Togarma,* I (Tel-Aviv, 1930, p. 15.

43 From Keller-Karner's article "Gebräuche," in Jäger, Geschichte des Lavanttals (Klagenfurt), p. 206.

2. The Carinthian Version of the Wandering Jew

The Wandering Jew as known in the Christian legends of the sixteenth and seventeenth centuries, is the sinner whom Christ doomed to immortal restlessness. This punishment was inflicted upon him "because he had insulted Jesus on the latter's road of Passion."[44]

Stories about a personality who never dies are found in the legends of many nations. They usually refer to a hero or favorite of the people and are intended to symbolize a reward e.g., Elijah, the prophet, the Messiah, the Mahdi, the hidden Imam, the Kaiser in the Kyffhäuser, the Hungarian King Mathias, etc. In the Hebrew literature it is Honi Ha-me'agel who sleeps for seventy years and upon awakening is unhappy because the people were all strangers to him.[45] The legend of the "Eternal Wanderer" may have originated from the biblical story of Cain.[46] It reappears in Oriental and Arabic tales about Chidher or Chadhir, the restless wanderer, who reappears every 500 years on the same scene to witness the change in nature or civilization; where once a city existed, pasture land has taken its place, later a sea, a forest, and again a city is found there.[47]

The Wandering Jew of the Alpine legends experiences similar changes. The following is a translation of the Carinthian version current in that country.[48]

"On his world journey the Wandering Jew came many times to Carinthia, and was seen there at different places."

[44] The Wandering Jew often appears in German literature of that time as Ahasuerus, a name that only proves its non-Jewish origin. L. Neubaur, in *Zentralblatt für Bibliothekswesen,* X (1893), pp. 250-267, records 46 German versions of that story, besides 3 Flemish, 10 French, 4 Danish, and 19 Swedish versions. The story of Roger de Wendovers, a monk at St. Albans in England, quoted in his *Flores Historiarum* (1235), and retold in the *Historia Major* of his contemporary, Mathew Paris, also of St. Albans, is considered to be the first on record. For bibliography, see S. W. Baron, *A Social and Religious History of the Jews,* III (New York, 1937), pp. 105 f., note 15.

[45] *Babylonian Talmud, Taanith* 23 a.

[46] *Genesis* 4:12 f.

[47] Cf. J. Friedlander, *Die Chadhirlegende und der Alexanderroman* (Leipzig-Berlin, 1913); see also *Encyclopaedia Judaica,* I (Berlin, 1928), p. 1147, s. v. Ahasver; and *supra,* note 44.

[48] "Alte Bekannte, Gestalten aus der Kärntner Sagenwelt. 1. Der Ewige Jude;" *Carinthia,* LXII (1872). No. 2, p. 54.

"When he appeared some years ago at Flattach in the Möll valley, he lodged with a farmer. In the evening, after the people had gone to sleep, he placed the table into the middle of the room and walked around it the whole night. At his departure he said to the farmer that he had been there twice before, and that on his third visit the village would exist no more. When the two barns on the moor on the Flattach mountain will have burned down thrice, the lake, hidden within the mountain above the village, will burst forth destroying the village and its inhabitants."

"It is common belief that the time is not far-off when the prophecy will be fulfilled. A few events have already taken place which the Wandering Jew had announced as forebodings of the approaching end: the barns have been consumed by fire and turned into ashes for the second time; at the foot of the mountain that concealed the lake, a spring has come forth; and the ground near the barns has turned into moor."

"One day he came to Tellach in the Möll valley. People did not recognize him at once as he stopped at the inn there. His appearance was strange. Restless as mercury he walked up and down, and did not sit down when the hostess had put his dish on the table. He paid his bill with seven brand-new coins which no one had seen before.[49]

"From Tellach he came to Heiligenblut. It was the second time that he had visited that place. On his first visit the whole region had been an alpine pasture. Then a few settlements had existed, and Heiligenblut itself was a considerable village. When he will return the third time—it is said—Heilingenblut will be nothing more than a sand hill."

"Steinfeld in the upper Drave valley was not always so small as it is today. Once a great city existed where the present village is situated, and spread down to the waters of the river. This was at a time when people were still pagans. The Wandering Jew had seen them and their city when he wandered through the Drave valley the first time. 'After a

[49] An allusion that Jews introduced foreign currency to Carinthia. Cf., *supra, Historia Judaica,* VII (1945), p. 23, n. 58.

hundred years meadow and water,' he predicted and so it occured: the city disappeared, only a village remained, and down in the valley it is all 'meadow and water'."

"Villach, no doubt, is an old city in the country. The Wandering Jew was there long before man's foot had touched it. When he returned after many years, he found a city there, and on his third visit city and people will have ceased to be."

"Old people in the Lavant valley like to tell of him. He is said to have appeared there, never lodging but wandering about day and night. In St. Andrä the Prince-Bishop's butler met him strolling through the town and had a conversation with him."

3. The Jewish Portraits of the "Master of Gerlamoos"

Paul Weber, in his work, *Geistliche Schauspiele und kirchliche Kunst laut einer Ikonographie der Kirche und Synagoge, eine historische Studie,*[50] makes the observation that Jewish persecutions frequently offered a motif for ecclesiastical art. Whenever and wherever the flames of hatred were kindled against Israel, anti-Jewish representation entered medieval sculpture and painting. The ecclesisatical art of the Middle Ages was highly inspired by the controversy between Church and Synagogue. It is interesting that phrases long known in the Patristic literature and in the hymns of the Church, such as the blindfolded or stubborn Synagogue, reappear in medieval art just at times of greatest distress among the Jews.[51]

The persecution of the Carinthian Jews in the fifteenth century also found its artistic interpretation in the paintings of the so-called "Master of Gerlamoos," whose real name remains hidden to posterity. He probably lived in Villach between 1456 and 1495.[52] He produced the renowned wall paintings of Gerlamoos, Thörl, and St. Paul in the Lavant valley, and the plague picture at the cathedral of Graz, and others. In the Fresco of Thörl in Carinthia (*ca.* 1475-1482)

[50] Stuttgart, 1894, p. 61 f.

[51] P. Weber, *op. cit.*, p. 68.

[52] Cf. Otto Demus, "Der Meister von Gerlamoos," *Jahrbuch der kunsthistorischen Sammlungen in Wien,* (Vienna, 1937), pp. 49 ff.

the Master of Gerlamoos achieved a very impressive, though extremely realistic representation of Carinthian Jews of his time. In order to avoid caricature representations of Jews, which would not be dignified for a house of worship, painters used to "humanize" their Jewish models by representing them with Christian faces.[53] The Master of Gerlamoos, who probably witnessed the persecutions of Carinthian Jewry in the second half of the fifteenth century, did not repair to this artistic expedient. As a citizen of Villach he certainly knew the Jews living there (and perhaps even their rabbi), who in 1478 had to leave that city. The artist had probably witnessed an actual riot, and the frightened features of the persecuted impressed themselves on his eye and memory. He never could forget them, and pictured them, therefore, in a most realistic manner. He reproduced such persecution on stained glass in the Fresco of Thörl, which shows a symbolic crucifixion surrounded by passion pictures. The scene rereferring to the Jews shows Mother Eve offering the Apple of Salvation to the Church with one hand, while with the other she holds out a skull to the fallen and frightened Jews. There can be no doubt that the features of the pictured Jews are genuinely Jewish, their faces framed by beards and curls, and expressive of hallowed suffering.[54] The Jew lying on the ground, his hat lost, is representative of a maltreated and despairing victim of inhuman persecution. No doubt, the painter intended to show the misery of the "infidel" Jews; but, as a true artist and great genius, he could not avoid expressing their human traits too.

[53] Cf. Paul Frankl, "The Earliest Jewish Portrait," *Historia Judaica,* V (1943), p. 161.

[54] See the photographic reproduction on Plate 1, picture No. 4, in *Historia Judaica,* VII (1945), facing p. 14.

REVIEW SECTION

A HISTORY OF THE ISAAC M. WISE TEMPLE OF CINCINNATI

A BOOK REVIEW*

By GUIDO KISCH
Jewish Institute of Religion
New York

THE fifth decade of the twentieth century is witnessing a series of one hundredth anniversaries of Jewish reform congregations in the United States. Among the large Jewish communities, Congregation Har Sinai of Baltimore celebrated first, K. K. B'nai Yeshurun of Cincinnati followed, both in 1942, and 1945 marks the jubilee year of Temple Emanu El of New York. While the latter is making plans for the issuance of its congregational history, the annals of Isaac M. Wise Temple of Cincinnati were presented historically some three years ago. Even if somewhat belatedly, the reviewer is pleased to call the attention of historians and laymen to this splendidly gotten-up and beautifully illustrated volume.

The history of K. K. B'nai Yeshurun is not merely "part of the history of religion in Cincinnati and the entire west," as Isaac M. Wise wrote in a little booklet published on the occasion of the congregation's golden anniversary in 1892. It is rather the history of American Reform Judaism as conceived and here translated into practice by its outstanding rabbi who for about half a century was considered the leading Jewish personality in America, and whose vigorous influence is still felt in American Judaism almost five decades after his death. This volume is therefore not to be considered as a local history inspired by provincial patriotism, but an important contribution toward the still unwritten comprehensive history of American Jewry. The author has been occupying for the past twenty-five years I. M. Wise's pulpit and thus was in possession of all prerequisites for this literary undertaking. He used for his work all manuscript and printed material available. He drew particularly from the early American-Jewish periodicals such as the *American Israelite*, *Die Deborah*, and the *Occident* and thus recovered through his pains-

* James G. Heller, *As Yesterday When It Is Past. A History of the Isaac M. Wise Temple—K. K. B'nai Yeshurun—of Cincinnati: In Commemoration of the Centenary of Its Founding*. 1842-1942. Isaac M. Wise Temple. Cincinnati, 1942. XIV + 249 pp. with numerous illustrations.

taking labor valuable contemporary evidence which otherwise would have remained lost in the pages of those journals. Innumerable details about the early days of the congregation, its members, their names, activities and contentions are related. The history of the last decades of the twentieth century is presented in still greater detail, including lists of members, officers, rabbis, filial organizations, individual historical events, texts of the constitutions and by-laws, etc.

The central theme of the book is, however, I. M. Wise and his work of reform. The student of Jewish Reform, well-acquainted with all theoretical problems and discussions through David Philipson's *The Reform Movement in Judaism* (New York, 1907; second ed., 1931), will find here an interesting and typical example of Reform in practice. The Fiftieth Anniversary booklet commented that in three years after Wise's advent the congregation had made the transition from old-style orthodoxy to being one of the foremost American reform congregations. Study of this book gives evidence that, in spite of the correctness of this statement, the changes were not radical in the beginning, and by no means carried out rapidly. Even after the abolition of the observance of the second day of holidays in 1859, for example, the second day of *Rosh Hashana* actually continued to be observed for fourteen years thereafter. Almost twenty years after I. M. Wise had been appointed as rabbi, the congregation still required covering of the heads at services. Wise proceeded slowly with innovations. This was done not merely for reasons of tactics. The author points out correctly (p. 83):

> "In some ways Wise's point of view was amazingly conservative: in regard to the literal revelation of Scriptures and various other matters. His interest lay chiefly in the direction of decorum, beauty, the liturgy, the adaptation of worship and life to American needs and conditions."

And elsewhere he remarks (p. 124):

> "Many of his utterances give one pause, and force one to ask the question: May it not have been that, for all his liberalism, and all his liberalization of devotional practice, Wise held unshakably to these two central tenets of orthodoxy?" [sc. to the belief in the literal inspiration of the Bible and the equal authority of the Oral Law].

These observations of the author seem important for a historically correct evaluation of the role to be attributed to Wise as a leading power in the history of American Reform. Additional contemporary evidence not quoted by Heller, can be adduced. It is the following statement based on the authority of the well known pioneer of orthodox Judaism in America, Rabbi Bernard Illowy (1812-1871), and made by his son Henry Illoway in his memorial volume, ספר מלחמות אלהים *Being the Controversial Letters and the Casuistic Decisions of the Late Rabbi Bernard Illowy* (Berlin, 1914) (p. 4 f.):

> "In truth, however, whilst Wise was quite conservative innately, dreaming only of such changes as would tend to beautify the services in the temple, render them more attractive to the younger generation and lighten as far as there might be, in his opinion, Talmudic warrant therefor, the burden of the ceremonial law, Lilienthal was very radical in his views. A series of letters that appeared in the *Israelite* over the signature "Jerome", advocating a reform even more radical than that of Einhorn, were attributed to him. But the times and circumstances were not favorable to his views, at least in so far as his locality was concerned. Cincinnati Jewry was at that time still very conservative and many of the prominent members of both temples and their families were quite orthodox, especially so in their households. These had to be reckoned with and they could be moved but slowly."

The innate conservative character of the Jews of South Germany must not be overlooked in this connection. The founders of the Isaac M. Wise Temple came almost without exception from Bavaria. They clung to their German *Muttersprache* and retained it even longer than their devotion to old Jewish tradition. "They opposed any changes with bitter pertinacity," the author tells us (p. 38). "This is best shown by the fact that [Rabbi] Gutheim's tentative efforts at reform failed, that the congregation returned immediately thereafter to orthodox practice, and that six years had to elapse before they called Wise to the pulpit." In view of this evidence, furnished by the author, his conclusion that they sought "to become good citizens, to be indistinguishable from their fellows in custom and culture, to refashion their faith in the image of a new day," can certainly apply to a later period only. From the aforementioned and many other instances adduced and discussed by the author, moreover, the historical conclusion is obvious that Reform in Cincinnati originated with Jewish theologians, and not in a laymen's popular movement as had been the case in Charleston, South Carolina.

Space does not permit going into more detail here. Throughout his presentation the author did not lose sight of Benedetto Croce's statement that history is to be neither a bare record of facts nor a work of fiction. He wrote his book with ardor for the sake of Reform and with great stylistic skill, but never lost the path prescribed by the historical sources and to be traveled by a discriminating historian. We need more contributions of a similar character to be able finally to erect the edifice of the history of American Jewry.

BOOK REVIEWS

Modern History

HISTORICAL WORKS (New Series). By *Saul M. Ginsburg*. Volume I: Jewish Life in St. Petersburg, Studies in History of Russian Jewry under Tsarism. Cyco Bicher Farlag. New York, 1944. Pp. 261 (*Yiddish*).

AMOLIKE PETERBURG (Petersburg that was), the first volume in a new series of *Historical Works*, by the late Russian publicist and historian, Saul M. Ginsburg, is a valuable contribution to the Jewish history of Russia in the last half century before the fall of Tsarism. In spite of the fact that Petersburg, the former capital of Russia, was not included in the Pale of Jewish Settlement and was consequently officially barred to Jewish residents, the city had a considerable Jewish population and was not only the political but, in a measure, also the cultural center of Russian Jewry.

The growth of the community of Petersburg began during the mildly-liberal regime of Alexander II (1855-1861) who permitted wealthy Jews, graduates of higher schools of learning, and artisans to reside outside the Pale. It was during the reign of that monarch, in the sixties and seventies of the nineteenth century, that the capital of Russia became the center of the Jewish intelligentsia and of Jewish financiers. The leading Russian-Jewish press as well as the first and most influential Yiddish daily, *Der Freind*, were published in Petersburg, where such outstanding social leaders as Maxim Vinaver, Henrikh Sliozberg and the Baron Günzburg family resided. As editor of the *Freind*, contributor to various Russian-Jewish publications, and for a number of years secretary of the well-known "Society for the Promotion of Culture among the Jews of Russia", the author of *Amolike Peterburg* was familiar with the Jewish scene in that center and had an intimate knowledge of the Jewish life there. Hence this book is of considerable importance as a first-hand source of authentic information.

In addition to a brief essay on the origin and development of the Jewish community in Russia's former capital, *Amolike Peterburg* contains a number of thumbnail sketches of Jewish personalities who left their imprint in the annals of Russian Jewry. There is also a description of the best-known Russian-Jewish periodicals and the story of the founding of the *Freind*. The concluding article dealing with the emancipation of Russian Jewry by the Provisional Government, offers some interesting

extracts from both the Jewish and the Russian press reflecting the reaction of the Jews and that of Russian public opinion to the civic equalization of Russian Jewry.

Of particular value to the student of Russian-Jewish history is the portrait of Sliozberg, often referred to as "the attorney of Russian Jewry." This brilliant jurist and legal scholar, frequent contributor to law journals and for a number of years editor of the prominent *Vestnik Prava* (The Messenger of Law), was one of the best experts on laws concerning Jews. Armed with this knowledge he waged incessant legal battles against the arbitrary administrators who sought to wrest even the few miserly rights from the hapless Jewish subjects. Sliozberg's career began in the eighteen-eighties, the decade which saw the inauguration of the policy of militant anti-Semitism rigorously pursued by the last two Romanovs until the very end of Tsarism. H. B. Sliozberg rendered a particularly important service to his people in 1891, when the American government sent two commissioners to Russia, J. B. Weber and W. Kempster, to investigate the conditions that caused the mass emigration to the United States. Sliozberg became the adviser of the American delegation during their stay in Russia, he accompanied them on their tour of the large cities of the Pale, and facilitated their study of the legal and economic conditions of the Jews.

The findings of the American emmissaries published in *Executive Documents,* Part I of the 52nd Congress, 1st session,—form an excellent source for the history of Russian Jewry. It is interesting to note that the sorry conditions of the Jews so impressed the officials that they urged the American government to keep the doors of the United States open for the unfortunate victims of tsarist persecution.

In his memoirs,—*Dela Minuvshik Dnei* (Events of Bygone Days, vol. II, p. 65 ff.)—Sliozberg supplies some interesting details regarding the visit of the American commissioners. He relates that, before leaving the country, they suggested that he, Sliozberg, emigrate to the United States, where they assured him he would find more favorable opportunities for his talents. But feeling that it was his duty to stay with his suffering brethren, Sliozberg refused to leave the land of disabilities.

The essays on the Jewish press furnish interesting information on how the Jewish journalists of tsarist days struggled for Jewish rights through press reviews. Because criticism of government policies was forbidden by the censor, the *Voskhod* (Sunrise) conducted a weekly review of the Russian press in which charges against Jews received chief attention. But, as the author suggests, though directed against the anti-semitic journalists, by indirection the arguments of he press were really aimed at the government whose bidding that press did and to whose political tastes it sought to cater. How quickly the reactionary press changed its tone with the change of the government is revealed in the final article of the book, "Emancipation of Russian Jewry". The notorious *Novoe Vremia* (New

Times) which for years conducted a campaign of hate against the Jews, now, upon the collapse of Tsarism, hailed the liberation of the Jews! The *Novoe Vremia* now pointed to the benefits that would accrue to Russia if the Jews, together with all the other oppressed minorities, would be given political and civic equality.

This reviewer missed in the present work the footnotes which enhanced the value of the first series of *Historical Works*. The laudatory, almost eulogistic vein in which the author speaks of the personalities described detracts somewhat from the scientific value of the book. The shortcomings notwithstanding, *Amolike Peterburg* is a valuable addition to the works on Russian-Jewish history. The committee which in these days of restrictions and shortages, took the pains to collect and publish Saul Ginsburg's articles in book-form should be most highly commended.

New Haven, Conn. LOUIS GREENBERG

SOCIOLOGY

THE JEWISH REFUGEE, By *Arieh Tartakower* and *Kurt R. Grossmann*. Institute of Jewish Affairs, New York, 1944. Pp. XIII + 676.

THE AUTHORS view the Jewish refugee problem as primarily a phenomenon of racial tensions. They see in it one of "the tragedies of Jewish existence in a Gentile world," and a consequence of "racial teachings" and of "racial neo-antisemitism." Hence, they identify the fate of the refugee with the fate of the Jewish people, and the problem of the refugees with the problem of Jewish survival, i.e., the survival of Judaism. They suggest a kind of "iron law" of migration. The current refugee movement is linked with the migrations of the past,—the migrations of the past with Jewish experiments in colonization and the efforts at colonization with the function of the refugee in building a Jewish National Home in Palestine.

The refugee movement since 1933 illustrates for the authors the hitherto precarious position of the Jews in Europe and the latent brutality of the German people. The German Jews, least of all, were spiritually prepared for the denouement. Cultural assimilation had given them a false sense of security. But the authors also speak of "distinctive" and "peculiar" elements in the contemporary movement. There is, first, the mercilessly coercive character of the contemporary movement unparalleled in the long annals of Jewish migrations. Other refugee movements were given the alternative of changing their religious or political views. Secondly, the magnitude of the present migration. The appalling picture is drawn as follows:

"Altogether it appears that close to two and a half million European Jews have fled of their own accord since 1933, or have been evacuated; almost three quarters of a million have been deported from one country

to another, and over two million have been displaced within the confines of their country. In relation to the Jewish population of the world, now estimated at some sixteen million, the uprooted Jews form almost exactly one third; in relation to European Jewry as it was before the Nazi regime in Germany (about nine and one half million) they constitute much more than one half. Thus every third Jew in the world and every second Jew in Europe may be included today in the category of uprooted people, a ratio scarcely equalled in the annals of any other nation" (p. 337).

Is it possible to ascribe this catastrophy to the nightmare of Nazism and Fascism rather than to racial antagonism? The authors warn against a too hopeful view of amelioration through changing political and economic conditions. "At best it (the problem of the refugee) is regarded as one of the most striking examples of the intolerant political and social conditions now prevalent in the world, and it is assumed that the manner in which it is solved may serve as a test of whether or not these conditions can be ameliorated. Accordingly, very few if any efforts have been made to treat this problem from the standpoint of the Jewish community as such, although it is evident that the overwhelming majority of the Jewish refugees were driven from their former countries precisely because they were Jews. This grave error has been made both by the refugees themselves and by the governments and institutions engaged in refugee aid activities" (p. 524). However, the authors themselves, in some places, express a less fatalistic view. Thus they say, "After the war, when it is hoped, many old ideas will be thrown into history's wastebasket and a new world of human understanding will arise, the concept of real citizenship may assume a different form and the frequent intolerance of today give way to real harmony of interest between peoples and states" (p. 525).

Of significance to the understanding of the problem of the refugees is the authors' summary of the political, legal, and administrative conditions as they prevail in the countries of reception and refuge and their analysis of the problem of cultural and vocational adjustment. In these respects the problem of the refugees is not markedly different from that of the immigrant. Nevertheless, there are differences which make the problem of the refugee more difficult than the problem of the immigrant. Immigration laws are framed on the older notion of voluntary emigration. But all traces of voluntariness in the present movement are lost. The refugee, unlike the immigrant of an earlier period, has no country to fall back on. The special position of the refugee as one who is without choice, has not been recognized to any extent by the immigration authorities of the receiving nations.

Of the total number of Jews rescued during 1933-1943 one seventh went to Palestine. The tremendous contribution of Palestine, which absorbed refugees to the extent of over two-thirds of its previous Jewish population, is a striking fact. Although the United States admitted the

largest number of refugees, it falls far behind all other groups in respect to the ratio of this group to the size of the Jewish community in the country. Among the other countries an important part was played by England and France which (before the war) absorbed approximately one eleventh and one fourteenth respectively of the total. Of the American countries, outside of the United States, only Argentina admitted a substantial number of refugees but still less than England or France. Altogether, however, the Latin-American countries absorbed about one sixth of the total.

What solution do the authors propose? There are obviously two distinct though related phases of the refugee problem; the short range and long range. The short range or specific refugee problem is one of salvaging and adjusting the lives of many uprooted Jews as individuals. The long range solution involves the problem of group survival. Although the authors are aware of the immediate humanitarian aspects, their discussion tends to merge the immediate with the ultimate or long range solution. As the authors put it, " . . . it is not only necessary to save the Jewish refugees from starvation and to provide new economic positions for them; no less important from the Jewish point of view is to preserve the ties between them and their people. No real solution of the refugee problem is possible without taking this necessity into account."

Three ways of permanent solution of the Jewish refugee problem are discussed by the authors; namely, repatriation, absorption in the country of temporary refuge, and, finally, emigration to another country of colonization. Of these three methods, the authors see emigration to and colonization in Palestine as the most hopeful in the post-war era. Whatever method of solution is used, it cannot be achieved without international cooperation. Accordingly, the authors propose that a new international agency be created after the war having the following characteristics:

(a) "It should be recognized as the supreme international body in all questions pertaining to refugees, and, although cooperating with the various government and private organizations, it should be vested with sufficient authority to enforce its decisions if necessary;

(b) "The proposed agency should not only prepare plans and secure the legal means of executing them, but also conduct the work of repatriation, emigration and colonization, and pay the cost of their activities;

(c) "The funds necessary for the activities of this agency should be contributed either by a new League of Nations or by all the states of the world, since the solution of the refugee problem is the concern of all mankind;

(d) "The proposed agency should consist of official representatives of governments;

(e) "Its activities should be limited to a definite period of time within which the refugee problem must be finally liquidated."

While international supervision over the smaller nations is a necessity,

the question arises whether or not such a plan would be applicable to the great powers? Would Soviet Russia, for example, permit an international body to supervise the work of repatriation, emigration, and colonization of Jews within its borders? The authors seem hopeful. "But given the will, it can be accomplished if the prevailing atmosphere after the war will be different from that of the pre-war years, and if the refugees will be treated as they should be, as equal and useful members of society."

The authors plead for an intensification of Jewish consciousness among refugees as the only way to solve their problem as individuals and as a group. For "their final fate both as individuals and as a people will depend primarily upon the extent and depth of their Jewish human consciousness. Preparing refugees for this sort of life means, therefore, making them not only architects of their own future, but builders of a better and more dignified future."

Yeshiva College ALEXANDER BRODY

BOOKLORE

STUDIES IN JEWISH HISTORY AND BOOKLORE. By *Alexander Marx*. The Jewish Theological Seminary of America. New York, 1944. Pp. xiii + 458.

NO ONE acquainted with Professor Marx and his work will doubt that a collection of some of his historical essays must provide examples of meticulous research and profound scholarship. Professor Marx is not a belle-lettrist. He writes neither entertainment nor escape literature. He does not approach a subject with an eye to climax and denouement. He sets down the facts with as much detail as possible and as much background as necessary. Nevertheless, this volume, in addition to its importance as a work of scholarship, achieves something which many other, more popular works on Jewish history fail to accomplish.

There is neither time nor space, when dealing with so long and colorful a history as that of the Jews, for such details as serve to bring to life either the events or the personalities which form an integral part of a historical movement or tendency. Generalizations are therefore unavoidable. The current interest in sociological and economic interpretations has tended more than ever to make Jewish history almost completely impersonal. Whatever the gains, few will deny that this involves a tremendous loss, not only to vividness of portrayal, but also to the depiction of that spirituality and intellectualism which are inseparable from the history of the Jewish people. Professor Marx's essays help to restore the balance, for he succeeds marvelously in building up some

Jewish personalities, recreating the atmosphere of a number of past events and, therefore, in making several chapters of Jewish history more vivid and more real.

All but one of the studies had been published before. They were republished in this volume with many additional notes and some modifications so as to bring the information up to date. Twelve of the studies are historical; six are bibliographical; eight are more strictly biographical, dealing with persons whom the author knew well as teachers or colleagues. Economic problems are not neglected; several of the studies offer highly interesting material on this aspect of Jewish history. One is devoted to Rabbi Yehiel Nissim da Pisa's treatise on usury, especially the chapter describing sixteenth-century bills of exchange, activities at local fairs, and marine insurance. Some of the essays are very brief, only a page or two in length; others are full-sized monographs which must have entailed prodigious research, as, for example, the study on illuminated Haggadah manuscripts. Some, like the accounts of the expulsion from Spain, make documentary material available; others, like the essays on astrology among the Jews, afford, by means of carefully arranged facts, a picture of the Jewish mind in the twelfth and thirteenth centuries. But the truly charming characteristic of almost all the essays is the predominance in them of the personal and human.

Even a reviewer has a right to his predilections. Among the first eighteen studies the most human is the one presenting the autobiography of a seventeenth-century Shlemihl (no. 12). But the one most intimately associated with inner Jewish life and picturing Jewish idealism and destiny seems to be the essay on "Some Jewish Book Collectors," the only one of the studies here published for the first time. Professor Marx traces the history of Jewish collectors and bibliophiles from the eleventh century to our own day, their individual methods of book collecting and the ultimate fate of their treasures. There are sidelights on the character of the collectors and the interests of their times. Underneath it all one senses the peculiar relationship between the Jewish people and books. It may be that Professor Marx's own absorption in book collecting—since he is the creator of one of the greatest Jewish libraries in the world—made him write this essay with special warmth.

Almost as interesting is the study entitled "A Jewish Cause Célèbre in Sixteenth-Century Italy." Here a quarrel and several personalities stand out to which even a voluminous history of the Jews would hardly devote a line. Out of the maze of details, which is sometimes difficult to follow, there emerges a story of internal Jewish life out of which a dramatist or novelist could construct a thrilling tale. Professor Marx's essay is, indeed, hardly a story. He describes Jewish life in early sixteenth-century Italy soberly and factually. Yet one gains a glimpse in that life, with its economic uncertainties, its physical dangers, its Renaissance personalities, its rabbis, judges, and businessmen, which no other history book has thus far approached.

The last eight studies—on Zunz, Steinschneider, David Hoffmann, Schechter, Joseph Jacobs, Israel Friedlander, Malter, and Margolis—are examples of how a Jewish scholar evaluates the life and work of other scholars. The personal element is not neglected, and there are human touches which are truly moving. But the emphasis is on that part of the life of these men which they most cherished and by which in the larger, more Jewish sense, they wanted to be judged.

The serious student of Jewish history must be grateful for this volume. He will join the Jewish Theological Seminary of America, its publishers, in wishing Professor Marx many years of fruitful labor beyond the sixtieth in celebration of which this collection of studies appeared.

Jewish Publication Society of America SOLOMON GRAYZEL

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JEWISH ASSIMILATION AS AN OBJECT OF LEGISLATION

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I

HISTORICAL AND SOCIOLOGICAL ASPECTS

ASSIMILATION of an ethnical minority to a majority is a sociological process which generally develops independently of legislative norms. Nevertheless, fairly frequently attempts were made to direct assimilation by means of laws[1] or even to enforce it by means of legal provisions.[2] In the assimilation of Jews, too, legislation has played a certain role. To be sure, it did not have the same significance as certain political, intellectual, historical or economic factors; yet it was a contributory motif in the assimilation of Jews.

Even before the emancipation, especially in the second half of the eighteenth century, we find legal measures which seek to remold the ethnical characteristics of the Jews. However, in regard to legislation of the pre-emancipation period one cannot speak of an assimilationist motif in the actual sense. For example, when Joseph II demanded that the Jews renounce their Jewish names, it was done merely for the

[1] So, for example, in some South American immigration laws, which prohibit the formation of immigrant-groups of the same nationality.

[2] So, for example, nationality legislation of many Eastern European countries or the National-Socialist war legislation in Alsace or in the "incorporated" Eastern areas.

purpose of policing them better. Law and order required that Jews bear names conventional for the country. The idea of assimilation, that is, the thought of changing the entire ethnic essence of the Jew was still concealed. It existed only latently. Ideologically, the way from police regulations to assimilationist motives was not very far, and it was in this direction that the emancipation law led. Their object was not to change individual ethnical characteristics of the Jew but the entire ethnical structure of the Jewish people. The basis of these laws corresponded to the classic formula of Clermont-Tonnèrre: the emancipating State granted or promised the Jews full or partial equality; in return, Jewish spokesmen of Western and Central Europe promised the assimilation of the Jews.[3]

The emancipation laws, particularly those promulgated or influenced by Napoleon, frequently spoke in quite general terms about the demand for assimilation. Thus, for instance, a French decree of 1808 "hopes" (*"espérant"*) that no differences will exist any longer between the Jews "and other citizens of our Empire."[4] Similarly, a decree promulgated by Jérome Bonaparte in 1808 "considers," without going into detail, "that Jews no longer should constitute a segregated group within the State."[5] A law enacted in the Duchy of Warsaw expects that the Jews "shall eradicate those char-

[3] Jewish and non-Jewish historians alike frequently saw the emancipation as a political exchange between the State and the Jews. This is an apt interpretation, but we can go a step further. It was also legally an exchange. About 1800 political science was generally inclined to construe the relationship between State and subject as a "treaty of subjection," and in the same way, the legal status of the Jews was viewed. Thus Metternich (1814) and Hardenberg (1815) speak of an "agreement concerning citizens' rights" between the sovereign and the Jews of Frankfort; cf. N. M. Gelber, *Aktenstücke zur Judenfrage am Wiener Kongress* (Vienna, 1920), p. 14; L. von Roenne-H. Simon, *Die früheren und gegenwärtigen Verhältnisse der Juden* (Breslau, 1843), p. 20, note 2. In 1815 the Free City of Bremen declared that the rights "agreed upon" for the Jews were to remain in force; Gelber, p. 38. Many similar documents could be cited. From them one may draw the conclusion that about 1800 the assimilation of the Jews was conceived to be a legal obligation by virtue of the "treaty of subjection."

[4] Roenne-Simon, p. 371.

[5] Roenne-Simon, p. 382.

acteristics which so strongly differentiate them from the rest of the population."[6] As a result of such generally termed provisions there was naturally no definite obligation for the individual Jew constituted. Such a legal obligation for the individual Jew could arise only if legislation prescribed a definite behavior for him. In order to bring this about, however, the sociological factor of assimilation had to be reduced to its component parts.

Assimilation in the sociological sense embraces objective (ethnical) and subjective (personal) elements. Objectively, it is essential that the alien who is to become assimilated renounce certain external ethnical characteristics and acquire others. Just what these characteristics are cannot be generally defined. The stranger may distinguish himself from the majority of the surrounding population through numerous ethnical signs, such as language or peculiarities of facial expression, walk, clothing, hairdress, name, customs, food, etc.[7] In regard to which of these characteristics should the emancipation legislation have adopted measures? Obviously only in regard to those which logically or in practice could be subject to legal regulation. As a rule, only those characteristics were dealt with regarding which pre-emancipation legislation had frequently adopted measures because of police-regulation. In other words, the assimilation provisions of the emancipation legislation were connected with the laws made for the Jews during the pre-emancipation period. Only the legislative motives or purposes were different or extended.

In general, legislation affecting Jews confined itself to the promulgation of legislative measures regarding three ethnical characteristics, to wit., external appearance of the Jews, their names, and language. Furthermore, assimilation legislation affecting the Jews attempted, to a certain

[6] S. Dubnow, *Weltgeschichte des jüdischen Volkes,* VIII (Berlin, 1928), p. 337.

[7] One could perhaps also include here the particulars of economic stratification. However, a survey of the provisions concerning the economic assimilation of the Jews would go far beyond the scope of this study.

extent, to interpret the subjective or personal side of assimilation from the juridical standpoint. Subjectively, assimilation means that the stranger who is to be assimilated adapts himself to the majority as far as his manner of thinking and feeling is concerned. It is quite obvious that legal provisions in this connection can have only a limited effect.

Jewish legislation of the eighteen-hundreds was designed not only against the *ethnos* of Jewish individuals; it was directed against Jews collectively by means of dissolving autonomous Jewish community life. Here again, the legal purpose was the ethnical reshaping of the Jewish individual.

II

Assimilation Legislation

Legislation began with the external appearance of the Jew. Leading antisemites frequently emphasized that the very difference in the appearance of the Jews roused in them a feeling of estrangement or antipathy. For example, "a creature wearing a long kaftan and black curls" aroused repugnance in the youthful Hitler.[8] Such socio-psychological reactions have been ably intensified by the National-Socialist legislator through the introduction of the Star of David. Even in the eighteen-hundreds, legislators recognized the significance of external appearance. In 1781 the Vienna Court Chancellery (*Hofkanzlei*) pointed out that the "inequality (in appearance) to a great extent causes the aversion of Christians toward Jews."[9] In 1808, Prussian State Minister Schroetter stated that the "prejudices" of "the average Gentile" against the Jews "originate mainly from the disparate appearance."[10] Legislation had no power

[8] A. Hitler, *Mein Kampf*, edition 681-685 (Munich, 1942), p. 59.

[9] A. F. Pribram, *Urkunden und Akten zur Geschichte der Juden in Wien*, Vol. I, (Vienna-Leipzig, 1918), p. 457.

[10] I. Freund, *Die Emanzipation der Juden in Preussen*, II (Berlin, 1912), p. 245.

to change the physiognomy of the Jews, but through legal measures it could try to eliminate perhaps the peculiarities of Jewish hairstyle and manner of dressing.

In the second half of the eighteenth centrury opinions regarding the desirability of external assimilation were still conflicting. For centuries Jews had been recognized by their very attire. When about 1780 a number of Viennese Jews began to wear clothes as commonly used at that time, many regarded this as "an offensive and improper innovation,"[11] a behavior which was contrary to order and custom and, consequently, contrary to police regulations. Prior to that, Frederick the Great had, for the very same reason, forbidden Jews to remove their beards. On the other hand, the Absolutist State wanted to "improve" the Jews. This tendency was designed to promote "an external rapprochement" (with regard to attire) between Jews and Gentiles—a conflict of viewpoints which was decided for the first time in Austria in favor of "external rapprochement." A decree promulgated in 1781 provided that "in order that Jews might be more useful" they should no longer be obliged to maintain "the difference in clothing and manner of dress noticeable so far."[12] The Jews thus had the right, but not the obligation, to wear clothing as customary in the country. Were they also to be *compelled* to do so?

Joseph II wanted to go even to that extreme. Similarly, Schroetter wanted to promote emancipation in Prussia under the "condition" that Jews "wear German attire and remove their beards."[13] However, these and similar proposals did not become law in Western and Central Europe. In Austria they met with the opposition of the orthodox Galician Jews who, on religious grounds did not want to change their attire and out of their troubled conscience declared that their former clothiers "would be ruined without

[11] Pribram, p. 433.

[12] A. v. Cramer, *Gesetzsammlung für die Judenschaft in den K. K. Staaten* (Prague, 1793), No. 46.

[13] Freund, p. 228.

the patronage of their Jewish customers."[14] In Prussia, Schroetter's proposal failed because the State Council saw in it a "compulsion" and hoped that Jews would "of their own initiative soon rid themselves"[15] of all evidences of external differences. However, the Russian and Rumanian legislation concerning Jews, which made no mention of Jewish emancipation, went even further. These two were only in part prompted by an assimilationary trend; partly they were guided by a dissimilationary intention.[16] Despite this internal conflict, the assimilationary endeavor was so strong that it led to provisions regarding clothing, which the legislators in Western and Central Europe did not have the courage to apply. In 1835, in Russia a certain category of Jewish school children was forbidden to wear special attire; in 1839, the wearing and making of such clothing was subjected to a tax, and a decree promulgated in 1850, forbade Jews in general "to wear special clothing. . . ; Jewish women were forbidden to shave their heads."[17] In Rumania, a regulation of 1834 introduced similar provisions for Jewish school children. To be sure, the Russian and Rumanian provisions remained merely laws on paper. In Western and Central Europe, however, the assimilation in clothing desired by the legislators proceeded without legal enforcement.

In addition to the appearance of the Jews, their names also played a considerable part in legislation. National-Socialist legislation enforced the adoption of "additional" names—Israel and Sara—so that every Jew might be recognized by his name. In the eighteen-hundreds, the Jews' names were immediately recognizable. In general, they had no specific surnames, but had biblical first names (for example, Moses ben Jacob). When legislation undertook to change this

[14] J. Rohrer, *Versuch über die jüdischen Bewohner der österreichischen Monarchie* (Vienna, 1804), p. 55.

[15] Freund, p. 154 ff., p. 276.

[16] Cf. K. Stillschweig, *Historia Judaica*, IV (1942), p. 43 f.

[17] *Swod Zakonow Rossijskoj Imperii*, Vol. IV (St. Petersburg, 1899), Art. 775.

name system, it was at first prompted by reasons of police regulation. Jewish names had a great similarity to one another. Consequently, as an Austrian regulation of 1787 pointed out, there could easily arise "confusion. . . in political and judicial procedures" and in "private life."[18] Soon, however, to the motives of police regulation assimilationary reasons were added. In 1812, the Prussian Minister of the Interior stated them unequivocally: "The Germanization of Jewish names," he said, reveals a "commendable trend . . . to assimilate [the Jews] to the general customs of the country." Jewish names like "everything that externally characterizes the separation which has prevailed till today and Judaism itself, should be removed."[19]

Both reasons together, in the majority of Western and Central European countries as well as in Russia and Rumania, led to the promulgation of laws whereby the Jews were forced to assimilate their names to those indigenous to their respective countries. In some details the picture of the legal measures is quite varied and sometimes even contradictory.[20] The basic features, however, are similar everywhere. Indicative of the seriousness with which the name laws were regarded are the penalties imposed for their transgression. In France, Austria, Prussia and other German states violators were occasionally threatened with expulsion. Actually, expulsions on such reasons could hardly be carried out. Nevertheless, it was not until 1847 that in Prussia expulsion was replaced by fine or imprisonment.[21]

In addition to regulations concerning the external appearance and names of the Jews, measures were adopted in regard to their language, which was for long Yiddish. Here,

[18] Cramer No. 131.

[19] Roenne-Simon, p. 57.

[20] For example, in 1828 an ordinance was issued in Prussia forbidding "Jews to use Christian first names." An ordinance in Posen of 1833 provided that new "family names should not differ from the existing Jewish names; cf. Roenne-Simon, p. 57 f. However, such restrictions were removed by virtue of the constitutional provisions of 1848 and 1850.

[21] Law concerning the status of the Jews, Articles 5,6.

too, assimilationary motives were at first less important than police reasons. It was felt, as the Vienna Court Chancellory put it in 1781, that Jews used Yiddish only "to prevent others from seeing into their business."[22] Similarly, the municipality of Metz stated in 1792 that "the language of the Jews casts a mysterious veil over their daily doings."[23] Furthermore, there were trends toward a general centralization which crystalized during the time of Joseph II. Out of the polyglot population of the Hapsburg monarchy he wanted to create a linguistic unity, comprising also the Jews. Finally, to the reasons of police and coordination assimilationary motives were added, which a Hungarian writer described as follows in 1790: "When a foreigner, irrespective of race, learns the Hungarian language, he becomes a magyar and breathes the customs of the Magyar people."[24] More than a century later a diametrically opposed interpretation is found in the notorious manifesto of the German students of April 13, 1933: "The Jew can think only in Hebrew. If he writes German, he tells lies."

It was Joseph II who first tried to bring about "the imperceptible elimination of the Jewish national language" by legal means; this development began in 1781. A court decree for Bohemia provided that "for the improvement of Jewish education and enlightenment the Jews should abolish their national language within two years." Legal documents were to be drawn up in "the language of the country under penalty of annulment."[25] From 1782 to 1789 there appeared a series of supplementary provisions referring to registration, the establishment of German schools, the exclusion of Yiddish from courts and government administration, and the like. Corresponding provisions were introduced in France in 1784; in Russia, in 1804; in Prussia, in 1812,

22 Pribram, p. 445.

23 R. Anchel, *Napoléon et les Juifs* (Paris, 1928), p. 3, note 2.

24 Quoted from K. Schickert, *Die Judenfrage in Ungarn* (Essen, 1937), p. 25.

25 A. Fischel, *Das österreichische Sprachenrecht: Eine Quellensammlung* (Brünn, 1910), No. 47.

and so on. A Württemberg law promulgated in 1828 compelled the Jews "to adopt the Christian calendar."[26]

As in the case of the name laws, violators of the language decrees were often threatened with the penalty of expulsion. As late as 1847 Prussia introduced fines or imprisonment as penalties instead of expulsion. But, in 1855 a fundamental change of conception in this connection took place. The Prussian Supreme Tribunal ruled that the penal measures "were to be regarded as abolished," since they violated the principle of freedom of religion guaranteed by the new Constitution.[27] This change of the legal conception remained without any major practical significance in Prussia, for about 1855 nearly all Prussian Jews had adopted the German language. But the situation was different in Russia and Austria, where the language decrees did not bring about the expected results. Therefore, in these two countries regulations against Yiddish were maintained until the end of the First World War. In 1862 Alexander II extended them even to the Polish areas. To be sure, Art. 3 of the Russian basic State law of 1906 promised "special legislation" concerning the use of "local languages and dialects."[28] However, Yiddish was regarded merely as a "jargon" and was therfore not recognized as a language in the periodical census reports.[29] In Austria the situation was similar. Here the use of the Yiddish language could not even be indicated in the official census reports. In 1910 and 1911 those who still did so and "did not want to withdraw their statement," were punished.[30] It goes without saying that the use of Yiddish in court and administrative offices was forbidden.[31]

[26] Published by H. Fürstenau, *Das Grundrecht der Religionsfreiheit* (Leipzig, 1891).

[27] M. Kollenscher, *Rechtsverhältnisse der Juden in Preussen* (Berlin, 1910), p. 40.

[28] A. Palme, *Die russische Verfassung* (Berlin, 1910), p. 93 f.

[29] Particularly rigid restrictions against the use of Yiddish were applied in Russia during the First World War. The Yiddish press and the printing of books in Hebrew characters, as well as private correspondence in Yiddish, etc. were often prohibited. This, however, was not caused by assimilationary motives but was due to technical difficulties of Russian censorship.

[30] *Sammlung der nach gepflogener mündlicher Verhandlung geschöpften Erkenntnisse des K. K. Reichsgerichts*, Vol. XV, Part II p. 327.

[31] For details and sources see K. Stillschweig, *MGWJ.*, LXXXI (1937), p. 321 ff.

Through the assimilation of appearance, names, and language the Jews were supposed to cease to be recognized as such. At times they were not even to be called "Jews." In his memoirs, published in 1792, Solomon Maimon mentions that in Poland "the very word 'Jew' evoked aversion." Over one hundred years later, Hitler wrote that as a 14-15 year old boy he experienced a "slight distaste" or "unpleasant feeling when coming across the word Jew."[32] Legislators of the emancipation period may have had a premonition of such reactions. In any event, about 1800 we frequently encounter in official language the tendency to replace the word "Jew" by another one as, for example, by the expression "Mosaic or Old Testament coreligionist."[33]

III

Jewish Religion and Nationality as Objectives of Assimilation Legislation

National Socialism set as the goal of the Nuremberg Laws the creation of a "feeling of reciprocal estrangement" between Jews and Gentiles.[34] The German should regard the Jew as an alien and the Jew should not feel as a member of the German but of the Jewish people.

The legal measures discussed thus far had a reverse objective. By eliminating the external ethnical differences, a feeling of fellowship was to be created between the majority of the population and the Jews. Through perceptible assimilation of the Jews to their surroundings, the majority of the population and the Jews were to lose the feeling of reciprocal strangeness. The Jews were to assimilate them-

[32] Hitler, *Mein Kampf*, p. 55.

[33] Cf. Roenne-Simon, p. 43 f.; J. L. E. Barth-Barthenheim, *Beiträge zur politischen Gesetzeskunde im österreichischen Kaiserstaate* (Vienna, 1821), p. 173. On the other hand, however, in 1836 the Prussian Minister of Justice condemned these expressions as "modern inventions," (Roenne-Simon, p. 44; cf. also Dubnow, IX, p. 41).

[34] B. Lösener-A. Knost, *Die Nürnberger Gesetze* (Berlin, 1936), p. 18.

selves, as far as possible, to the manner of thinking and feeling of the majority.

To attain this goal fully, in addition to measures concerning external assimilation, legislation also dealt with its subjective side. In this it was naturally somewhat restricted, for it could not take under control inner feelings. Measures could, however, be taken against certain outer manifestations typifying the Jewish spirit. Such manifestations were the Jewish religion and the expression of Jewish national feeling.

Jewish religion was, in the opinion of the legislators, the chief obstacle to the spiritual assimilation of the Jews. It was even regarded as the source of the alleged "aversion of the Jews toward the Christians."[35] Thus, from the viewpoint of assimilation legislation it would have been most desirable if the individual Jew would completely renounce his religion. This was most clearly indicated by the legal consequences resulting from conversion and formulated quite aptly by an Austrian decree of 1810: "By renouncing Judaism and converting to Christianity, an Israelite is no longer subject to the existing police regulations affecting Jews; from the moment of conversion he may claim all rights enjoyed by the rest of the subjects of the country."[36] Furthermore, the convert sometimes received additional privileges; for instance, according to Russian law, he was granted compensation of 10-30 rubles, tax exemption for three years, release from military service, certain family privileges, etc.[37]

Even the Jewish religion as a whole was to be "assimilated." Beginning with the end of the eighteenth century until the middle of the nineteeth century we come across a number of legislative proposals or attempts in this direction. For example, in 1823 the Grand-Duchy of Saxony-

[35] Pribram, p. 457.

[36] Barth-Barthenheim, p. 357; cf. also Roenne-Simon, p. 108 ff.

[37] Cf. N. de Gradowsky, *La situation légale des Israélites en Russie,* I (Paris, 1890), pp. 229 f.; p. 244 ff., p. 296.

Weimar provided that Jewish religious services were to be held in the German language. In 1833 the government of the Kingdom of Saxony was ready to grant emancipation to the Jews on the condition that the observance of the Sabbath be transferred to Sunday. The Hungarian nationalists went even further, and their leader, Ludwig Kossuth, demanded that Jews reform their dietary laws and other religious customs.[38]

All this was designed to relieve the Jew of the feeling of estrangement. He was to have no Jewish national feeling apart from the feelings inspired by his religion. Therefore, the constitutional laws of European countries denied legal recognition to the conception of a Jewish "people." Nevertheless, up to the middle of the last century one finds, not infrequently, legal documents which seem to contradict this attitude. In the documentation of Prussian legislation, for example, up to 1850 it is frequently stated that the Jews have "to a certain extent maintained also a 'national' difference from the rest of the population.[39] But Prussian legislation, as all other European legislation, wanted to eliminate just this "national difference."[40]

[38] To be sure, not all legislators were in accord as to the usefulness of such innovations. In 1823, Friedrich Wilhelm III forbade "the slightest innovation in the language and ceremony" of Jewish religious services in Prussia. This peculiar intervention was diametrically opposed to the usual assimilationary trend of Prussian legislation regarding the Jews. It can only be interpreted as a royal fear that religious reforms might bring about a new "sect within the Jewish community"; Roenne-Simon, p. 93 f.

[39] *Vollständige Verhandlungen des 1. vereinigten preussischen Landtags über die Emanzipationsfrage der Juden* (Berlin, 1847), p. 22.

[40] Only in quite exceptional cases was the attempt made to grant the Jews certain national rights. In 1847, the Prussian Government proposed, among other things, the creation of Jewish electoral bodies during the municipal deputy election; cf. *Vollständige Verhandlungen*, p. 11. This proposal, however, never became law; Gabriel Riesser opposed it. In Switzerland an ordinance of 1858 provided that the Jews in Oberendingen and Lengnau "conduct two separate caucuses . . . before the forthcoming elections;" cf. H. von Frisch, *Das Fremdenrecht* (Berlin, 1910), p. 87, note 1. Here we have an actual exception to assimilation regulations concerning Jews. Furthermore, the local community of Oberendingen, in 1861, demanded that the Jews of Oberendingen and Lengnau "create a corporation in each community for the purpose of administering church and school property and that of the poor, as well as acting as guardians;" A. Ambrun-

As a result, there was no possibility for the individual Jew legally to profess his adherence to the Jewish people. In the European "national" states as a rule no one had the possibility legally to express a national feeling differing from that of the majority. Thus, if a Breton did not regard himself a Frenchman but as belonging to a different nationality, it was entirely his private affair. But in the linguistic field, for example, the Breton could claim no rights. The situation in regard to the Jews was the same. A Prussian Jew who felt like a Jew and not like a Prussian had an inner conviction which (though undesirable) had no legal significance. The same applied if he lived in the border states with Polish minorities, as, for instance, in the Prussian province of Posen or Upper Silesia. The Jews of these regions were free to declare themselves either Germans or Poles of the "Mosaic faith." There was no third alternative. Which category they joined was important for certain statistical reasons, but legally it had no or almost no significance. Statisticians, therefore, were not certain whether to regard the Jews of Posen and Upper Silesia as Germans or Poles.[41] The idea of classifying them as an independent third category was utterly remote to them. The same situation prevailed in Schleswig where a Danish minority lived.[42]

The legal situation prevailing in the border regions of "national" states (comprising a majority with various minorities) applied also to "nationality" states (comprising nationalities with equal legal standing). In Switzerland and

nen, *Juden werden Schweizer* (Zürich, 1935), p. 25 ff. But this proposal, too, never became law. In Bucovina the 1909 Provincial Parliament adopted a draft for an election system proposing the establishment of a Jewish national "electoral body." The government, however, rejected the proposal; cf. E. Bernatzik, *Die österreichischen Verfassungsgesetze mit Erläuterungen,* second edition (Vienna, 1911), p. 938. Nevertheless, the Jewish deputies of the Bucovina Provincial Parliament were able to set up a special "Jewish-national" group.

41 Cf. E. Bergmann, *Zur Geschichte der Entwicklung deutscher, polnischer und jüdischer Bevölkerung in der Provinz Posen seit* 1824 (Thübingen, 1883), p. 295, notes 133, 136a.

42 An ordinance of 1854 provided that the Jews must do their bookkeeping and drafting of legal documents "in the Danish or German languages;" A. Michaelis, *Die Rechtsverhältnisse der Juden in Preussen* (Berlin, 1910), p. 196.

Belgium national rights existed for constitutionally recognized nationalities only. The Jews were not constitutionally recognized as a nationality. In Austria the question of the nationality of an indvidual was a particularly important constitutional problem. The Austrian Constitution recognized only the Jewish religious community but not a Jewish nationality. Consequently, from the viewpoint of Austrian legislation the Jews were Germans, Poles, Czechs, and the like, of the "Mosaic faith."[43]

When, about 1900, Zionism pursued a national policy in the individual countries, its objective was to obtain constitutional recognition of Jewish nationality. In this connection, the Russian Minister of the Interior stated the following in 1908: "Since this trend (Zionism) is detrimental to the interests of assimilation and only strengthens the racial difference between Jews and other peoples, State-Secretary von Plehwe has declard Zionism as contrary to the Russian State concept and, therefore, its propagation in Russia as inadmissible."[44] In the democratic countries it was not possible to go to such extremes as in autocratic Russia. Nevertheless, there too, constitutional recognition was denied to the Zionist objectives. Thus, until the end of the First World War, a Jew could not express his national feeling in any relevant legal form.

IV

Assimilation Legislation and Jewish Autonomy

The feeling of being a member not only of the Jewish religious community but also of the Jewish "people" was considerably strengthened by the autonomy of the Jewish communities. For centuries the self-administration of Jewish communities was a contributing factor to the preservation of the ethnical characterisics of the Jews. Therefore, it was inevitable that the idea of assimilaion clashed with

[43] Cf. K. Stillschweig, *Historia Judaica*, VI (1944), p. 35 ff.
[44] *Der Jude: Eine Monatsschrift*, VIII (Berlin, 1924), p. 663.

that of Jewish autonomy. But assimilation was not the only reason, not even the primary one, for the dissolution of Jewish self-administration. As in the case of the decrees concerning names, originally other motives were at work, as well. Only later did the idea of assimilation bring this process to a conclusion.

The dissolution of Jewish self-administration began in the second half of the eighteenth century. At that time the Absolutist State began to strive for the greatest possible uniformity of the law. This tendency was in conflict with that of a Jewish autonomous administration, which was based mainly on the "personal principle" of law according to which everyone should live according to the law of his ancestors (*lex originis*).

A second viewpoint is closely connected with this one. To a considerable extent Jewish autonomy owed its origin and development to the order prevailing in the Middle Ages that had kept "all social classes separate also in the legal sense" and organized them into corporations.[45] Such a division of the population into corporations was contrary to the spirit of absolutism whose ideal was a centrally governed state. With this objective, autonomously organized Jewish communities were also incompatible.

A third consideration was that the fiscal interests of the protectors of the Jews had formerly been of great importance for Jewish autonomy. Jews should not pay taxes on an individual basis but collectively which involved a collective responsibility for their collection. In the second half of the eighteenth century the special taxes which had to be paid by Jews gradually diminished. As a result, the fiscal interests of the rulers in Jewish autonomy lessened. Nevertheless, the partial continuance of fiscal considerations may chiefly account for the fact that absolutism did not immediately destroy autonomy.

Its complete dissolution was brought about by the addi-

[45] O. Stobbe, *Die Juden in Deutschland während des Mittelalters* (Braunschweig, 1866), p. 140.

tion of the assimilation motif. If the Jews were no longer to constitute a separate nationality, they had to be subjected exclusively to the generally prevailing laws and to the authorities entrusted with the state administration. The first such law was the French emancipation edict of 1791 which requested that the Jews "renounce all privileges and exceptions previously established in their favor."[46] The fundamental principle of the French regulation was adopted as a pattern by the legislative bodies of other European countries including Russia and Rumania, where emancipation had not yet been achieved but only was striven for.

The legal status achieved by the Jewish communities after the dissolution of their autonomy was quite confused, but a discussion of its details is not relevant here. Essentially, three types emerged: First, the consistorial system which prevailed in France and some other countries. Within the framework of this system, the former community officials were not simply private employees but "appointed by the competent authorities." Their activities, naturally, were confined exclusively to the religious field. Second, after the dissolution of the autonomy, Jewish communities were frequently regarded merely as private societies. This interpretation existed, for example, in Prussia between 1812-1847. As private societies, the Jewish communities had no "parochial" authority, which up to 1812 had held the Prussian Jews together and strongly counteracted assimilation. As private societies the communities were not entitled to any law enforcement regarding the collection of the contributions of their members. This regulation, as a result, had "many drawbacks" which threatened to destroy the communities. Consequently, a third system, the so-called *Kultusgemeinde* developed in Prussia, Austria and other countries. According to this system the Jewish communities were not merely private societies but "corporations of public law." Therefore they had "parochial

[46] A. E. Halphen, *Recueil des lois, décrets . . . concernant les Israélites* (Paris, 1851), p. 9 f.

authority" and the right to collect contributions due to them by administrative execution. Their jurisdiction, however, extended only to the field of religion.

By the end of the nineteenth and at the beginning of the twentieth century the Jews tried to strengthen the position of the Jewish communities and partially to regain their former autonomy. Thus, for instance, in Austria it was suggested that the communities be transformed into *Volksgemeinden* which in turn would all form a communal alliance.[47] The same assimilationary trend, however, which prevented the Jews from expressing their Jewish national feelings in a legal manner, also prevented these suggestions from becoming law up to the end of the First World War.

V

The End of Assimilation Legislation

Assimilation legislation concerning Jews achieved its objective in Western and Central Europe, at least insofar as it had intended the external assimilation of Jews. In the East, however, the situation was different. Here the Jewish masses opposed legal assimilation measures. Thus, at the end of the First World War the treaties for minorities protection wished to abolish Jewish assimilation legislation. The Jews were to be granted national rights. This was achieved in many cases. But in many Eastern European countries assimilation legislation continued to exist. Externally it underwent changes though. Legal measures, for instance, which would bar the use of Yiddish became less frequent.[48] Instead, they were replaced by administrative

[47] Cf. K. Stillschweig, *Historia Judaica*, VI (1944), p. 27 ff.

[48] However, they were not missing altogether; this is evidenced by Art. 109 of the 1927 Czechoslovak law concerning bills of exchange which provides the following: "Bills of exchange and declarations connected with bills of exchange are invalid if they are made out in the Hebrew language or in Hebrew characters."

measures or laws which for the most part concealed their assimilationary tendency. In 1933 a new legal development took place. It gradually eliminated assimilation legislation, but offered the Jews no national rights instead. In place of assimilation legislation it introduced a system which had as its purpose the eventual forcible dis-similation of Europe's Jews.

LINGUISTIC CONDITIONS AMONG CZECHOSLOVAK JEWRY

A Legal-Historical Study*

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I

The Language of the Jews in the Bohemian Lands Before the Era of Emancipation

THERE can be no doubt that language, like law and religion has played an important role in the development of modern nationalism. This fact can be clearly observed in the history of all nations. It is particularly conspicuous in the historical evolution of the Czech and Slovak nations. After unsuccessful struggles which lasted for centuries, the feeling of linguistic and cultural affinity has at last brought about the foundation of their national state, the Czechoslovak Republic.

The Jewish people have had a different fate. The Jews had an independent state only in ancient times. From the time that their political independence and national unity came to an end, their position has always been dependent on and determined by external forces. Their language, their law and to a certain extent the development of their religion followed paths forcibly prescribed by the outside world.

In the countries which today constitute Czechoslovakia the development was not basically different from that in other countries where Jews lived in the diaspora. A decreasing knowledge of Hebrew and contacts with the native populations resulted of necessity in linguistic assimilation. As early

* Annex to a Memorial submitted to the President of the Czechoslovak Republic by the Czechoslovak Jewish Committee in New York.

as the Middle Ages the Jews living in Bohemia could understand the Czech language and employed it in their commercial relations with the native population. That the Bohemian Jews had adopted the language of the land in which they lived and were able to use it adequately is demonstrated by its employment in Jewish scholarly works. Glosses in the Czech language often occur in contemporary rabbinic literature written in Bohemia, where they are employed to elucidate difficult phrases which apparently were not easily understandable in Hebrew. It is clear from this that even scholars who presumably had less contact with business affairs than the general population and who employed Hebrew exclusively in their studies, were thoroughly familiar with the Slavic tongue of their neighbors. The correct declension and inflexion of the Czech words makes it evident that the authors of these rabbinical works had mastered the Czech language grammatically. The rabbis known to have lived and worked in Bohemia in this period are: Abraham ben Asriel (first half of the thirteenth century), author of *Arugath ha-Bosem,* and his disciple, Isaac ben Moses (about 1180-1250), who was known as *Or Zarua* which was the title of his most important work.

Joseph Perles, "Das Buch Arugath habbosem des Abraham ben Asriel," *Monatsschrift für Geschichte und Wissenschaft des Judentums,* XXVI (1877), p. 372 f.; Salomon Hugo Lieben, "Abraham ben Asriel," *Encyclopaedia Judaica,* I (Berlin, 1928), p. 419; R. Abraham b. R. Azriel, *Sefer Arugat Habosem,* ed. Efraim E. Urbach (Jerusalem, 1939). — Isaak Markon, "Die slavischen Glossen bei Isaak ben Mose Or Sarua," *Monatsschrift für Geschichte und Wissenschaft des Judentums,* XLIX (1905), pp 707--721; H. Tykocinski, "Lebenszeit und Heimat des Isak Or Sarua," *ibidem,* LV (1911), pp. 488-499; I. Kahan, "Or Sarua als Geschichtsquelle," *Jahrbuch der Gesellschaft für Geschichte der Juden in der Czechoslovakischen Republik;* IX (1938), pp. 71, 94 n. 208, 209.

Convincing proof that the Czech language was widely used among the Jews of Bohemia even in private life is furnished by an official register of the Jewish inhabitants of Prague in the year 1546. It contains a considerable number of typically Czech-Jewish names, such as: Levicka, Halíř, Černý, Kejklíř, Hošek, Tomáš, Kulhavý, Babka, Dýlka,

Šťastný, Ježek, Vokatý, Suchý, Horšovský, Kapřík, Kráva, Urozenský. For women such traditional Jewish names as Sara, Rachel, Esther, Tamar, Ryfka, Cypora, etc. are used, of course, but one also finds Czech names like Mariána, Růže, Anna, Anka, Dubrá, Radeš, Krásná, etc.

Bohumil Bondy a František Dworský, *K dějinám židů v Čechách, na Moravě a v Slezsku od* 906 *do* 1620, [also German edition under the title, *Zur Geschichte der Juden in Böhmen, Mähren und Schlesien von* 906-1620] Vol. I (Prague, 1906), p. 371 ff.—Ignát Herrmann, Josef Teige, Zikmund Winter, *Das Prager Ghetto* (Prague, 1903), p. 60 f.

Before the Thirty Years War, therefore, the Jews of Bohemia commonly used the Czech language in their daily relations with the Gentile population. This fact is borne out by their petitions and applications to governmental authorities, by their correspondence with members of the nobility, and by their business documents.

Bondy-Dworský, *K dějinám židů v Čechách, na Moravě a v Slezsku,* I, II, passim. — Kaethe Spiegel, "Die Prager Juden zur Zeit des Dreissigjährigen Krieges," in *Die Juden in Prag: Bilder aus ihrer tausendjährigen Geschichte,* ed. Samuel Steinherz (Prague, 1927), p. 127.

It was in the second half of the sixteenth century, after the Battle of White Mountain (1620), and particularly after the Thirty Years War that the German language began extensively to penetrate into Bohemia and Moravia. Both German and Czech were legally recognized in Bohemia in the *Verneuerte Landesordnung* or *Obnovené Zřízení Zemské* of 1627, and in Moravia in the corresponding *Landesordnung* of 1628. The Jews followed of necessity the general trend. Their correspondence with the authorities and nobility had previously been in Czech, but of the letters of the Sixteen-sixties which have survived, half are written in German. Yiddish, composed of elements of Hebrew, German, and Slavic, was now more influenced by German.

Richard Feder, "Roudnictí židé po třicetileté válce," *Kalendář česko-židovský,* XLIII (Prague, 1923/24); cf. *Jahrbuch der Gesellschaft für Geschichte der Juden in der Czechoslovakischen Republik,* II (1930), p. 526. — Kaethe Spiegel, "Die Prager Juden zur Zeit des Dreissigjährigen Krieges," in *Die Juden in Prag: Bilder aus ihrer tausendjährigen Geschichte,* ed. Samuel

Steinherz (Prague, 1927), p. 127. — Alfred Landau and Bernhard Wachstein, *Jüdische Privatbriefe aus dem Jahre* 1619 (Vienna-Leipzig, 1911).

II

Germanization in the Period of Enlightened Absolutism

Though the Absolutist State in Austria preserved the semblance of a "State of Estates" for some time, it was actually established immediately after the Thirty Years War. It gave generally preference to the German language and attempted to abolish the Czech tongue entirely. In carrying out his policy of assimilating the nationalities in his empire Joseph II made use of the schools. No language other than German was considered essential. Therefore when the school system was reformed and compulsory attendance of public schools introduced, the decrees of 1770 and the following years stated "that earnest consideration should be given to the dissemination of the German language in the Bohemian hereditary lands, and that only teachers knowing the German language should be appointed."

In this program of Germanization the Jews were, of course, included. German was to be forced on them by every possible means. On May 13, 1781, Emperor Joseph II addressed a letter to Count Bluemegen which has come to be known as the Patent of Toleration. In its first sentence it designated "the imperceptible [that is to say immediate] abolition of their national language, except at religious services," as "the first advantageous step toward making the Jews more useful to the state." Besides they were "to have the necessary instruction in the vernacular" ["*Landessprache*," meaning German]. By a court decree (*Hofdekret*) of October 19, 1781, "for the purpose of better instruction and enlightenment of the Jews in Bohemia," regulations were issued concerning the use of their national language (Hebrew) and the attendance of children at school. Occupational questions were decided in the same way as they had been for the Jews in the other Austrian crownlands. It

was also decreed that Jews "must write all contracts, bills, account-books, wills, and, in general, all legal and private documents, in the German state-language (*Staatssprache*), on penalty of annulment." By imperial rescript of January 2, 1782, it was further ordained "that the Hebrew and the so-called Jewish language, being a mixture of Hebrew and German, were to be abolished."

It is therefore understandable that efforts were made to establish Jewish schools in which the language of instruction was to be German. The first school of this kind, intended as a model for future institutions, was opened in Prague on the second of May 1782. A Bohemian government decree of June 24, 1784, promised a reward to officials and teachers who successfully increased the attendance in German Jewish schools. The Jews were strongly opposed to these institutions because of religious misgivings. Therefore, the government in its efforts at Germanization used far sterner measures against the Jews than against the Czechs. At that time, namely, Czech was considered a dying language, whereas it was feared that the Jews would persevere in the use of Hebrew and Yiddish.

Alfred Francis Přibram, *Urkunden und Akten zur Geschichte der Juden in Wien,* I (Vienna- Leipzig,1918), pp. 440, 498. — Johannes E. Scherer, "Juden, Geschichtlich," in Mischler-Ulbrich, *Österreichisches Staatswörterbuch,* second ed., II (Vienna, 1906), p. 960. — J. S. Kraus, "Německožidovské školy v Čechách," ["German-Jewish Schools in Bohemia"] *Česko-Židovský Kalendář* II (Prague, 1882/83), pp. 117-125; cf. Jaroslav Rokycana, Fünfzig Jahre des 'Česko-židovský Kalendář," *Jahrbuch der Gesellschaft für Geschichte der Juden in der Czechoslovakischen Republik,* II (1930), p. 504. — Jan Kapras, *Přehled vývoje české jazykové otázky* [Survey of the Historical Development of the Czech Language Question] (Prague, 1910), pp. 10, 12 f.

In carrying out his policy of centralization Emperor Joseph II wished to unify the laws applying to Jews throughout the Austrian crownlands. On July 1, 1789, the Bohemian government (*Gubernium*) was ordered "to draw up and send in a draft on how the "*Judenpatent*" valid in Galicia could be applied to Bohemian Jewry." The draft of February 15, 1790, composed by the governmental authorities (*Gubernium*) in Prague, included the following paragraphs:

§ 11: A German school is to be established in every Jewish community, but until it is established or where such an establishment is not feasible, the Jewish children must be instructed in Christian schools.

§ 12: In places where a German (Jewish) school exists only those having successfully graduated from it are to be allowed to take instruction in the Talmud. (Penalty: Three days imprisonment for the father and the instructor in Talmud. The child to go back to the German school).

§ 13: A certificate of instruction in German is also necessary for obtaining a marriage license. Only those who were over thirteen years of age in 1786 are exempt.

Ludwig Singer, "Zur Geschichte der Juden in Böhmen in den letzten Jahren Josefs II und unter Leopold II," *Jahrbuch der Gesellschaft für Geschichte der Juden in der Czechoslovakischen Republik,* VI (1934), pp. 207, 273-274.

Emperor Francis II's "*Judenpatent*" of August 3, 1797, was based on Joseph II's reforms. It regulated the legal position of Bohemian Jewry up to 1848, and in some respects far beyond. The following paragraphs are of importance:

§ 13: Jewish schools must be patterned according to regulations valid for all other German schools.

§ 14: Inasmuch as under the present legal status a perfect knowledge of German, oral and in writing, is indispensable for Jews, no youth is to be admitted to instruction in Talmud, if he cannot produce written permission of the supervisor-in-chief of schools, who is to grant such permission only upon thorough examination of the progress made. Transgressors of this prohibition must be denounced to the county-authorities (*Kreisamt*) by the supervisors-in-chief of schools and punished according to the prevailing circumstances.

§ 16: Every Jew who wishes to marry, has likewise to produce a certificate by the Christian supervisor-in-chief of schools proving his good progress in the German language. Only persons who in 1786 had already

> reached the sixteenth year of age are exempt. Transgressors of this law are to be punished according to paragraph 48 chapter 4 of the Civil Code. Those having performed such marriages are to be dismissed and declared unfit ever to hold office again.

The state not only exercised this pressure for forcing a general acceptance of the German language among the Jews, but threatened severe penalties in order to enforce its ordinances. Obviously the Jews could not escape such compulsion.

> Simon Adler, "Das Judenpatent von 1797," *Jahrbuch der Gesellschaft für Geschichte der Juden in der Czechoslovakischen Republik,* V (1933), pp. 200-201, 208-209. —.Heinrich Ritter von Kopetz, *Versuch einer systematischen Darstellung der in Böhmen bezüglich der Juden bestehenden Gesetze und Verordnungen* (Prague, 1846), pp. 12, 111, 120-121. — Hieronymus von Scari, *Systematische Darstellung der in Betreff der Juden in Mähren und im k.k. Anteile Schlesiens erlassenen Gesetze und Verordnungen* (Vienna, 1846), pp. 98-103, 23f., 158-160.

Among the many legal reforms inaugurated by Joseph II which affected the Jews, the regulation of 1787 dealing with Jewish names is of major importance. Like the other legislation, its main intention was to Germanize the Jews. They were to be transformed into Germans also in their outer appearance, through the form of the names to be permitted to them.

It is worth noting that this reform in Jewish names was initiated by the Bohemian authorities (*Gubernium*) who on June 8, 1787, sent a proposal to Vienna, which immediately resulted in the imperial order (*Patent*) of July 23, 1787. This order was for many years the basic legal regulation governing Jewish names.

According to article 1 of this decree, by January 1, 1788, Jews were obliged to adopt a family name and a German first name not to be changed during their lifetime. Up to that time the Jews had had Hebrew or Jewish-German (Yiddish) first names in various popular Jewish forms. Such names were now forbidden. Such Jewish first names as were still permitted must be given German forms. Article 4 of the *Patent* ordered Jewish registration books to be writ-

ten in German and only German names be entered in them. According to Article 5 conscription blanks must be made out in German. Article 7 provided that a rabbi not using German in his registration books would be fined fifty florins. In case of a second offence he was to be dismissed and declared unfit to hold a rabbinical position. Jews violating this law were to be fined fifty florins, and, if unable to pay the fine, to be expelled from Austrian lands.

The choice of first names for Jews was confined to a list of 110 for men and 35 for women. An official list of the German first names permitted for Jewish use was ordered printed and sent to all authorities involved.

Because the Jews complained of these restrictions, a court decree (*Hofdekret*) was issued on October 11, 1787, permitting them almost complete freedom in choosing among the permissible first names. But the Bohemian government added the following official interpretation in the Czech language:

> There is no objection to leaving the choice of name to each individual provided his choice falls on a name which is customary or possible in the German language; that is to say it must be a familiar German first name; a person may have had this first name before, and may keep it in the future, or may choose to employ it from January first, 1788, on.

To this decree was added the regulation that special care was to be exercised in preventing Jews from arbitrarily changing a German first name once it was adopted. Furthermore, after January 1, 1788, no one was to be allowed to use a Hebrew or Jewish first name not familiar in German. Violators were threatened with severe penalties.

From the regulations and decrees quoted above it is clear that the endeavor to Germanize the Jews was one of the main reasons for Joseph II's reform of Jewish names, especially first names. These regulations were incorporated in the *Judensystemalpatent* of August 3, 1797, and summed up in its paragraph 41. According to this law any transgression was punished by "imprisonment or fine depending on the prevailing circumstances."

Alphabetisches Verzeichnis derjenigen Männer- und Weibernamen, welche zum Gebrauch der Jüdischen Nazion vom ersten Jenner 1788 *nur bloss nach der deutschen, oder christlichen Aussprache zu führen gestattet sind* (Vienna, 1787). — A. von Crammer, *Gesetzsammlung für die Judenschaft in den k.k. Staaten, in chronologischer Ordnung,* I (Prague, 1792), pp. 262-310. — Václav Žáček, "Eine Studie zur Entwicklung der jüdischen Personennamen in neuerer Zeit," *Jahrbuch der Gesellschaft für Geschichte der Juden in der Czechoslovakischen Republik,* VIII (1936), pp. 309-397.

III

Further Legal Compulsion to Use the German Language After the Year 1848

The beginning of the era of constitutionalism in 1848 was expected to bring about Jewish Emancipation, that is, full legal equality for Jews. But in the Bohemian lands the Jews were able to rejoice in the weak rays of political happiness for a very short time. The so-called "octroyed" constitution promulgated by Emperor Francis Joseph on March 4, 1849, was withdrawn on December 31, 1851. Many legal restrictions previously imposed were again revived and remained in force during the following period of absolutism. Because there was no general legal settlement of the Jews' status the Bohemian *Judenpatent* of 1797 remained the source of the laws regulating Jewry. Even the Law of March 21, 1890 concerning the Status of the Jewish Religious Community (*Gesetz über die äusseren Verhältnisse der israelitischen Religionsgesellschaft*) did not remedy this situation. For the sake of legal continuity and because of the comprehensive character of this law, the derogation clause contained in paragraph 35 was confined to norms directly contradicting its regulations. Thus it came about that the older *Judenpatente* remained a subsidiary legal source until the end of Austrian rule.

Rudolf Herrman von Herrnritt, "Israelitische Kultusangelegenheiten," in Mischler-Ulbrich, *Österreichisches Staatswörterbuch,* second ed., II (Vienna, 1906), pp. 972, 979 (Öst. Verw. Ger. H. 27. IX. 1901, Budwinski, 515; 24. IX. 84, Budwinski, 2224; 9. XII. 92, Budwinski, 6973; 1. III. 99, Budwinski, 12563).—

Heinrich Jaques, *Denkschrift über die Stellung der Juden in Österreich*, fourth ed. (Vienna, 1859), p. LIII ff.

In order to understand the situation of the Jews in relation to language during the period from 1848 to the end of the century, one must refer to the historical development and general legal treatment of the language problem in the Bohemian countries. After the revolution of 1848 and the subsequent reestablishment of absolutism, there was a renewal of the tendency toward Germanization. German was introduced as the internal official language in the Prague Superior Court (*Oberlandesgericht*) and in the Department of Finances (*Finanzprokuratur*). Even the Czech schools already in existence were to be Germanized. The School Law of 1869 was interpreted in a manner which made it the basis for transforming the schools into bi-lingual institutions.

Jan Kapras, *Historický vývoj českého programu jazykového* [The Historical Development of the Czech Language Program] (Prague, 1911), pp. 23, 27.

It is therefore not surprising that the German character of the Jewish public schools could not be changed. Their administration was not in the hands of the Jews. According to the "Regulation for the German Public Schools in the Imperial-Royal Austrian Provinces" (paragraph 468) Jewish public schools "remained under the supervision of the same authorities as those of the Catholics." There was the above mentioned School in Prague, the *Jüdische Hauptschule*. There were other Jewish-German "Trivial" (elementary) schools, but only in the larger Jewish communities in Bohemia such as in: Hořitz, Goltsch-Jenikau, Kolin, Münchengrätz, Humpoletz, Neubidschow, Lieben, Eidlitz, Jungbunzlau, Kuttenplan, Lichtenstadt, Teplitz, Königswart, Habern, Radnitz, Schüttüber.

In some Jewish-German schools an attempt was made to introduce instruction in Czech. One of these was the Jewish-German school at Schwarzkosteletz which enjoyed an especially good reputation. But the school had to be closed because government support was lacking.

In Moravia, too, most of the Jewish communities, such as Nikolsburg, Boskowitz, Ungarisch Brod, Bisenz, Gaya,

Prossnitz, Holleschau, Lundenburg, Kostel, Kremsier, Strassnitz, Leipnik, Pohrlitz, Misslitz, Schaffa, Piesling, Ungarisch Ostra, Wessely, Weisskirchen, Lomnitz, Prerau, Gewitsch, Austerlitz, Neu-Rausnitz, had German schools. This was the status on December 31, 1900. Only the Jewish community of Trebitsch succeeded in maintaining a Czech school as well.

Heinrich Jaques, *Denkschrift über die Stellung der Juden in Österreich,* fourth ed. (Vienna, 1859), p. 6 n. 2. — František Roubík, "Zur Geschichte der Juden in Böhmen im neunzehnten Jahrhundert," *Jahrbuch der Gesellschaft für Geschichte der Juden in der Czechoslovakischen Republik,* VII (1935), pp. 334, 370-371. — Theodor Haas, *Die Juden in Mähren: Darstellung der Rechtsgeschichte und Statistik unter besonderer Berücksichtigung des 19. Jahrhunderts* (Brünn, 1908), p. 53.

The conditions with regard to Jewish-German schools remained unchanged in the Bohemian lands until the Eighteen-eighties. The author of an essay "Jewish-German Schools in Bohemia," published in the *Česko-Židovský Kalendář of* 1882-83, concluded his article with the comment that in the course of time these schools had lost their right to exist. In commenting on this assertion Dr. Augustus Stein, champion of the Czecho-Jewish movement in Prague, and at that time, Editor of the Czech-Jewish Calendar, said: "Though it cannot be expected that conditions will change all of a sudden, it would be advisable to proceed gradually with the dissolution [of the German-Jewish schools] in order to give the matter a start." This was the picture in the year 1883. These facts, no less than the entire course of development, are proof that the German-Jewish schools in the Bohemian lands played a prominent role in the program of the Austrian government to achieve Germanization.

Jaroslav Rokycana, "Fünfzig Jahre des 'Česko-židovský Kalendář," *Jahrbuch der Gesellschaft für Geschichte der Juden in der Czechoslovakischen Republik,* II (1930), p. 504.

However, the Austrian government made use not only of the Jewish school system but also of the status conceded by public law to Jewish communities, in their Germanization policy. How the Jews were used for this purpose can

best be shown through an inquiry into the genesis of the so-called "political Jewish communities" in Moravia.

By the time the process of Jewish emancipation was completed, the Jewish communties outside of Moravia had lost their independence. This was the case with the Jewish community of Prague which under the name "*Josefstadt*" was added to, and united with, the other city districts of Prague, by the Prague Community Statute of 1850. A similar procedure was applied in Galicia and Hungary.

It was only in Moravia that the Jewish communities for the most part remained independent political bodies even after the abolition of the ghettos. The fact that the Jewish communities in Moravia survived as independent political bodies ("*politische Judengemeinden*") was because, as a result of their territorial separation and legal foundation, they could extend the same political rights to their members as the Christian political communities. Moreover, they had schools, charitable foundations, and community institutions which could not easily be expropriated by the state authorities. Through the Provisional Community Law of March 17, 1849 (Reich Law Gazette, No. 170) the Jewish communities were granted autonomy and became free "local communities" (Ortsgemeinden3. Thus twenty-five of the fifty-two Jewish communities in Moravia received the status of "political Jewish communities," ten were made politically dependent upon the neighboring Christian communities, and seventeen were absorbed by Christian communties. In the course of development two more independent political Jewish communities were constituted, making a total of twenty-seven. The *Reich Gemeinde* Law of March 5, 1862 (Reich Law Gazette, No. 18) and the Moravian Landes Law of March 15, 1864 (Landes Law Gazette, No. 4) reaffirmed the political independence of these communities.

In the era of constitutionalism these political Jewish communities previously transformed into "German" communities by the official Germanization of the Jewish school system, were now used as instruments to maintain the German character of Moravia. As is well known, when the

constitution was established, the communities were classified as city and as country communities (*Stadtgemeinden* and *Landgemeinden*) for the purpose of organizing elections to the Moravian *Landtag* and the Austrian *Reichsrat*. On this basis election districts were formed. In the Election Statute for the *Landtag* (*Landtagswahlordnung*) of 1861, however, none of the political Jewish communities is mentioned; but the Supplementary Law of November 28, 1871, expressly included the Jewish community of Trebitsch in the electoral body of the cities (*Städtekurie*). Up to this time, this community, because of its territorial separation from the Christian community, had been included in the electoral body of the country communities (*Landgemeindenkurie*). In the Election Statute for the *Reichsrat* of 1873 and in the Supplementary Laws of 1896, only the Jewish communities of Trebitsch and Meseritsch were expressly mentioned as belonging to the *Städtekurie*.

When the new Election Statute for the Moravian *Landtag* was introduced, Minister Schmerling's main purpose was to maintain the German character of the *Landtag* as well as the *Reichsrat*. Therefore the Election Statute for the *Landtag* was interpreted by executive order as making it compulsory for the Jewish political communities to exercise their franchise in the same electoral body as the Christian communities in their district, that is in the *Städtekurie*. The purpose of including the Jewish political communities in the German city group was to outvote the Czech cities by a German majority. This practice, was, of course, strongly opposed by the Czech political parties. But their efforts to exclude the Jewish political communities from the *Städtekurie* and to incorporate them into the electoral body of the country communities were unsuccessful. Czech political organizations repeatedly complained to the Austrian Supreme Court of Administration (*Verwaltungsgerichtshof*) about such election practices; but the decisions were never in their favor. The decision of July 5, 1906, confirming the Jewish community of Austerlitz as belonging to the *Städtekurie* established a significant precedent. In the new Moravian Election Statute for the *Landtag* of November 27,

1905 (Landes Law Gazette, No. 2 of 1906) as well as in the Election Statute for the *Reichsrat* of January 26, 1907 (Reich Law Gazette, No. 17) twenty-two out of the twenty-seven Moravian political Jewish communities were incorporated in the *Städtekurie*.

Even the energy of the Czech political parties was unsuccessful in defeating the Austrian policy of using the Jews as tools for achieving Germanization. How much less could the Jews have done.

Theodor Haas, *Die Juden in Mähren: Darstellung der Rechtsgeschichte und Statistik unter besonderer Berücksichtigung des 19. Jahrhunderts* (Brünn, 1908).

In the present study only the legal-historical angle of the language problem of the Jews in the lands of the Bohemian Crown has been considered. This problem, of course, also has national-political aspects. These will be studied in greater detail in the author's forthcoming book in which the political relations of Bohemian Jewry to Czechs and Germans will be examined from an historical-critical viewpoint.

Guido Kisch, *In Search of Freedom: The Contribution of Czechoslovak Jews to American Civilization* (New York, 1946), to be published in the Fall.

THE BEGINNINGS OF THE SCIENCE OF JUDAISM IN THE NINETEENTH CENTURY

A Contribution to the Intellectual History of the Age

By Luitpold Wallach
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I

The Historical Situation

The *Kulturverein* as an Age-Group

In the epoch of Moses Mendelssohn, enlightened rationalism had succeeded in largely decomposing the ideological unity of the Jew as an individual and of the Jewish community.[1] Up to that time they had lived in devout belief in, and unsevered intercourse with, their God, faithful to their inherited religious and cultural tradition. Now they began to lose this connection. The gradual disappearance of this tradition made a new orientation on the part of the Jews necessary. But there was still no renewal of the positive Jewish attitude in sight. Driven out of an unquestionable existence which was not of this world, the Jew of that time gained a subjective consciousness of himself in a questionable new world. This new environment outside of the Ghetto walls, it is true, pleased him because he thought he understood it. However, the price paid for this new life was a precarious position in new and hostile surroundings. Traditional Jewish life had succumbed to an optimism filled with humanitarian ideas and a rationalistic belief in the progress of mankind and the brotherhood of man. It was easy to foresee that such an intellectual attitude

[1] The literature in German on the Mendelssohnian epoch in Jewish history is generally so well known that it does not seem necessary to offer here even selected references. A monograph, in English, on Mendelssohn and his age is an old desideratum, however.

was bound to have pernicious consequences for the traditional way of Jewish life. It was to be feared that it would soon be drowned entirely in the surge of unlimited progress. But this trend was temporarily halted by anti-Jewish currents. After the crushing, in 1815, of Napoleon's empire, a reactionary political development tried to restore the political *status quo,* i.e., to push the Jews back behind the ghetto walls. Many a Jew of that time became fully aware of the prevailing situation. It made him see clearly that he would have to strive for a new attitude towards Judaism.[2]

The attempt at regaining the lost spiritual ties with the original communiy was first made by an elite of academic youths. Having almost entirely divested themselves of traditional Judaism in favor of the modern world, they suddenly found that this world no longer cared for them. The bitter experience brought home to their minds the belief that their Jewish origin imposed on them an obligation to loyalty: the dignity of the Jewish people was to be recovered. They recognized, as Leopold Zunz put it, "how this dignity, dependent on the human dignity of the individual, could become manifest only through them, for whenever a people perished, it happened because the individuals had previously perished through their deficiency in strength and activity, energy and public spirit."[3] In Berlin, with its enlightened, neo-humanistic atmosphere, a young generation of Jews educated at German *Gymnasiums* and universities gathered from 1819 to 1824 in the *Verein für Kultur und Wissenschaft der Juden* (Society for the Culture and Science of the Jews). They wished to accept the challenge of their age.[4]

This society is a unique phenomenon in nineteenth-century Jewish history, since it represents the organization of an age-group determined to fight for a new ideological

[2] Cf. Selma Stern-Täubler, "The Jew in the Transition from Ghetto to Emancipation," *Historia Judaica,* II (1940), pp. 102-119.

[3] Zunz, *Predigten* (Berlin, 1823), p. 105 f.

[4] For an outline of the history of the *Kulturverein,* see A. Strodtmann, *Heinrich Heines Leben und Werke,* I (third ed., Hamburg, 1884), p. 275 ff.; cf. S. Ucko, "Geistesgeschichtliche Grundlagen der Wissenschaft des Judentums," *Zeitschrift für Geschichte der Juden in Deutschland,* V (1934), p. 1 ff.

conception of Judaism in a period of crisis. At the time when it was founded, hardly any of its active members was more than twenty-six years old: Leopold Zunz (1794-1886), Eduard Gans (1798-1839), Heinrich Heine (1791-1855), Ludwig Markus (1798-1843), Moses Moser (1796-1838), Markus Jost (1793-1860). Heine's biographer, Adolf Strodtmann, called this youth group "the Young Palestine."

From the beginning, the legal historian Eduard Gans, one of Hegel's most gifted pupils, played a leading role in the *Kulturverein.* He was the Jewish product of a high-school and university education in which Prussian and Protestant principles were blended. He was a clear and systematic thinker with a wide intellectual horizon, but reserved and lacking real warmth of feeling in his dealings with people. Heinrich Heine proved to be an active and zealous collaborator, the type of the jovial young man of the world, standing up for strongly expressed convictions with little consistency, ready at the same time to die and to enjoy life.[5] With a consistent scepticism, he thought doubt to be the best way of looking at things. His conception of life, however, did not take the positive Cartesian turn. On the contrary, it led him to a sensualistic self-attrition. He could not believe for any length of time in anything positive, because he was able to embrace many viewpoints at the same time. Ludwig Markus was a philologist, astronomer, historian, and physician.[6] His versatility turned out to be of bad luck to him, because the strength of his will-power overstrained the limited strength of his feeble body. The earnestness and genuineness of these young men's endeavors is best attested by the fact that even such a sober and mathematical talent as Moses Moser, the epilogue to Nathan the Wise, as Heine once called him, could feel enthusiastic about the aim of the Society. Moser, as well as Gans, Markus, and Zunz belonged to the group of

[5] According to information received from Mr. Moses Marx of Cincinnati, Heine's letters to Zunz are not in the possession of the Hebrew Union College Library in Cincinnati, Ohio, as erroneously reported by A. S. Oko, in *American Jewish Year Book,* 5704 (Philadelphia, 1943), p. 85.

[6] Cf. Elbogen, "Briefe von Ludwig Markus an Leopold Zunz," *MGWJ.,* LXXXI (1937), p. 177 ff.

Heine's intimate friends, although he was merely a humble apprentice in a banking house at that time.

Among the passive members of the *Kulturverein* we find also David Friedländer, with his more than seventy years, a real patriarch among these young men.[7] He certainly intended to endorse the propaganda of the group, though he must have been convinced of the futility of their efforts from the very beginning. A similar attitude brought Lazarus Bendavid (1762-1832), a man always going his own way, into this circle.[8] As is well known, these two men had gone through the disillusionment of long and unsuccesful attempts to introduce Jewish reforms, in the post-Mendelssohnian period.

The ideas propagated by the members of the *Kulturverein* as a remedy for the critical situation of Judaism would doubtless have found a more favorable reception in Jewish circles and perhaps even the support of influential Jewish notables had it not been for the fact that the movement was championed by young men hardly experienced enough in public life.[9] As things stood, this age-group met with little approval for psychological reasons and found no Maecenases on whom they could depend financially to back their scientific projects.[10] It was something unheard-of that young people without practical experience in life should arrogate the right of showing their group a way through a world which, as they claimed, rejected them. This was an affront to the very idea which had guided the competent Jewish notables in dealing with Jewish problems up to that time, i.e., to the principle of seniority. It was one of the main reasons why the *Kulturverein* had to vanish after an existence of hardly five years, and

[7] On David Friedländer, see *Zeitschrift für Geschichte der Juden in Deutschland*, VI (1935), pp. 65-140.

[8] Cf. Jakob Guttman, "Lazarus Bendavid," *MGWJ.*, LXI (1917), p. 25 ff.

[9] J. M. Jost, "Aktenmässige Darstellung des kurzen Daseins einer jüdischen Schulkommission der Berliner Gemeinde 1826," *Allgemeine Zeitung des Judentums*, XXIII (1859), p. 177: "Indeed, it did not seem to be justifiable that young men not occupying any official position, should arrogate . . . to represent a collective public opinion."

[10] For a survey of sociological theories of cultural age-groups, see D. W. Schuman, "Cultural Age-Groups," *PMLA.*, LI (1936), pp. 1180 ff.

also one of the causes why Gans and Heine, losing their confidence in the possibility of carrying out the task of the Society, abandoned the ship which they thought was sinking. A deep disillusionment regarding the powerlessness of ideas may have dawned upon the two men even a century before Max Scheler.[11] They had clearly seen the necessity of a new Jewish orientation. The disapproval that they now experienced from the leading co-religionists was caused by the difference of their styles of living and thinking. A public career was barred to Jewish jurists such as Gans and Heine because the Prussian state had no government positions available for professing Jews. The Prussian Kabinettsordre (rescript) of August 15, 1822, barred the admission of Jews to teaching positions although Eduard Gans had previously been given the official promise of an academic position.[12] In contrast to the legal exclusion of Jewish academicians, the interest of Jewish merchants and manufacturers from whose midst most of the Jewish notables were recruited, were not affected by the changed political situation, for the state still upheld the principle of economic freedom. In other words, the effects of the political situation of the time offered a different aspect from the standpoint of the merchant and from that of the academician. In contrast to the former, the latter could no more see any future for himself if he remained faithful to Judaism. The Jewish notables, on the other hand, were living well satisfied and saturated with an unproblematic rationalism. They therefore were unable to understand the anxieties of those worried young men. They could judge the necessities of life merely from the narrow and partial standpoint of their incomplete experience of life detached from any spiritual aspiration. This attitude, however, did not keep them from claiming their experience to be all-embracing. Justice would not be done, however, either to Gans or to Heine, if we should assume that the material gains of baptism

[11] Cf. Max Scheler, *Moralia* (Bonn, 1923).

[12] J. M. Jost, *Geschichte der Israeliten*, X, 1 (Berlin, 1846), p. 276.

regarded as an "entrance ticket" to European society were the only reason for their desertion of Judaism. Heine's philosophical studies on the *History of Religion and Philosophy in Germany* (1834), and on the *Romantic Movement* (1835), give evidence that he possessed an excellent knowledge of the intellectual trends of his generation, which may have been the motive for the step taken by him. For Eduard Gans, the hyper-Hegelian, baptism was preconceived by Hegel's conception of Judaism as an inferior, preliminary stage of Christianity. Heine, on the other hand, had been motivated also by that constant state of irritability so characteristic of the romanticists. His was that searching unrestfulness which the romanticist Joseph von Eichendorff once expressed in the words, "We long for going home, but we do not know where to go." Be all this as it may, one cannot estimate to what extent the modern *Wissenschaft des Judentums* would have been influenced by Eduard Gans' systematic and philosophical mind and Heine's critical eye and brilliant style. In a time so critical for the survival of the Jewish community, both of them had vigorously emphasized their Jewish descent, though, unlike Leopold Zunz, they were almost entirely severed from Jewish tradition and learning. But they left to Zunz alone the gigantic task of translating into reality the postulates of their group.

The task which these young intellectuals had set to the *Kulturverein* was twofold: first, they wanted to win back the lost Jewish tradition; their second aim was to rehabilitate Judaism in the eyes of the world. The first undertaking meant a struggle against the progressive decrease in religious tradition, against the impending disintegration of the Jewish community. The second was of a more political nature. By disseminating knowledge of Judaism and Jewish culture through the medium of up-to-date researches, they hoped to achieve full and final emancipation, i.e., to obtain unrestricted political rights of full-fledged citizens because they were able to demonstrate a

cultural standard inferior to no one. Thus they adopted the Enlightenment theory of the necessary connection of political liberty with culture, or, as Shaftesbury designated it in his *Characteristics of Men, Manners, Opinions, Times* (1711), the inseparability of Liberty and Letters. According to this theory, advanced culture is possible only in a politically free state, and only free, emancipated men are capable of intelligent participation in the political and cultural endeavors of the state. The problem for the champions of the *Kulturverein* was to inaugurate a new phase in the evolution of Judaism by once more adjusting the Jewish mode of life to the changed conditions of their time. This implied giving up the position held until then, and occupying a new one. Obviously, this was not possible without great efforts. The task they had to face comprised a claim and a renunciation at the same time. A claim, inasmuch as they hoped to exert an educational influence on men through the creation of a modern Science of Judaism, thus gaining human rights of which they were deprived as Jews, though, as human beings, they were entitled to them in accordance with the doctrine of the "Law of Nature." A renunciation, inasmuch as they had seen that the world in which they felt at home evidently did not want to include them. They had again to climb up from the bottom a ladder of new and continuously changing experiments and experiences under circumstances that made the very start rather difficult.

A theoretical outline of the group's scientific program was published by Immanuel Wolf under the title "Ueber den Begriff einer Wissenschaft des Judentums" (On the Concept of a Science of Judaism). It was the leading article in the first and only volume of the Society's journal, *Zeitschrift für die Wissenschaft des Judentums.*[13] This programmatic article must have been the result of extensive discussions in which the prominent members had taken part. The similarities it shows with the ideas expressed elsewhere by Eduard

[13] It was published in Berlin in 1823 and will be referred to here as *ZWJ.*

Gans[14] and Leopold Zunz[15] are evident. Its main ideas were based on an amalgamation of concepts of different origin centered in the idea of the organism in its metaphysical sense, the Idea of the Whole. The following is, according to Immanuel Wolf, "a very general outline of the substance of *Wissenschaft des Judentums*:"[16]

> "Judaism . . . as a whole (*als ein Ganzes*) is based on the internal principle peculiar to it, and contained, on the one hand, in a comprehensive literature, on the other hand, in the particular life and experiences of a large group of people; it is capable of, in and for itself (*an und für sich*), and in need of, scientific treatment. Until now it has never been presented scientifically in its entire extent, from a completely independent point of view . . . . *Wissenschaft des Judentums* can be created, provided that the entire sphere of Judaism, in and for itself, is made the subject of such research . . . Every subject regardless of whatever species it may be, can become the subject of a special *Wissenschaft,* if it is essentially of interest to the human mind, and rich in content as far as its manifold expressions and its genesis are concerned. The contents of this specific science are then the systematic evolution and presentation of its subject in its entire extent, in and for itself . . . If we apply this to the Science of Judaism, the conclusions as to its nature would be:
>
> (1) The Science of Judaism comprises Judaism in its entire extent (*in seinem ganzen Umfange,* i.e., in all its aspects).
>
> (2) It presents Judaism in accordance with its conception and proceeds systematically to trace the individual parts to the basic principle of the whole.
>
> (3) It treats its subject, in and for itself, for its own sake, not for a special purpose, or with a definite intention."[17]

In this metaphysics of the Science of Judaism the whole is the aggregate of its parts. The dominant conception of the scientific method is thus a decomposition of the whole into its component parts. In order to comprehend the whole, one must know the whole, the parts, and their characteristics. A thing or a being exists "in and for itself"

[14] Cf. the three presidential addresses by Eduard Gans delivered before the *Kulturverein* in 1821, 1822, and 1823, and reprinted by S. Rubaschoff, "*Erstlinge der Entjudung*," in *Der Jüdische Wille: Zeitschrift des Kartells Jüdischer Verbindungen* I (1918-19), pp. 36-42; 108-121; 193-203.

[15] Especially in his early letters and in his studies published in *ZWJ.*

[16] Immanuel Wolf, *ZWJ.*, p. 20.

[17] *Ibidem,* pp. 16-18.

because its asserted independence is the result grown out of its nature. Thus that what is in itself also guarantees its detachment from external relations. Retranslated into the underlyiny logical train of thought, i.e., Hegel's dialectical method, the Whole is identified in this exposition with Judaism. This sheds light on the contradiction latent in trying to define the constituent term "Judaism." While a given term can be defined only as related to a second one, the relation "Judaism" to the concept "the religious Jewish idea"[18] means that the idea of Judaism is to be grasped first, in the transition of the religious idea to Judaism, and second, by the recognition of the unity of both concepts. Thus the antithesis is sublated and the new synthesis is in agreement with Hegel's concept of life in a world of relations, i.e., Judaism is then a particular, autonomous Whole (*ein eigentümliches, selbständiges Ganzes*).[19] For this reason, Immanuel Wolf could assign to the philosophy of Judaism as a special branch of the Science of Judaism, as its subject "the concept of Judaism in and for itself, which it was to develop in accordance with its inner reasonableness (*Vernünftigkeit*), present in its truth."[20] It was to teach "the idea, which is the formative life of the Whole, and manifests itself in various stages which, in their turn, find expresesion in the periodization of history."[21] In this sense, the "concept" Judaism finds a subjective and objective application: as the principle of thinking it expresses itself in reality in the life of mankind, and thus in the universe.

The Hegelian elements of this theory of the Science of Judaism have not been analyzed previously. The anti-Hegelian Heinrich Graetz found only scornful words for them although his own theory of Jewish history as presented in *Die Konstruktion der jüdischen Geschichte* (1846)[22] is deeply imbued with elements from Hegel's mythology of history. How firmly Immanuel Wolf and his friends adhered to one

[18] *Ibidem*, p. 1.
[19] *Ibidem*, p. 2.
[20] *Ibidem*, p. 20.
[21] *Ibidem*, p. 19.
[22] Re-edited by *Ludwig Feuchtwanger* (Berlin: Schocken Verlag, 1936).

specific aspect of Hegel's concept of *Wissenschaft*, especially to his refutation of the aggregational status of philology, may best be seen in Wolf's remark that "the single aspects ("Momente") of a subject may well be treated scientifically; but it is a particularity of a complete science to present all aspects ("Momente") of its subject coherently."[23] This is a retort to Hegel's statement that it is undetermined how many of the individual parts of a whole are necessary in order to constitute a science, since the part should not be just some singular aspect (*Moment*), but, in order to be real, a totality in itself.[24] Besides the Hegelian terminology in the theory's logical structure, there are at least three points of influence in it deserving of mention.

The idea of the Whole has primacy overshadowing even that of Judaism. This indicates that it follows Immanuel Kant's concept of the idea of the Whole as a natural organism. It was adopted by Immanuel Wolf through the medium of Fichte's *Wissenschaftslehre* and applied to Judaism as an historical organism. In Kant's *Critique of Judgment* the Whole is defined as "an idea [of a product of nature] which must determine *a priori* what is contained in it . . . In such a product of nature every part of it exists through all the others, so that every part is also thought of as existing *for all the others* and *for the sake* of the Whole, that is as a tool."[25] Kant's idea of the Whole was utilized by Fichte in his *Theory of Science*[26] and Immanuel Wolf in his theory of *Wissenschaft des Judentums* followed Fichte directly.[27] Fichte had explained: "A science must be a whole;" it must possess "the systematic form of the whole which consists of individual parts;" every science possesses systematic form; "to dicuss a concept (*Begriff*) scientifically, is to point out its position in the system of hu-

[23] Wolf, *ZWJ.*, p. 17.

[24] Hegel, *Encyclopädie der philosophischen Wissenschaften* (ed. Meiner), p. 48, paragraph 16.

[25] Immanuel Kant, *Kritik der Urteilskraft*, II, 65: "Dinge als Naturzwecke sind organisierte Wesen."

[26] Johann Gottlieb Fichte, *Über den Begriff der Wissenschaftslehre* (1794), ed. by Medicus, I, quotations on pp. 14, 16, 22, 30.

[27] *ZWJ.*, I, pp. 1-24.

man sciences." Accordingly Wolf ascribed to Science the systematic development of its subject. When he subsequently said, "If we apply these concepts to the Science of Judaism . . ." it is quite obvious that he followed a specific pattern of thought which he applied to his problem. So he could demand that the Science of Judaism should develop Judaism in accordance with its *principle,* that it be presented *systematically,* the particular aspects (i.e., the parts of the Whole) constantly being traced to the basic principle of the Whole. This is clearly Fichte's doctrine: "Science is *systematic,* i.e., all its parts are connected through a common *principle.*"[28] Zunz, whose ideal of scholarship received some stimulus from Fichte's lectures, *Ueber die Bestimmung des Gelehrten* (1811),[29] evidently shared Fichte's doctrine of science, for he too speaks of a "systematic historical Science of Judaism."[30]

Finally, the thought expressed in Wolf's theory, that Judaism as a subject of Science is implicitly contained in literature, follows Johann Gottfried Herder's and August Boeckh's contention that the essential characteristics of a people are most clearly expressed in its literature.[31]

The structural analysis of the *Kulturverein's* doctrine of a Science of Judaism as drawn up by Immanuel Wolf thus reveals that its theoretical and methodological foundation is basically that of Fichte's doctrine of Science (*Wissenschaftslehre*), although it is presented in Hegelian terminology and in accordance with the dialectical method.

As is well known, historicism has been defined as the adaptation of newly created principles of thought to historical life.[32] The doctrine of the *Kulturverein* is to be considered as an interesting contribution to the history of historicism in the nineteenth century.

[28] Fichte, *op. cit.*, p. 34.

[29] Cf. Wallach, *Historia Judaica,* IV (1942), p. 68.

[30] Zunz, *ZWJ.*, p. 120.

[31] August Boeckh, *Encyclopädie und Methodologie der philologischen Wissenschaften,* ed. E. Bratuschek, (second ed., Leipzig, 1886), pp. 13, 245 ff.

[32] Friedrich Meinecke, *Die Entstehung des Historismus* I (Munich 1936), p. 2.

II

Leopold Zunz

"Wissenschaft des Judentums" As a Life-Task

The champions of a new form of Jewish thought and science had given up their fight in 1824, and the *Kulturverein* ceased to work. It was then that one man alone, Leopold Zunz, shouldered the work of the whole Society. He wanted to achieve, or at least to carry on, what an entire generation had not succeeded to effect. This man was a fascinating personality and of no common stature. What matters here, are not the well-known data of his life.[33] For a man is not only moulded by his education but also by the experiences of his life, by his descent and surroundings, by his character and moral principles, and last but not least, by his successes and disillusions.

Unlike other children, Leopold Zunz did not become acquainted with life and the world in the sunny, carefree atmosphere of material well-being and security, as had been the case with Eduard Gans and Heinrich Heine.[34] He had to fight hard at an age when other children do not yet know anything of a struggle for life. Having lost his parents very early, he had lived since his early youth among strange people without ever having really enjoyed the warmth of a paternal home and family life. For the lonely boy, education must have been a system of unintelligible prohibitions, which presented the world to him as an evil that deserved to be chastised. Instead of giving him also some pleasure so necessary for boyhood and youth, his education drove him into a thoroughly reflective mood of life. He experienced what it means to be a child and not to be permitted to take part in children's games. So he grew into a state of loneliness in which he may often have felt quite forsaken. The consciousness of being alone originated in him an ideality

[33] The author is preparing a Zunz biography which will be entitled, "The Ideas of Leopold Zunz: A Contribution to the Historicism of the Nineteenth Century."

[34] For English translation of Zunz's autobiographical account of his school days see Leo W. Schwartz, *Memoirs of My People* (Philadelphia, 1943), p. 319 ff.

which almost crushed him, because he did not realize that this ideality bore only an abstract relation to reality, being its tangent, as it were.[35]

This was also the cause of Zunz's amazing self-reliance and self-sufficiency and that mental attitude which enabled him to take upon himself a task that a whole generation had failed to tackle. Failures could not discourage him; they only caused him to utter bitter words. Zunz's life as a whole confirms the profound wisdom of the Jewish sages who held that scholarship resides especially with the sons of the poor. He has proved that, as far as creative research is concerned, struggling is sometimes more profitable for the individual than security through inherited wealth. The many disappointments he had to go through led him to build up a world of his own made of different, and, as he thought, better material than the real one. The world seemed to have glided away from him, which could be a symptom of good health as well as of sickness. With the unerring pride of one who believes what he thinks to be the truth, he clung, up to the time of his old age, to the program of his *Wissenschaft des Judentums.*

At deeper insight, Zunz's life appears to have been particularly complicated. Like the other members of the *Kulturverein* he had lost his faith in the future of Judaism. In 1818 he was firmly convinced that, by 1919, a Hebrew book would be hard to obtain. Zunz's discouragement concerning the Jewish cause was characteristic of his friends' and his own way of thinking. In their imagination they had anticipated the future, and found it non-existent. They thus made a remembrance of what should have been a hope for them. But so, their hope lay behind them, their remembrance ahead of them. Thus Zunz's life in particular was not only turned backwards, but was, as it were, doubly reversed.

This strange mental situation was compensated by the fact that Zunz clung all his life to his self-imposed task

35 Zunz stressed this feeling again and again in his letters to David Kaufmann; see M. Brann, *Jahrbuch für Jüdische Geschichte und Literatur,* V, (1902), pp. 159 ff.

which Heinrich Heine immortalized in his "*Denkworte*" (1844) on Ludwig Marcus:

> . . . this excellent Zunz who, in a wavering period of transition, always revealed the most unshakeable steadfastness, and this despite his sagacity, scepticism, and scholarship, faithfully clung to his self-imposed task, to the magnanimous caprice of his soul. As a man of eloquence and action, he created and worked where others dreamed and dejectedly abandoned the struggle.

Indeed, Zunz lived in and for his *Wissenschaft* which was part of himself. He thus complied with the requirements by which the older Schelling measured the true man of science.

But it was not at all Zunz who had formed the idea of *Wissenschaft des Judentums*. He only propagated it, whereas Eduard Gans is undoubtedly the father of the idea. For it was he who as president of the organization had planned the research activities of the *Kulturverein* from its beginning. To Zunz *Wissenschaft* was the regulating principle in his own life, dominated by rational lawfulness and the idea of the omnipotence of human reason. For him personally, science became the only means of recognizing the true destiny of life. Hegel's owl of Minerva which begins its flight only at the approach of twilight, hovered over all the practical ways of conduct of all the young men of his age-group. The key to their behavior is Hegel's assumption that the rise of science is always coupled with the downfall of a people, and that, with the recession of the mind into itself, thinking comes to the fore in the form of science and research, the subjective mind separating itself from the absolute mind.[36] In the Hegelian sense, science was for Zunz something absolutely concrete, a materialized spiritual substance. It is also from this inevitable connection between a level of life sinking down and the simultaneous rise of scientific thinking that Gans and Heine derived a limited possibility to justify their desertion of Judaism before their inner forum. Zunz, on the other hand, though sharing the same Hegelian doctrine, decided in favor of a positive atti-

[36] Hegel, *Vorlesungen über die Philosophie der Weltgeschichte*, ed. Lesson, (Meiner) p. 48 f.

tude toward Judaism, choosing science and research as his escape.

In addition to this, we meet in Zunz's world of thought with the idea of invariable sufferings being a category characteristic of Jewish history. It is based on those primitive and mechanic notions about evolution which were spread by the doctrine of the Law of Nature in the feriod of Enlightenment. Zunz saw the reason for those sufferings not in the deficiencies of Israel with regard to religious tradition, but outside the religious sphere, in a misguided historical development. He therefore urged the elimination of those sufferings by exhibiting them. This was the basic attitude of an historian and of an historic mood of thinking influenced by Enlightenment. It was not alone Jewish resentment that caused him to utter bitter words about the authors and causes of the bloody and senseless medieval persecutions of the Jews; it was primarily the rationalist's conviction that such painful events were to be attributed to men's deliberate intentions. The laws of nature according to which human reason judges, always remain the same, because reason itself remains unchanged throughout the ages. Therefore what is going on in the world should be perfectly reasonable. Experience, however, teaches us the very contrary. Not the working and doings of spiritual forces and of reason, but man himself making history is responsible for this fact. History, being the work of man, cannot be without fault, wherefore Jewish history is filled with sufferings. Zunz the rationalist searched history for that ever unalterable and equitable Reason, but he could not find it. Like an enlightened Jacobin, he inveighed against clericalism, superstition and tyranny as the causes of this shortcoming.[37]

The idea of Jewish history implied for Zunz the development of an inherited tradition whose origin went back to unimaginably mythological times. But, beyond the ideology of Enlightenment, he conceived history to be

[37] Cf. Wallach, "Ueber Leopold Zunz als Historiker," *ZGJD.*, IV (1934), pp. 247 ff.

more than progress and evolution. What is common to nature and spirit was, in Zunz's opinion, the purpose they served, both of them, though it appeared so differently substantiated in each of them. True, the only thing that man can recognize in them is their first creative germs. But Zunz saw the very sense of history in that its development had to guarantee man's freedom of thought because "hopes dwell only where freedom and cognition reside."[38] In the sense of Enlightenment Zunz thus held that history was shaped by freedom and the Law of Nature. Therefore he claimed it to be the first and foremost task of the historian to establish the hierarchy of values in the facts that form a part of history.

For this purpose Zunz had worked out a scheme of methodological theory in his "Outlines of Future Statistics of the Jews."[39] In that treatise, "statistics" does not mean what is understood by this term today.[40] Zunz's idea of statistics was based on the "science of states" (*Staatenkunde*) as it was taught at German universities far into the nineteenth century. This concept had been suggested to him by the polyhistor, August Ludwig Schlözer (1735-1809), one of the founders of the universal type of German historiography.[41] It had furthermore been suggested by the "statistical concept of Judaism" (*statistische Judentumskunde*) as outlined by Immanuel Wolf in the following manner:[42] "Judaism in its still extant, living formation (*Gestaltung*): the general statistics of the Jews in all countries, with special consideration of their religious and political status."[43] Zunz's concept of statistics appears thus as an inclusive, descriptive, and comparative method of re-

[38] Zunz, *ZWJ.*, p. 129: "Denn wo Tätigkeit und Erkenntnis einkehren, da giebts Hoffnungen."

[39] Zunz, "Grundlinien zu einer künftigen Statistik der Juden," *ZWJ.*, pp. 523 ff.

[40] I. Elbogen, "Ein hundertjähriger Gedenktag unserer Wissenschaft," *MGWJ.*, LXVI (1922), p. 93 f., was mistaken in ascribing to Zunz the adoption of "statistics" in the modern meaning.

[41] This was pointed out by the present writer in *ZGJD.*, V (1934), p. 250 f.

[42] *ZWJ.*, p. 18 ff.

[43] *Ibidem*, p. 20.

search devoid of figures. It is understood as an applied social science and far removed from any numerical content. His stressing of the internal development of Jewish history and of its external relations puts his concept of statistics into the line of tradition of the early German statisticians, Hermann Conring (1608-1681), Gottfried Achenwall (1719-1792), and Schlözer. An example of what Zunz called "Jewish historical statistics"[44] was offered by him in a study dealing with geographical names occuring in Hebrew-Spanish writings even prior to the publication of his methodological "outlines."[45] Decades afterwards Zunz stated: "My 'Grundlinien' of statistics have already become the framework of the historical construction" of Henry Thomas Buckle's *History of Civilization in England* (1857-1861).[46] Zunz like Buckle believed that the advance of European civilization is due to intellectual activities which are expressed in an ever increasing influence of spiritual laws. These laws are to be found by a survey of facts presented and arranged in accordance with the methodological approach called descriptive historical statistics. It is in this connection only that one can fully understand the cause of the dry style found in almost all of Zunz's writings. His way of arranging scientific material was heavily attacked by Hermann Cohen and Heinrich Graetz, though it corresponded exactly to the statistical program he had outlined. Under this aspect alone one can arrive at a correct evaluation of a book such as Zunz's *Zur Geschichte und Literatur* (1845), for instance, with its evidently disconnected and diversified contents. If one takes furthermore into account the author's predilection for historical analogy, one may understand even better Zunz's own opinion of the value of his book. Zunz who attended the Jewish Samson School and the German *Gymnasium* at Wolfenbüttel, in the province of Hannover, took

[44] *ZWJ.*, pp. 118, 122, 129.

[45] *Ibidem*, pp. 114-176.

[46] Zunz, "Meine Schriften," *Jahrbuch für Jüdische Geschichte und Literatur*, XXX (1937), p. 142.

its title from Gotthold Ephraim Lessing's publications, *Zur Geschichte und Literatur* (1773 ff.), in which treasures of the Ducal Library at Wolfenbüttel were described by its librarian. The harsh judgments which the philosopher and the historian mentioned before pronounced about Zunz's method are due to the fact that they were unfamiliar with it. For the purpose of judging Zunz's achievement in the right way it is not fair to apply modern methodological principles of research to his work. We can do him justice only by attempting to understand his achievements as connected with his own world of ideas and those current in his time.

Gifted with a truly Baconian sense for scientific systematization Zunz outlined an "Encyclopaedia of Jewish Science" in his thesis, *Etwas über die Rabbinische Literatur* (1818).[47] This encyclopedia was conceived as an analogy to the Encyclopedia of Classical Sciences, as taught by his teacher, the classical scholar, August Boeckh.[48] Since Zunz's encyclopedia is based on the hermeneutics of classical scholarship, it deserves a place in the history of classical research.[49] Science of Judaism was, according to Zunz, unjustly excluded hitherto from the discipline of Classical Science. He was fully conscious of his indebtedness to classics when he stated that "classical education" with its rigid training in philological interpretation and scientific method is a prerequisite for any one who wants to make a substantial contribution to a science dealing with things Jewish.[50] Among all the subjects of his encyclopedia religious poetry (*synagogale Poesie*) was to Zunz the greatest concern: "A history of the rites of the Synagogue based on the original sources would be, just in the present time (i.e., 1818), a desirable, although difficult undertaking."[51] The

[47] Cf. Wallach, "The Scientific and Philosophical Background of Zunz's 'Science of Judaism'," *Historia Judaica*, IV (1942), pp. 54 ff.

[48] See the title of his *Encyclopädie, supra*, note 31.

[49] In J. E. Sandys, *A History of Classical Scholarship* III (Cambridge, 1908), p. 95, as one of Boeckh's pupils.

[50] Zunz, *Gesammelte Schriften* I (Berlin 1875), p. 25.

[51] *Ibidem*, p. 8.

importance attributed to such researches was due to the prohibition of any religious reform in the Synagogue by the Prussian government. By tracing the gradual development of the rites of the Synagogue, Zunz hoped to convince the government that changes in religious practice should not be considered as constituting innovations but as a normal development to which the Synagogue had been subjected throughout the course of Jewish history. Thus he unfolded the historic development of his subject in several books and crowned his life's work with a monumental *Literaturgeschichte der Synagogalen Poesie* (1865). Zunz like many of his romantic contemporaries claimed to have rediscovered in religious poetry the uncorrupted spirit of the Jewish people. Religious poetry, at that time, had become the unavowed religion of all "the educated among its despisers," to use Friedrich Schleiermacher's *dictum*.[52] The period of poetical production, it was held, succeeded the period in which myths and religions had originated; poetry was generally considered as the highest state of religious expression.

The only scholar of the nineteenth century who really recognized the significance of Zunz's *Encyclopedia of Jewish Science* was the philologist Herman Steinthal. He correctly associated Zunz with scholars who "strove hard for the encyclopedy and methodology of philology and literary history:" Friedrich Ast (1778-1841), Friedrich Schleiermacher, Gottfried Bernhardy (1800-1875), August Boeckh, the romanticist Friedrich Schlegel, the historian Gervinus, Jakob Grimm, and the romanist Diez. "To this circle," said Steinthal, "Zunz, being a creative personality as significant as any of the mentioned, belongs too.[53] In our opinion, Zunz's hermeneutic theory would occupy as prominent a place in a history of the hermeneutic method in the nineteenth century as any of the mentioned scholars.[54]

[52] Schleiermacher, *Ueber die Religion: An die Gebildeten unter ihren Verächtern* (1799).

[53] H. Steinthal, *Ueber Juden und Judentum* (Berlin, 1906), p. 228.

[54] Cf. Joachim Wach, *Das Verstehen: Grundzüge einer Geschichte der hermeneutischen Theorie im 19. Jahrhundert*, I-III (Tübingen, 1926-1933).

The question must be raised now why Zunz did not achieve undisputed personal success during his lifetime. What are the reasons for his personal failure?

True, the reasons are to be found in the circumstances of his time and in the lack of comprehension which his ideas met with. But part of his failure seems to be attributable to Zunz's personality.

Zunz's temperament often violated the rules of social tact, because his human honesty again and again hit against an intellect worn by ascetic self-attrition. He strove hard, indeed, for a synthesis, but was seldom successful. He was too complicated a nature to reconcile those contrasts and tensions between the ideal which he hoped to find in the world and the entirely different reality although from the very beginning he had put his scientific endeavor under Cicero's rhetorical demand for conciliation. He closed the preface to his thesis "Something on the Rabbinic Literature" with a quotation from Cicero: *Primum hoc statuo esse virtutis conciliare animos hominum.*[55]

The example of Zunz clearly shows of how little use talent can be unless it is accompanied by tact so necessary for social life. That is often more helpful even than talent, for it can open a man's way into the world. A gifted man like Zunz, it is true, saw a way and thought he knew what ought to be done, but he was denied the knowledge of how to do it in the most successful manner. For his strong convictions any compromise was unbearable. His attitude was one of spiritual aristocracy. He had acquired it under privations; it was inspired by that individualistic middle-class ideal of life characteristic of German burghers and unwilling to give up the least of its principles. So Zunz's attempt to be in harmony with his surroundings ended in most cases badly. The Board of the Jewish Community of Berlin occasionally availed itself of Zunz's services as an expert. But the manner in which Zunz gave voice to his warnings in Jewish affairs in a period of unprecedented economic pros-

[55] Cicero, *De Oratore* II, 291, etc.

perity was something entirely unheard of.[56] Zunz's aspirations at leadership in Jewish affairs were mostly ignored. Thereupon he reacted correspondingly. With sovereign perspicacity he looked through the biased way of thinking of those whom he regarded as shopkeepers' souls. It is much to be regretted that his upright and manly character took such matters very seriously. His attitude barred the main way for him to develop his talents to the fullest and forced him to tread badly paved by-paths, the only ones that were still open to him. This failure in the world of realities made him even more irritable, embittered and introverted than he was by nature. With Diogenes' lantern he had been looking for a place for himself in this world; but finding none, he completely retired into a life of his own making. A certain compensation for this voluntary isolation was accorded him by the steady happiness of a simple family life, although he had no children. His ideas became more and more calcified with increasing age; to younger generations they must have appeared incomprehensible, because the world had changed so much, and many of his intentions fell into oblivion or were misinterpreted.

It has been said again and again that Zunz had planned to secure the future of Judaism through the *Wissenschaft des Judentums*. This is a misinterpretation. With the members of the *Kulturverein* Zunz shared the opinion that the development of Judaism had reached its final stage with the era of Emancipation. After the collapse of the *Kulturverein* in 1824, Zunz did not believe any longer in a future of Judaism. His only belief was in the Science of Judaism as a means of preserving the values of the Jewish past and present.[57] Advocate of Hegel's Absolute Mind, so to speak, Zunz considered himself responsible for the Jewish section.

[56] Elbogen, "Leopold Zunz zum Gedächtnis," 50. *Bericht der Lehranstalt für die Wissenschaft des Judentums*, (Berlin, 1936), p. 14 ff., gives many examples of Zunz's indomitable temper.

[57] Zunz pointed this out in a letter to Immanuel Wolf: "I do not believe any longer in a reformation of the Jews . . . Jews and Judaism whom we intended to reform are dismembered . . . That which emerges from this deluge is the *Wissenschaft des Judentums* . . . *Sapienti sat*," Strodtmann, *op. cit.*, p. 316 f.

This was the reason why he wanted to record the witnesses and traces of Jewish cultural achievements and make them available for general research. He wished that the ways of life of his own community be investigated with scientific exactness in order to explain the fact of, and the right to, its separate existence among other communities. Nevertheless, in judging his historical material he clung to Ranke's principle that the historian's mind has to be unprejudiced. This did not mean to him, of course, that he should not be allowed to delve into the history of his own community with deepest sympathy. There is no denying the fact that a scholar cannot write the history of his own community with the same calmness with which he would treat that of the Fuegians in Patagonia. But Max Scheler taught that an emotional interest in research need not necessarily impair the value of its results, it may, on the contrary, have a promotive influence on it.[58]

Zunz's significance as a scholar is beyond doubt. But what was his specific function in the historical process of his time and that of the group to which he belonged? Every historical phenomenon has a double feature, the fact of its existence and the function which it fulfills. In Zunz's case, the latter is of much less significance than the former. His personal achievement did not lead to the foundation of a school of thought. The men whose labors represented the quintessence of *Wissenschaft des Judentums* during the nineteenth century were, without exception, extremely independent characters; the historian and reformer, Abraham Geiger; the talmudist and philologist, Zacharias Frankel; the historian Heinrich Graetz; the last polyhistorian of the century, Moritz Steinschneider; the Greekist and biographer of Spinoza, Jacob Freudenthal; the versatile scholar, David Kaufmann; the historian of religion, Manuel Joel, and others. Everyone of these great minds was led by both an inner impulse and the necessities of the time to tackle the cause of Judaism scientifically. Zunz's correspondence with some of these men does not show that he exercised much influ-

[58] Max Scheler, *Moralia* (Bonn, 1923), p. 110 ff.

ence on any of them.[59] It was a time, though, that cultivated letter-writing to a high degree; we have only to think of the correspondences of Zunz's teacher Friedrich August Wolf or that of Jakob Burckhardt.[60] Compared with theirs, the poverty in content of Zunz's letters is amazing. They are filled with unimportant biographical notes, personal complaints showing his reaction to sentiments of reverence, and critical remarks about the time in terms of platitudes. Zunz himself was fully aware of these deficiencies. His letters to the young David Kaufmann are full of assurances, reiterated again and again, that "the poverty of his letters surmounts the usual measure."[61] Knowing all this we must not permit ourselves to be misled by the great personal veneration in which Zunz, especially in his old age, was held by many people. This pious veneration does not imply that Zunz exercised any positive influence on the work that those men contributed to their common enterprise called "Science of Judaism." It was a merely passive feeling of respect for a life so completely imbued with science.

In the eighteen-seventies and eighties, the old man of *Auguststrasse* 60 in Berlin, whose appearance in the last decades of his life resembled the great historian of classical antiquity, Theodore Mommsen, was the goal of a pilgrimage of many people who visited the German capital. They looked at him in silent awe as if he would be the remnant of a world gone by. With a pathos which often had a tinge of subtle irony, Zunz accepted as a matter of course that homage for which he had waited long enough. This belated recognition filled him with deep satisfaction. It is amusing to read of the impression that the colloquial wit, the extravagant sallies and the pathetic reluctance of the old man made on a personality like Judah Leib Gordon (1831-1892) who paid him a visit in 1883.[62] Of his power of intellect and extensive

[59] Cf. the enumeration of Zunz's correspondences with contemporaries, in *Jahrbuch fur Jüdische Geschichte und Literatur*, XXX (1937), pp. 168 ff.

[60] Cf. S. Reiter, *Ein Leben in Briefen* (Stuttgart, 1935 ff.); J. Burckhardt, *Briefe an F. von Preen* (1922); etc.

[61] See Brann, (*supra*, note 35), especially the remarks on pp. 167, 173, etc.

[62] J. L. Gordon in *Reshumoth*, ed. Bialik and Ravnitzki, V (Tel Aviv, 1927), pp. 77 ff.; cf. also A. Frankl-Grün, "Ein Besuch bei L. Zunz," *Allgemeine Zeitung des Judentums*, LX (1896), p. 487.

learning, Zunz had given ample proof indeed. His literary achievements must have satisfied him. Yet he repeatedly stressed his own merit of which he wished to remind the world; for he was possessed by the idea that some people had grown wise by his writings and were overlooking the author. But in spite of all personal weaknesses, the sprightliness of his life work has given Zunz a prominent place in the modern Science of Judaism.

The fact that Zunz did not win much actual influence during his lifetime, is not astonishing if we consider his personality and what he achieved within the specific atmosphere of the nineteenth century. This *saeculum historicum*, it is true, treated a gigantic scientific material, but, at the same time, did not show much understanding for the stimulating nature of creativeness. After the immense effort during the Napoleonic era, it seemed as if the active spirit of Europe had gone to rest, as if the spiritual world had retired into the calmness of a pastoral life. One of the most striking features of that period was its incapacity of recognizing the truly creative minds. Hegel met finally with violent opposition and then nearly fell into oblivion. The poet Hoelderlin, the historian of civilization, Jacob Burckhardt, the mythologist of Romanticism, J. J. Bachofen, and the Danish philosopher, Soeren Kierkegaard, to mention but a few, did not receive much appreciation from their contemporaries. It was largely the twentieth century that discovered the creative genius of many of these men. It is therefore not surprising that even Heinrich Graetz joining the chorus of anti-Hegelians should once have spoken contemptuously of the "Hegelian jargon" produced by the members of the *Kulturverein*, a judgment as deprecatory as that he had of Zunz. Thus Zunz shared the misfortune of being misunderstood with other men of his age. This explains why Zunz himself did not see any practical success of his activity.

It would also be mistaken to establish a relation of cause and effect between the theological institutions founded in Germany during the nineteenth century which offered a home to the Science of Judaism on the one hand, and to Zunz's ideas of a Science of Judaism on the other. Zunz

wanted to see the Science of Judaism taught in the free academic atmosphere of German universities and not in theological schools susceptible to dogmatism. Nor could the enlightened rationalist in him—who not infrequently expressed indignation at "clericalism" as preventing progress—entirely free himself from distrust toward Jewish theologians.[63] However representatives of the *Wissenschaft des Judentums* as it was cultivated at Jewish theological seminaries throughout Europe, liked to refer to Zunz as their "master," and as "founder" of the Science of Judaism. This pleased Zunz, of course. But once he found it appropriate to state that "the rabbis take the attitude as if they had inaugurated this Science, whereas it originated, just the reverse, in the struggle against them."[64]

Zunz's significance extends also to our own times. Just a century after the publication of his programmatic essay, *Etwas über die Rabbinische Literatur* (1818), a young generation was inspired by Zunz in its own struggle for a new form of Jewish life that was to be adapted to the requirements of their age. From the trenches of World War I there came in 1918 a modern counterpart of Zunz's essay. It was Franz Rosenzweig's appeal "*Zeit Ist's*" addressed to Hermann Cohen, the former head of the Marburg School of Neo-Kantianism, which, with explicit reference to Zunz, postulated a new ideal of Jewish education and Jewish cultural consciousness. Both men considered the substance of Zunz's thoughts worthy to be thought over again, though Zunz had never presented them in coherent form. Subsequently, Rosenzweig became the dynamic force of the *Lehrhaus* movement through which he hoped to restore to liberal, assimilated Jews a more positive attitude towards Judaism. In this endeavor he was assisted by a number of men who,

[63] Cf. Zunz's early article "Ankündigung eines Werkes: Geist der Rabbiner," in *Berlinische Nachrichten der Haude und Spenerschen Zeitung*, 1819, No. 88, being a review of *Dibre ha-Brith*, a collection of rabbinical opinions against the establishment of an independent German Synagogue, a sort of Jewish equivalent to the Protestant *Landeskirsche*. Zunz's article was one of the most aggressive outbursts against orthodox rabbinism published in the nineteenth century. It was reprinted in Berlin in 1820 by *Probst* Hanstein who seemingly hoped to achieve with this pamphlet some missionary success.

[64] Zunz, "Meine Schriften," *Jahrbuch* (supra, note 59), p. 141.

animated by the same idea, were struggling like him for a new form of Jewish existence in the midst of a bilateral world. The names of Eduard Strauss, Rudolf Hallo, and Ernst Simon, are closely connected with this endeavor of German Jews to form a group that was to build up a new life based on the religious substance of Jewish tradition. The collaboration of such a personality as Martin Buber has contributed much to making the efforts of these men successful. This group stands at the end of a development which had been influenced by Hermann Cohen's and Franz Rosenzweig's interpretation of Zunz's existential significance.

III

A Definition

Attempts at Defining the Science of Judaism

Zunz himself never offered a definition of the meaning and contents of the Science of Judaism since he had participated in its description by Immanuel Wolf in the name of the *Kulturverein.*

A systematical mind such as Abraham Geiger who wrote a "General Introduction to the Science of Judaism" in 1872,[65] was convinced that such a definition was needed in order to give a solid theoretical foundation to the products of this science. He contented himself, however, with a *non liquet,* overlooking that, as early as 1839, he had described as the aim and method of the Science of Judaism

> to examine the historical records of Judaism in a critical and unprejudiced way, in order to follow up its historical course, and thus to recognize, on the one hand, the true and essential contents of the historical records, and on the other, to reveal the modifications caused by the historical development. The practical religious interest [in this endeavor] intends, however, to utilize the results gained from such investigations for the present time, and to perpetuate consciously in accordance with the contemporary trend of development, that which was created in olden times and transmitted to us, thus imbuing it with new life for the present time and its require-

[65] A. Geiger, "Allgemeine Einleitung in die Wissenschaft des Judentums," *Nachgelassene Schriften,* II (Berlin 1885), pp. 35-245.

> ments . . . . [This is essential because] constant critical practice and an historical approach finally lead to established results, and a constant, more cautious consideration of the present status with regard to the whole and its individual elements suggests a justified procedure for the historical continuation [of Judaism].[66]

This is a significant definition, for Geiger made a clear distinction of the demarcation, defined for the first time many decades later by Ernst Troeltsch.[67] The recognition of a fruitful interdependence between knowledge and life, *Wissenschaft und Leben,* was supposed to be a stimulus in keeping alive Judaism as a religion and the Science of Judaism as an intellectual endeavor. Geiger differentiated between dead and living knowledge: between one that constitutes a contribution to human knowledge in general and supports the Jewish cause in particular, and the other which, detached from any such relation, is nothing but the perfunctory pleasure of collecting historical material and storing it away as a museum does. Science of Judaism was supposed to be a means of widening one's horizon in order to understand living Judaism and the Judaism of history. In contrast to Zunz's and the *Kulturverein's* concept of *Wissenschaft des Judentums,* Geiger's definition does not conceive of it as a means to obtain internal and external emancipation. His concept puts forth as ultimate aim an intention confined *intra muros*: the evolution and strengthening of the reformed persuasion of Jewish religious practice.

After Geiger no other attempt at a definition has been made until Ismar Elbogen described the *Wissenschaft des Judentums* as "the science of living Judaism standing in the midst of evolution as a sociological and historical unit."[68]

The present writer advanced the following definition of *Wissenschaft des Judentums*:

> Science of Judaism is essentially a *Geisteswissenschaft* (a history of ideas). Its methodology is determined by its connection with science in general. Its objects are indicated by the idea of Judaism.

[66] Abraham Geiger, *Wissenschaftliche Zeitschrift für Jüdische Theologie,* IV (1839), p. 378 f.

[67] Ernst Troeltsch, *Der Historismus und seine Ueberwindung* (Berlin, 1924).

[68] Ismar Elbogen, "Ein Jahrhundert Wissenschaft des Judentums," *Festschrift zum 50 jährigen Bestehen der Hochschule für die Wissenschaft des Judentums* (Berlin, 1922), p. 141.

> Its subject is a specific problem, namely, anything Jewish. Its ultimate principle according to which that problem must be considered is the idea of Jewish tradition.
>
> Belonging to the history of ideas, the Science of Judaism must perform a twofold task. First, it has to measure and value the whole of Jewish life and history in accordance with its own meaning; second, it has to put this knowledge and valuation in relation to the cultural ideal formed at a given time.[69]

This definition is based on the cognizance that three elements, forming, as it were, its skeleton, are necessarily fused into the idea of the Science of Judaism conceived as a complex of mental evolution. The *problem* to determine the scientific material, *tradition* which provides a standard for the evaluation of the material, and *life* which fixes the problem, so acute in times of crisis, of the much discussed connection between science and life. The notions "Judaism" and "Jewish" in this definiton are based on our experienced existence and continue to be subjected to experience. They are a combination of inherited tradition and living reality.

[69] Wallach, *Leopold Zunz und die Grundlegung der Wissenschaft des Judentums* (Frankfurt, a.M., 1938), p. 27 f.

NOTES ON THE JEWS OF CENTRAL ASIA (KHORASAN)

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MY INQUIRY into "The Routes of the Radanites" (see preliminary article in *JQR.*, XXXV, 1945, pp. 251-280) has led me to go into the question of Jewish communities in Eastern Persia, the Khorasan of Walter J. Fischel, during the ninth century. His article, "The Jews of Central Asia (Khorasan) in Medieval Hebrew and Islamic Literature" (*Historia Judaica,* VII, 1945, pp. 29-50), apart from one serious criticism which I have to make, is most illuminating, and I would like to make the following comments:

1. P. 32. Fischel refers to *Tanchum Jerushalmi's* (thirteenth century) identification of II *Kings,* 18:11 with "the cities in the land of Khorasan," and in note 12 refers to Harkavy's note to the Hebrew edition of Graetz's *History of the Jews,* V, p. 26. A reference to this shows that *Tanchum* gives the explanation of *Ezekiel,* 38:2, interpreting מ ש ך ו ת ו ב ל as "Khorasan and China" in the name of ה מ פ ר ש by which name he always refers to Saadia Gaon (Harkavy, *in loc.*) The note should therefore belong to the next paragraph, which deals with Saadia's references.

Incidentally, the mention of China in this passage is of more than passing interest. As Fischel rightly points out, Khorasan was a "point d'appui" of the Radanites in their route to China. Moreover, as I hope to show in a

forthcoming work, it was during the ninth and tenth centuries that we get the first Jewish references to China, in the Geonic literature (cf. also Saadia on *Gen.* 10:2; B. M. Lewin, *Otzar ha-Geonim,* II, p. 63, and my forthcoming article in *JQR.*, "Eldad Ha-Dani and China").

2. P. 36. I feel that Fischel has missed the most important point in his interesting quotation from at-Tabari. He himself realizes the difficulty of the heads of non-Moslem communities imposing taxes on the Moslems to the advantage of their own respective communities. Surely the whole point of the passage is that Bahramsis the Magian, Ishabad b. Djuraidjan the (Nestorian) Christian, and Akiba the Jew acted as *state officials of Khorasan* in their time, and in that capacity manipulated the taxes in favor of their respective communities. It is this which gives point to the whole passage, and the only way in which it can be understood. Akiba was neither a "Chief Rabbi" nor did he derive his authority from the Jewish Exilarch or Gaon. The passage therefore presupposes a Jewish governor, or at least a "finance minister" of Khorasan.

It is true that according to the letter of Islamic law such appointments were forbidden, but Salo W. Baron in his work, *A Social and Religious History of the Jews,* vol. I, p. 317 f., gives ample evidence for his statement that "the wide discrepancy between law and life became clearest with the appointment of Jews, Christians and Parsees to public offices. Although prohibitions of such appointments were frequently renewed, an 'unbelieving' Persian, Syrian, Berber or Jew often occupied the most prominent place in the administration of the country."

P. 38. Fischel refers to "Al-Yahudiyya, the Jewish territory or the Jewish town, as the name of the region around Balkh." This "Al-Yahudiyya," "Al-Yahudan" or "Jahu-

dan-al-Kubra" as it is variously called, whose name was later changed to "Maymaneh," as Fischel states, is not "the region around Balkh" but a town some two hundred miles S. W. of Balkh on the Merv Road (see Le Strange, *The Lands of the Eastern Caliphate,* 1930, p. 424, and the map facing p. 335).

3. P. 41: (a) Has the story from the *Tabaqat -i-Nasiri* any connection with the persistent statements from Eldad Ha-Dani to Benjamin of Tudela of the existence of independent Jewish tribes in that part of Persia?

(b) There was at least one Jew who had an intimate knowledge of the court of Harun-ar-Rashid, the Jew Isaac, who headed the embassy of Charlemagne to the Caliph (see my article in *JQR.*, XXXV, p. 267), and there is a most doubtful reference to Harun sending back a Jew Machir (*JQR.*, O. S., XII, p. 490).

(c) Is there any connection between the unusual name "Bani Israil" for Jews and the same name used by the native Jews of India who almost certainly settled there at that time?

4. Eldad Ha-Dani whose account has to be re-examined in the light of recent discoveries (see forthcoming article referred to) reports the existence of the independent Jewish tribe of Zebulun who "dwell in the mountains of Paran." (Cf. extract from Epstein's edition in Halper, *Post-Biblical Hebrew Literature,* I, 26). "A" text has פ ר י א ן which Graetz (third ed., V, 453) amends to כ ר א ס ן Khorasan.

5. P. 45. The oft-repeated geonic responsum (Lewin, *Otzar ha-Geonim,* VIII, 18; IX 33; מ ד ע י ה י ה ד ו ת II, 107; Mann, *JQR.*, VII, 471) referring to the action of R. Jehuda b. Mar Samuel (906-918) inducing the community of Khorasan to alter their customs and comply

with the *Minhag* of Babylonian Jewry, does not make it clear whether the "more than one hundred years" refers to the period between Hai Gaon (939-1038), the author of the responsum, and his great-grandfather Jehuda, or to the period during which the *Minhag* had persisted prior to its abolition. The latter is more acceptable to me, and if it is so, it would imply the existence of a Jewish community, without which there can be no *Minhag*, in Khorasan about the year 800.

6. I am sorry to have to conclude with a serious criticism; I do so in no carping spirit, but in the interests of accurate scholarship. There has developed in recent years, a regrettable tendency to overload articles with notes which have little if any reference to the text, and which are even misleading. The article in question shows some glaring examples which cannot be allowed to pass unnoticed. Notes 72 and 75 give wrong references. S. Schechter's "An Unknown Khazar Document" is not in *JQR.*, vol. XII (1912), and A. N. Poliak, *Zion*, 1938, should be 1937. Such mistakes may be mere carelessness or even printers error, but the same excuse cannot be made with other notes. I confine myself to but one example.

The text on p. 45 has the following statement:

> The gaonic sources speak repeatedly of a special *Minhag Khorasan*[61] in matters of *Kiddushin*, Jewish calendar, fixing of the festivals, etc. Probably due to these differentiations in halakic customs the Gaon of Pumbadita, Rabbi Jehuda b. Mar Samuel (906-918), the grandfather of Sherira Gaon, induced the Jews of Khorasan to alter their customs and to comply with the "*Minhag*" of Babylonian Jewry.[62]

Note 61 reads:

> See B. Lewin, *Otzar ha-Geonim*, I (Haifa, 1928), p. 17; VIII (Jerusalem, 1939), p. 18; IX (1939), p. 133, etc. Cf. L. Ginzberg *Geonica*, II, p. 279.

Note 62:

J. Mann, *JQR.*, VII (1916-17), p. 471, from a *responsum by Hai Gaon.*

The first reference is just meaningless. It is Lewin's note on Hiwi ha-Balki to the effect that Balkh is the ancient Bactria, in modern Afghanistan. The references to *Otzar ha-Geonim,* VIII, IX, and *JQR.,* VII, are all to *one and the same responsum* of Hai Gaon in which he tells us of his great-grandfather's changing the custom of Khorasan Jewry with regard to *Kiddushin.* Ginzberg, *Geonica,* II, p. 279, does not even mention Khorasan, but Elam and Persia. Thus of five references one is meaningless, one wrong, and three merely repetitions of one another. The "repeated" mention of "a special *Minhag Khorasan* in matters *of Kiddushin,* Jewish calendar, fixing of the festivals, etc." reduces itself on examination to *one sole reference* to *Kiddushin* alone, without a single reference to justify the mention of Jewish calendar and fixing of the festivals which, incidentally, are probably one and the same.

Nor is this all. A reference to Mann *JQR., loc. cit.,* shows how Fischel gave the reference to *Geonica,* II, 279, which he repeats in note 15, making it even more definitive by adding ff. (should be ll.) 12/13 and it throws light upon his methods. He obviously copied Mann's note p. 471 which he quotes. That note refers to Elam and is perfectly correct. *The next sentence in the note* refers to *Khorasan,* and Fischel, without taking the trouble to verify his sources, has made the mistake of applying the previous reference to Khorasan and repeating the mistake twice in his notes.

I write with all the more feeling in that I am far from the centres of scholarship and libraries. Had I not had in my own private library the books referred to, I would have had to rely upon what appears to be, and to a great extent

is, a learned article. It is to be hoped that, while in America, Dr. Fischel will take as his models such scholars as Ginzberg, Mann and Guido Kisch whose notes are models of what notes should be.

REJOINDER

By WALTER J. FISCHEL
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1. THE EDITOR can bear me out that I was most reluctant to enter into a discussion with Dr. R. Most of his remarks are irrelevant to the problem dealt with and hardly constitute a sufficiently constructive contribution to warrant a reply. Concerning the two or three foot-notes which have aroused so much the scholarly indignation of R. I can only assure him that if the opportunity would have been granted to me to publish some "Addenda and Corrigenda" after the appearance of my article, he would have had no chance to make so much ado about technicalities. Since, however, R. felt bound to suggest different interpretations of the material which I published, something must be said here.

2. Dr. R. takes as his starting point his article on "The Routes of the Radanites" (*JQR.*, XXXV, 1945, p. 251 ff.) which seems to him a sufficient scholarly legitimation for a discussion of my study on "Khorasan" which is based mainly on Arabic and Persian sources. Since the problems of Oriental Jewish history, so manifold in their aspects, are still so unsolved, every scientific contribution in this field will be heartily welcome. The prerequisite for any positive contribution in this field, as in any other is, of course, thorough, well-documented investigation based on first hand sources which alone allow independent and critical judgment. With his article on the Radanites and his remarks on my study R. enters, however, a field in which he is evidently a stranger and in which he hardly lives up to this standard of pure and accurate scholarship.

3. R. refers to the Jew Isaac, one of the members of the embassy of Charlemagne. Without any documentary evidence he decides that Isaac was the head of the embassy and not just an interpreter. If R. had only consulted the latest researches on the Franco-Abbassid relationship (studies by W. W. Barthold, F. W. Buckler and others), he would have refrained from giving an outdated and erroneous account.

4. Concerning his reference to R. Machir, it doesn't serve any scholarly purpose to discuss again a story whose legendary nature and unhistorical character have long been established.

5. As to the emendation of Graetz which R. mentions I refer to S. Krauss (in *Tarbitz*, VIII, pp. 218, 226) who has settled that matter and given the right answer.

6. As to my quotation from at-Tabari it was presented in my paper only to serve as an indication of the existence of a Jewish community in Merv, reserving the discussion of its background for another occasion as expressly stated. R. thought fit to comment on this point, but irrelevantly. It is hardly consistent with accepted scholarly procedure even to offer a different interpretation, be it in a Latin, Greek, Hebrew or Arabic text, without being fully equipped with a knowledge of the sources and their historical background. Nevertheless, with a surprising certainty based on no ground R. proposes an interpretation in which it is he who misses the very point. I claim to know something about "the Jews in the economic and political life of Medieval Islam" and every student of Islamic history knows that the heads of each religious community were *ex officio*, responsible for the taxes of their respective groups. To assume a special "Jewish governor" or "Jewish finance minister" is absolutely contrary to the spirit of that period, the time of the Caliph Omar II, whose attitude against the non-believers excludes such an erroneous statement.

7. Concerning R's remark on "Yahudiyya"—it is rather more than strange how R. defies a statement backed by Arab mediaeval geographers. By just looking at the map and measuring the distance without reading the text a passage in Arabic sources can hardly be verified. If he would have been less eager to find fault with others and would have read a little more even in that English book by Le Strange, he would have learned why the Arab geographers have placed Yahudiyya near Balkh and not near Merv as R. wishes again to decide. Yakut, the Arab geographer, expressly states that Yahudiyya was "one of the villages (attached) to Balkh" whereby Balkh and all the other three capitals of Khorasan, namely Merv, Herat, and Nishapur (which constituted the very province of Khorasan in mediaeval Islamic geography) are taken as "districts" (*rub'*).

8. Though I observe the special pleasure of R. in finding some errors and exposing them with undue emphasis, it is quite obvious from my article that in note 62 I refer to one and the same responsa and did not invent any new material.

Editor's Note

DOCTOR FISCHEL'S reference to the Editor calls for explanation. Upon receipt of Doctor Rabinowitz's "Notes" a copy was sent to Doctor Fischel with an invitation to write a reply. Doctor Fischel,

however, requested the Editor "not to publish these remarks by Doctor Rabinowitz at all." He wrote: "Their publication in your periodical seems to me unwarranted, unnecessary and unjustified."

The Editor saw fit not to curtail a discussion on principles of scholarly research and accuracy.

Doctor Fischel's complaint that he was not "granted the opportunity to publish some 'Addenda and Corrigenda' after the appearance of his article" cannot pass uncontradicted. True, "Addenda and Corrigenda" were superficially mentioned by him to the Editor while the latter was busy in the catalogue room of a library. But a manuscript of additions or corrections was not submitted after the publication of the article. As far as the notes are concerned, they were simply in a chaotic condition in the original manuscript. This chaos was continuously augmented by the numerous "Addenda and Corrigenda" which poured in from Dr. Fischel during the process of editing, typesetting and proofreading. To master this *moles indigesta* an unusually large amount of time and effort had to be spent by the Editor and an assistant employed exclusively for the purpose of checking, verifying, and eliminating the inaccuracies which numbered about five hundred. In all these efforts extending over a considerable time Dr. Fischel did not cooperate. If he had been serious about a new series of "Addenda and Corrigenda" he certainly would have submitted a manuscript and persisted in demanding its publication as he had done before. In fact, he was given ample opportunity to publish "Addenda and Corrigenda", and he made free use of it.

The parties having had equal opportunity to express their views, the discussion must be considered concluded.

ISMAR ELBOGEN
1874-1943

A Bibliography

By Regi Elbogen
New York City

ISMAR ELBOGEN'S life as scholar, teacher and leader of his people has been evaluated upon several occasions. In addition to the sketch in *The Universal Jewish Encyclopedia* (vol.IV, pp. 44-45), biographical articles have been published by Alexander Marx in *A Century of Jewish Life* ("Ismar Elbogen: An Appreciation," pp. XI-XX), and by Max Wiener in *Historia Judaica* (vol.VI, pp. 95-98).

Three bibliographies of Elbogen's works, up to 1934, were published by Miss Jenny Wilde, formerly Librarian of the Hochschule für die Wissenschaft des Judentums in Berlin:

1. *Verzeichnis der von Prof. Dr. Ismar Elbogen von* 1898-1924 *verfassten Schriften,* privately printed (Berlin, 1924), 12 pp., on the occasion of Elbogen's fiftieth birthday.
2. "Verzeichnis der von Prof. Dr. I. Elbogen von 1924-1927 verfassten Schriften", published in the *Festnummer des Mitteilungsblattes des Vereins ehemaliger Hörer der Hochschule für die Wissenschaft des Judentums* (Berlin, 1927), pp. 11-15, on the occasion of the twenty-fifth anniversary of Elbogen's appointment to the Faculty of the Hochschule.
3. "Verzeichnis der von Prof. Dr. Ismar Elbogen von 1927-1934 verfassten Schriften", published in the *Monatsschrift für Geschichte und Wissenschaft des Judentums,* vol. LXXVIII (1934), pp. 465-471, on the occasion of Elbogen's sixtieth birthday.

The bibliography published herewith represents a complete list of Elbogen's publications in the various fields of Jewish scholarship. The three lists mentioned above have here been combined and brought up to date. The items covering the last period of Elbogen's life (1934-1943) were compiled by Dr. Judah Rosenthal, Librarian of the College of Jewish Studies in Chicago, and by the present writer. The arrangement follows Miss Wilde's original system, being chronological within each topical group.

The writer expresses her deep appreciation to all those who by their advice and cooperation have facilitated her efforts to make this bibliography complete.

Abbreviations

AZJ=Allgemeine Zeitung des Judentums
BBN=B'nai B'rith News
BGD=Bericht der Grossloge für Deutschland
BHWJ=Bericht der Hochschule für die Wissenschaft des Judentums
BIGZ=Bayrisch-Israelitische Gemeindezeitung
BLWJ=Bericht der Lehranstalt für die Wissenschaft des Judentums
BTK=Berlinske Tigdende, Kopenhagen
CVZ=CV-Zeitung
DLZ=Deutsche Literaturzeitung
FGB=Frankfurter Israelitisches Gemeindeblatt
G=Die Gemeinschaft
GB=Gemeindeblatt der jüdischen Gemeinde zu Berlin
GBA=Gemeindeblatt Anhalt
GBDr=Gemeindeblatt der israelitischen Gemeinde Dresden
HUCA=Hebrew Union College Annual
IFB=Israelitisches Familienblatt, Hamburg
JG=Jewish Guardian
JGBD=Jüdisches Gemeindeblatt, Danzig
JJGL=Jahrbuch für jüdische Geschichte und Literatur
JLZ=Jüdisch-liberale Zeitung, Berlin
JR=Jüdische Rundschau, Berlin
JQR=Jewish Quarterly Review
KCB=KC-Blätter
M=Der Morgen
MGD=Mitteilungen der Grossloge Deutschlands
MGWJ=Monatsschrift für Geschichte und Wissenschaft des Judentums
MVHH=Mitteilungen des Vereins ehemaliger Hörer der Hochschule für die Wissenschaft des Judentums

NFG=Nürnberg-Fürther Gemeindeblatt
OLZ=Orientalistische Literaturzeitung
OW=Ost und West
REJ=Revue des Etudes Juives
RI=Rivista Israelitica
SB=Soncino Blätter
SJR=Schriftenreihe der Jüdischen Rundschau
SJW=Sammelblätter jüdischen Wissens
SGFWJ=Schriften der Gesellschaft zur Förderung der Wissenschaft des Judentums
SLWJ=Schriften der Lehranstalt für die Wissenschaft des Judentums
SM=Süddeutsche Monatshefte
TNP=The New Palestine
UI=L'Univers Israélite
WJ=Wegweiser für die Jugendliteratur
ZGJD=Zeitschrift für die Geschichte der Juden in Deutschland, New Series
ZGEU=Zeitschrift für Geschichte der Erziehung und des Unterrichts

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REVIEW SECTION

SHAARAY TEFILA: A HISTORY OF ITS HUNDRED YEARS 1845-1945

A Book Review*

By Guido Kisch
Jewish Institute of Religion
New York City

THIS history of Congregation Shaaray Tefila of New York City continues the series of publications occasioned by hundredth anniversaries of Jewish reform congregations in the United States.

Shaaray Tefila grew from very modest beginnings. In 1825 a group of about fifteen members of Congregation Shearith Israel seceded since their request to hold separate services according to the Ashkenazic form of ritual had been denied. B'nai Jeshurun, as the new congregation was named, developed favorably under the leadership of Hazan Samuel M. Isaacs until inner strife (not over religious issues) brought about a new secession and the forming of congregation Shaaray Tefila in 1845. In the two decades that followed, this congregation stood staunchly on the side of Orthodoxy remaining in close relationship with its mother congregations, Shearith Israel and B'nai Jeshurun. The removal from the old synagogue on Wooster Street marked the end of this period in the congregation's history. Diminishing devotion to the traditional forms of religious expression among the then younger generation was felt in its congregational life. The strides of the Reform movement under the leadership of rabbis such as Einhorn, Gottheil, and Kohler stimulated a struggle over changes in the ritual also in Shaaray Tefila. Such were effected, however, at a slow pace only. This development lasted thirty years. Its champion, Rabbi Frederick de Sola Mendes, stood in sharp contrast to the fiery champion of the old ways, Samuel M. Isaacs. Soon the change from seats to pews took place which meant the end of the traditional separation of men and women during the services. The aim and cause of this provision was to improve the orderliness of the services as pointed out in a historically interesting explanation of the rabbi. "For husband and wife had seen each other all week and had talked themselves

* Simon Cohen, *Shaaray Tefila: A History of Its Hundred Years* 1845-1945. Greenberg Publisher. New York, 1945. Pp. IX + 86, with several illustrations.

out," Rabbi de Sola Mendes maintained, "so they would sit quietly during

the services; while if some of the men or some of the women would meet at the Sabbath services, their eagerness to talk would seriously interfere with the calm necessary for proper worship." An organ was also introduced and a choir of male and female voices created. (A similar reason for this innovation as one could expect, was not advanced, however). The further development, part-elimination of Hebrew from the prayers, abbreviations in the liturgy, changes in the reading of the Torah, abolition of the priestly blessing, etc., took many more years until the congregation had changed its conservative to a reformed status. To follow all these paths of evolution is most interesting for the historian. He is much less impressed by the history of financial difficulties and successes, of the Temple's committees providing dances, dinners, parties and dramatic performances, which the author concludes with this remark: "Only in one respect was the congregation lacking: in attendance at the weekly services; only at the high holidays was the Temple completely filled." Of course, to mention this, too, belongs to writing the official history of a synagogue. Its historian proudly records its contribution to American-Jewish journalism through the establishment of the *Jewish Messenger* by Isaacs and to American Science of Judaism through a subvention of $100 in 1887 upon the foundation of the Jewish Theological Seminary. In reading such accounts the critical historian is bound to become reflective. He thinks of what activities congregations may have to record after fifty or hundred years hence, besides the discharge of their religious duties. Would it not be a good idea to include, in addition to philanthropic work, the promotion of the Science of Judaism in the congregational program? Such a suggestion however, though prompted by historical reflections, oversteps the boundaries of a historical review.

The book records the events and developments in the hundred-year life of Congregation Shaaray Tefila calmly, in the undramatic manner of a chronicle. In approach, scope or presentation, it cannot be compared with some other Temple histories such as that by Joshua Trachtenberg of the Jewish community of Easton or that by James Heller of the Isaac M. Wise Temple of Cincinnati. Nevertheless it is an interesting and useful addition to the still too scanty literature of American temple history.

BOOK REVIEWS

Jewish Law

סדר קידושין ונישואין אחרי חתימת התלמוד מחקר היסטורי־דוגמתי בדיני ישראל

By *Abraham H. Freimann.* Mosad ha-Rav Kook (Rav Kook Foundation). Jerusalem, 1945. Pp. 8 + 400.

THAT LAW is meant to be the guardian of just and fair dealings between man and man can, of course, be said with certainty of the Jewish marriage law. Yet, no law has any automatic safety valve to

check the evil-minded person who would use the law itself to ends of injustice and oppression. To combat such abuse of law, constant vigilance is necessary on the part of jurists and judges. How Jewish law has struggled against abuse in the specific field of betrothal and marriage is the story told by Doctor Alfred Freimann of Jerusalem in a masterful work entitled *Seder Kiddushin u-Nesuin.* His subject is definite and clear; his treatment is easily one of the best examples of sound legal logic; his material consists of a wealth of rabbinic documents beginning with the Talmud down to our own day and covering practically every Jewish community on the face of the globe.

The abuses of Jewish marriage law were grave indeed. Think of a man who abducts a girl of the age of twelve and six months, the Jewish age of majority for a girl, and marries her in the presence of two witnesses. Everybody regrets except the criminal, but the law is powerless because the marriage is valid. Or imagine a man married to his wife and raising a family in a peaceful and happy home. Then comes along an irresponsible fellow who claims that he had betrothed the wife before she was married to her husband. It is not hard to find witnesses, criminally minded like himself, who will support his claim. The law is compelled to order the wife to leave her husband. Another adventurer comes into the house of a girl with two companions and manipulates a situation where he hands over something of value to the girl in apparent innocence. At that moment he pronounces the marriage formula, "Be thou my wife according to the law of Moses and Israel," and he is off before the girl can protest. The law has no way of knowing whether the girl consented to the betrothal or not, and of necessity declares the pair husband and wife.

The very scrupulousness of Judaism about the sanctity of marriage has opened the door for such abuses. Judaism recognizes secret and unceremonious betrothal as valid; Judaism will demand a divorce in any marriage that on the face of it has only doubtful validity; Judaism considers marriage a private transaction and resists any interference in it by the court.

These evils, however, were to some extent mitigated by certain community ordinances. One, for instance, that there shall be no betrothal except in connection with the wedding ceremonies which were always public. Another ordered that no betrothal shall be held except in the presence of the parents of the girl or the rabbi of the community or the lay officials or ten ordinary laymen of mature age. Flagellation, prison, fine, or the ban was imposed upon those who would violate these ordinances. Yet, the final sanction still had to be established, namely to declare such marriage in violation of communal ordinances as null and void. At this point the teachers of the law proved timid. With sufficient talmudic authority for annulling marriages, with an array of great post-talmudic scholars cited by our author who permitted annulment, resistance to it was apparently insurmountable. With the loss of the last vestige of Jewish self-government, all other penalties disappeared and the legal

sanction alone remained; yet the rabbis resisted and apparently permitted the abuses to continue. Even the governments of some European states tried to compel the rabbis to use the power of annulment, but the rabbis recoiled from it. To this day there is still no decision in Jewish law whether the court has a right to annul a marriage or not.

This indecision in our code is reflected also in the way the law deals with civil marriages or with common law marriages. The resistance of the rabbis to invoking the power of the court to the full extent where abuses are perpetrated accounts also for the sad plight of the *Agunah,* the deserted wife, for whom the law has to this day found no relief.

Dr. Freimann does not preach, but the book preaches for him a message to the authoritative teachers of Jewish law today that they recognize their power in law and because of that their responsibility to tie up some of the loose ends marring the perfection of the Jewish marriage law.

Brookline, Mass. LOUIS M. EPSTEIN

ANTI-SEMITISM

BONN UNIVERSITY IN PRE-NAZI AND NAZI TIMES (1923-1939): EXPERIENCES OF A GERMAN PROFESSOR. By *Paul Kahle.* Privatly printed. London, 1945. Pp. 38.

THE University of Bonn was founded shortly after the incorporation of the Rhineland into the Prussian State, in the post-Napoleonic period (1818). The Jewish friend and personal physician of Prince Hardenberg, David Ferdinand Koreff, was one of its founders. The University became soon a flourishing educational institution and was for more than a hundred years an important center of learning. It was generally regarded as second only to Berlin in Prussia, and on the same level with Leipzig and Munich. There were not many Jewish professors in Bonn, only few outstanding representatives of their respective fields having received calls to this first-class institution. There was no more and no less antisemitic feeling in Bonn than in any other German university.

The Hitler period brought to Bonn gradual Nazification as to other seats of academic tradition in Germany. The three steps in this process are described in the booklet under review: dismissals of Jews and democrats; their replacement by Nazis of no significance and little or no scholarly qualification; conversion of the remaining professors and instructors to Nazism. The result was that the autonomy of the university, a proud heritage of the academic institutions in Germany, was quickly lost and with it everything that guaranteed the scholarly character, traditions and achievements. The Führer principle was adopted with all its implications.

The author, for many years a leading member of the department of oriental languages and an internationally recognized scholar, analyzes painstakingly the official governmental policy, the attitude of the indi-

vidual staff members, the "curator" (governmental deputy) and the students. The result was, of course, that the once famous seat of learning quickly turned into a shadow of what it had been before 1933.

Studies such as this are of considerable interest to the Jewish historian. Here he will find information on the role played by German scholars in every field who facilitated and participated in the National Socialist persecution and extermination program regarding the Jews. Similar studies should be made for each German university in order to obtain a complete list of direct or intellectual war criminals in that stratum of German society.

GUIDO KISCH

APOLOGETICS

ALL GOD'S CHILDREN: A JEW SPEAKS. By *Armond E. Cohen.* Macmillan Company. New York, 1945. Pp. VII + 104.

THIS BOOK is a remarkable contribution to the vast literature explaining and defending Jews and Judaism for Gentiles. The author speaks to the rank and file of Americans; to those who are in daily contact with both, Jews and their enemies, and are neither able to recognize the falsehood of the many lies and half-lies spread about Jews and Judaism, nor understand their scholarly rebuke. He speaks to his "neighbor", to whom he addresses himself in the form of twelve letters. (One is reminded of the *Nineteen Letters* of the late German rabbi, Samson Raphael Hirsch, explaining Judaism to Jews about a hundred years ago).

The first letter is introductory, stating that the author speaks without any mandate. The last is a summary of the book. In the ten letters in between the author deals comprehensively with almost every attack made against Jews and Judaism. He presents the historical and economic background of American Jewry of today, showing whence and how the Jewish people came to America; why they take to the occupations and professions in which they mostly are found; explaining the religious development to its present form. He does not refrain from discussing religious and other frictions among Jews. With courage and frankness he deals with the basic source of Jew-baiting, the old accusation that the Jews are "Christ-killers", so often repudiated, and yet more often still repeated and even taught. He treats the leading Jewish organizations and their work and offers evidence to the fact that they have no secrets to hide; just on the contrary, that they want and need publicity to gain support. He also deals with the Palestine problem, its significance for Jews and non-Jews, treating Zionism as well as the antagonists of this political movement.

The book offers a complete story of the Jew, condensed, yet comprehensive. As a rabbi the author knows Judaism in every detail. As a spiritual leader he understands how to approach his audience. He is not blind to faults and does not defend his group when he believes it to be

wrong. But he also uncovers the roots of all evil, telling that the surrounding world measures the Jews with a yardstick different from that applied to Gentiles, and puts his finger on the many contradictions in the blames heaped upon the Jew. In the presentation of traditional Judaism this reviewer agrees completely with the author. He feels, however, that the author should have dug deeper into the problems of Reform Judaism and their analysis.

The book deserves to be widely read among Gentiles and is particularly recommended to Jews. They will not only see Judaism very well explained but will also be able to derive much information from these pages.

St. Joseph, Mo. SELIG S. AUERBACH

BIOGRAPHY

OUT OF ENDLESS YEARNINGS. A Memoir of Israel Davidson. By *C. Davidson.* Bloch Publishing Company. New York, 1946. Pp. XVI + 198.

WIVES of celebrated men have wisely refrained from writing about their husbands. The hero looks so much better on his pedestal than when viewed against the background of his home surroundings that they would not spoil the effect or tarnish the legend. But it is different in the case of Professor Israel Davidson. For there were no secrets in his life, no mysteries to his character, no dark and obscure corners for the psychoanalyst to dissolve or clarify. Indeed, his was a plain, simple and almost prosaic life. The only romance he knew, besides the wooing and winning of his wife, was his almost fabulous passion for learning and scholarship.

It is this simple story of Dr. Davidson, written with restraint but at the same time with great warmth and understanding, which makes his wife's portrait of her husband so charming and convincing, so lifelike and intelligible, more like a picture in a family album than a pose for posterity to regard with awed nervousness. It is a portrait, too, that is all the more attractive and fascinating because of the subject's qualities of kindliness, gentleness and good humor playing upon it.

Mrs. Davidson's story of her husband is the familiar odyssey of the Russian student brought up in the Torah who suffers, struggles and fights poverty, defeat and frustration but who never for a moment lets go his noble rage for learning. In Professor Davidson's case, it was an uphill struggle all the way, and it called for courage, stamina and endurance. Only one so enthusiastic as he could survive; only one so persistent as he could carry on. He had to carve his bread so thin that it would do for the next day; he had to count his pennies so carefully that he could buy a needed book; he had to twist and torture his tongue cruelly that it might not betray its accustomed talmudic sing-song.

But in the end he won out. He won out to be acclaimed one of the greatest scholars in his chosen field, to rekindle lamps long since dimmed,

to survey the poetical outpourings of a people over a period of more than two thousand years, to write a *Thesaurus of Medieval Hebrew Poetry* in four bulky volumes in which 35,000 liturgical and secular compositions are appraised, listed and catalogued, to teach and equip students in the poetic lore of his people.

Mrs. Davidson not only tells her husband's story but the story behind the story. His conquest was not easy, his triumphs were not without pain. Things did not come to him in a flash. He worked hard, steadily, always and everywhere. Indeed, he had a tremendous capacity for work. Nothing could quench the flame of his scholarly ambition. He worked when he was well or ill, in summer and in winter, all year round and on his vacations, at home and when travelling abroad. He paid his debts to his family and his friends—indeed, he had a veritable genius for friendship—but it was on his books that he lavished his greatest affection.

His great moment came when the late Solomon Schechter sensed his scholarly potentialities and attached him to the Faculty of the Jewish Theological Seminary. It was both an opportunity and a challenge, for he had now a wealth of books and manuscripts on which to feed his ravenous appetite. Books did not so much flow as they came out laboriously from under his hands—a whole long array of them, for he worked both with care and imagination. The scholar that he was, he was never satisfied until everything he did was proved, tested and made beyond reproach.

Mrs. Davidson describes their vacation jaunts abroad. But their interest lay not so much in their pleasure and diversion as in their fresh opportunity for work. Everywhere the same hunt for books and manuscripts, everywhere libraries explored and ransacked for a new name, a new line, or even a fragment of a line with which to enrich his already bulging collection. Italy had no beauty, Egypt no interest, and Palestine no memories but lay all in their books and manuscripts.

No such intimate study of her husband as Mrs. Davidson made would be complete without mentioning his sense of humor. It was quick, ready and spontaneous, expressing itself in a witty remark no less than in the merry twinkle of his eye. It was also the quality which won him so many friends and made his company so pleasant and refreshing an experience.

New York City JACOB S. MINKIN

BIBLIOGRAPHY

HEBREW PRINTERS' MARKS FROM THE BEGINNING OF HEBREW PRINTING TO THE END OF THE 19TH CENTURY. By *Abraham Yaari.* Hebrew University Press Association. Jerusalem, 1943. Pp. XV + 194, with 208 illustrations (Hebrew).

THE term signet or "printer's mark" designates any pictorial device placed by the printer on a book, first in the colophon later on the title page, to indicate the identity of his press. Various types of pictorial

representations were used for this purpose: family emblems; illustrations of names, vocations, places of residence; references to royal or priestly ancestry; religious symbols; coats of arms of a country or city; symbols of prosperity or luck; or even purely ornamental drawings. Printer's marks appeared soon after the invention of printing. For the first time they are found on the Latin Bible done by Fust and Schoeffer in 1462 in Mayence. Although Hebrew printing began as early as 1475 no Hebrew printer's mark occurs before 1487. In the fifteenth century only two Jewish printers embellished the products of their presses with signets: Eliezer ben Abraham Alantansi of Ixar and the brothers David and Samuel Ibn Nahmias of Constantinople. The Christian printing house of Daniel Bomberg of Venice which was leading in the publication of Hebrew books in the sixteenth century, used no printer's mark for it preferred simplicity in appearance to ornamental embellishment of the title-page of its books. The early Hebrew printer's marks were woodcuts. Copper plates and engravings came into use only in the seventeenth century.

The book under review includes signets of Jewish and non-Jewish printers of Hebrew books. The subject is treated from the beginning of Hebrew printing up to the end of the nineteenth century. The historical development of each printer's mark is studied on the background of the history of the individual presses the vicissitudes of which are often reflected in the signets employed. The book pursues successfully various aims. First, it constitutes a repository of Jewish (and non-Jewish) graphic art throughout several centuries; second, it contains rich material for a study of Jewish symbology; finally, it will serve as a welcome aid to bibliographers in identifying books and determining the names of printers. A number of elaborate indices facilitates the use of the work for reference purposes. They comprise: the names of printers, publishers and authors who used printer's marks; printing places; motives and biblical verses and proverbs occurring as mottos in signets.

The expert in Hebrew bibliography will certainly be able to offer comments and additions to the contents of this work. In a journal not devoted specifically to bibliography, however, nothing more is possible than to direct the readers' attention to this meritorious and useful book which is the product of much patient labor and extensive bibliographical knowledge. Its outward make-up is fine except for the poor binding.

GUIDO KISCH

LIST OF BOOKS PRINTED BEFORE 1601 IN THE LIBRARY OF THE HISPANIC SOCIETY OF AMERICA. Compiled by *Clara Louisa Penney.* The Hispanic Society of America. New York, 1929. Pp. XIV + 274.

LIST OF BOOKS PRINTED 1601-1700 IN THE LIBRARY OF THE HISPANIC SOCIETY OF AMERICA. By *Clara Louisa Penney.* The Hispanic Society of America. New York, 1938. Pp. XXVI + 972.

THESE splendid catalogues of the rich collections of the Hispanic Society of America should be brought to the attention of Jewish historians (and not only to those among them whose studies are devoted to Spanish Jewish history). The library contains numerous "Judaica" both in Hebrew and other languages. When searching for books not found in other libraries, it might prove useful for students to consult these catalogues which were prepared with great care and accuracy. Appendix II of the second volume, containing a list of Hispanic printing sites and printers (1468-1700), including Barcelona, Burgos, Lisbon, Salamanca, and others, is a particularly fine feature. No similar catalogue of Hispanic printers and specimens of their output has been published before. By means of this bibliographical aid unidentified imprints may now well be attributed to their places of origin and their printers, and dated with some certainty.

G. K.

NECROLOGUES

EMIL STARKENSTEIN
1884-1942

THE UNTIMELY DEATH in the concentration camp of Mauthausen of Emil Starkenstein, Doctor of Medicine, Professor Ordinarius of Pharmacology, and Director of the Institute of Pharmacology at the University of Prague, should not pass unnoticed in Jewish historical literature. Starkenstein was descended from an old family of Jewish physicians, his grandfather and father having been medical practitioners in Ronsperg, Bohemia. The main fields of his theoretical and practical researches were pharmacology, pharmacognosy and history of medicine. Several textbooks and about two hundred essays and articles are evidence of his diligence and manysidedness. He worked together with this writer on many problems of combined remedy therapies. The practical result was the invention of much applied medicines such as Veramon and Vasano.

The medical family tradition may have been a stimulus for those Jewish historical-genealogical studies which Starkenstein carried on successfully in his pastime. In a pamphlet "Familienforschung" (with no place or date of publication, a reprint from an unidentifiable issue of *B'nai B'rith, Monatsblätter der Grossloge für den Czechoslovakischen Staat*) he developed the principles of research in family history from a biological-genealogical point of view. His theoretical approach to the problem was illustrated by the history of his own family. The family tree includes personalities well known in Jewish history, such as Rabbi Eliezer of Mainz, R. Meier Katzenellenbogen-Padua, R. Moses Isserles, R. Samuel Edels (Maharsha), R. Saul Wahl, R. Eliezer Loew (Shemen Rokeah), and others. On the occasion of the repair of the ritual bath in Ronsperg, early in the nineteen-twenties, a stone with a Hebrew inscription was discovered indicating that Israel Baal Shem had used that bath 310 times. Starkenstein published a photograph and examined the inscription on the basis of the history of the synagogue of Ronsperg ("Zur historischen Beurteilung des Steines," *B'nai B'rith Monatsblätter*, no date or volume given).

True these were merely pastime studies of Starkenstein's. But his rich collections of manuscripts and incunabula concerning the history of pharmacology would certainly have stimulated his interest also in the history of Jewish medicine if the German barbarians had not murdered this fine scholar, noble man, and good Jew, and thus prevented his further contributions to science and history.

New York City S. HERMANN

David Herzog
1869-1946

DEATH came to Dr. David Herzog, former Landes-Rabbiner of the Austrian provinces of Styria and Carinthia, and Professor Extraordinarius of Semitic languages at the University of Graz, during his exile in Oxford, England, on March 6, 1946.

Born in Slovakia (Nagyszombat, later Trnava), where traditional Judaism and its study were still flourishing in the second half of the nineteenth century, Herzog pursued his rabbinical studies in Slovakia and Vienna. He became rabbi in Smichov, a suburb of Prague, in 1900, and received the *venia docendi* for Semitic languages at the German University of Prague in 1901. After moving to Graz he was made "Privatdozent" at the University there in 1908, and was appointed assistant professor in 1926. He occupied this position up to the "Anschluss' when Hitler's hordes drove Austrian Jewry into exile.

Herzog was originally a scholar in rabbinics and oriental languages. In 1895 he published his first treatise, *Der Mischnakommentar des Moses Maimonides zum Traktat Peah,* which was followd by several philological essays, particularly on Abraham Ibn Ezra's commentary on *Genesis.* During his stay in Prague Herzog came into contact with the author of the well-known legal-historical work, *Die Rechtsverhältnisse der Juden in den deutsch-österreichischen Ländern,* Johannes E. Scherer of the University of that city. It seems that the influence of this recognized scholar drew Herzog's attention to the field of medieval and modern Jewish history. In the yet unexplored archives and cemeteries of Styria and Carinthia he found rich material for scholarly study. In addition to several articles on individual Jewish documents and tombstones of the Middle Ages he published a valuable collection, *Urkunden und Regesten zur Geschichte der Juden in der Steiermark* (1475-1585) (Graz: Israelitische Kultusgemeinde, 1934). This volume was intended to inaugurate a series of editions of sources and researches in the history of the Jews in Styria. It became a bibliographical rarity since fifty copies only were published. In the same year Herzog made available to scholars the "Juden-Puech des Stiftes Rein" of the last quarter of the fifteenth century (*Zeitschrift des Historischen Vereines für Steiermark,* Vol. XXVIII, pp. 79-146), an historical document of special character listing the debts owed to Jews by the peasants of the Convent of Rein. As in all his editions Herzog provided the text, which was accurately copied from the original documents, with elucidating notes and an extensive introduction.

Another small volume, the first part of volume II of the mentioned series, *Quellen und Forschungen zur Geschichte der Juden in der Steiermark,* appeared in 1937. In it Herzog offered a topographical-

historical study on the Jewish cemeteries in Graz covering a period of eight hundred years, and accompanied by original documents and excerpts from such. Due to the political development in Austria, *Die jüdischen Friedhöfe* in Graz was to remain the last volume of the *Quellen und Forschungen.*

By his death Dr. Herzog was prevented from writing a comprehensive history of the Jews in Styria for which he had accumulated much material and published some preparatory researches in the *Monatsschrift für Geschichte und Wissenschaft des Judentums,* the *B'nai B'rith Mitteilungen für Österreich,* and other journals. The task he had set for himself will hardly be carried out in the near future, if at all. No doubt, much effort spent on this work will remain lost forever.

Jewish Institute of Religion GUIDO KISCH

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HANNAH ADAMS AND THE JEWS

By ANITA LIBMAN LEBESON
Winnetka, Illinois

BIOGRAPHICAL BACKGROUND

THE first American woman to make a profession of writing and of history, Hannah Adams, was born on the second of October in 1755. Her days were spent within a narrow radius of her birthplace, Medfield, Massachusetts. She died December 15, 1831. To be a Massachusetts Adams, a descendant of Henry Adams of Braintree and a distant cousin of the President John Adams, did not assure her security or a measure of personal happiness. Her life was an unending montage of poverty, drabness, ill health and uncertainty.

She deserves better of posterity than to be forgotten by her fellow-Americans. She is one of a gallant, indomitable fellowship. She belongs to all of us. She has earned a place for herself in American history.

She left behind her several works: a slender little autobiographical volume, an *Alphabetical Compendium of the Various Sects Which Have Appeared from the Beginning of the Christian Era to the Present Day* (1784); *A Summary History of New England* (1799); *The Truth and Excellence of the Christian Religion* (1804); a two-volume *History of the Jews* (1812); *Letters on the Gospels* (1826). But writing did not consume all of her frail strength. She engaged in a battle royal with the Reverend Jedediah Morse which necessitated the publication of two other books, her side of the controversy and his. Harvard University was drawn into the dispute. Her life, quiet, sheltered, unutterably sad, did not lack for drama.

Hannah Adams was loathe to write the story of her life. She wrote it under protest. Her friends, to quote one of them, "thought that the circumstances of her life, and the traits of her character, well deserved to be remembered." Their persuasion, however, was not as potent an argument as the hope of leaving a small fund for the care of an ailing sister whose sole support she had been. The autobiography, begun when she knew she had not long to live, was finished by a friend. It has been gathering dust for more than a hundred years.

Hannah Adams was endowed with a "feeble constitution." She had little physical stamina and complains of "an irritability in my nervous system." She came by her physical handicaps honestly. Her mother was a woman of confirmed ill-health, of "great tenderness and sensibility." Her father had a "taste for reading" and managed to do little of profit in his eighty-eight years of life, but indulge in his hobby, lose his inheritance, and make a financial failure of a book shop that he owned. Hannah Adams complains: "I was educated in all the habits of debilitating softness, which probably added to my constitutional want of bodily and mental firmness." She grew up enjoying none of the games and diversions which mitigate the painful business of changing to adulthood. She did not go to school because of poor health. Not that schools in her day (she was born twenty years before the Revolution) had much to offer but companionship. Schools were then open a few months a year and the curriculum was restricted to the three R's. In the summer, "the children were instructed by females in reading, sewing, and other kinds of work." Their text books were Bible and Psalter. The quality of instruction was of the poorest, so that Hannah Adams missed little but association with children of her own age. She was a recluse, confirmed in timidity and shyness.

Her father owned many books. From her earliest years she liked to read. She was curious about everything around her. She read anything and everything she could lay her hands on. Her idea of Heaven, she says, was a place "where we should find our thirst for knowledge fully gratified." She

From
A Memoir of Miss Hannah Adams
Written by Herself

Boston, 1832 Frontispiece

read the poetry of Milton, Thomson and Young. She feasted on history and biography. She learned about life from novels, which gave her "false ideas of life." She constructed a world of unreality and fictional complications, feeding on "imaginary distress" of the characters whose adventures were so real to her. But her quiet world of detachment and isolation was broken by the crash of real tragedy. Her mother died when she was ten. Soon after, an aunt who had replaced her mother to a degree, also died. Then her father, the perennial Micawber, failed in business. Life was very bleak for the frightened little girl. Her early aversion for people became more marked. She became even more shy and awkward before strangers. Her few friends were those who like herself were poor, enjoyed reading, especially the romantic novels and poetry which were the staff of life to Hannah Adams. Her friends, too, seemed to be confirmed invalids who—"one after another became victims to the King of Terrors, till our little society was greatly diminished; and I deeply felt those bereavements which were irreparable." In such a hothouse of tragedy, separation, poverty and ill health, our heroine managed to survive. This was a fine apprenticeship for a study of the Jews! She dwells on her troubles with emphasis. Not even the years could diminish the grey fog of her unhappy childhood. This is the way Hannah Adams sums up her troubled early days: ". . . I was early accustomed to scenes of melancholy and distress . . . My life passed in seclusion, with gloomy prospects before me, and surrounded with various perplexities from which I could not extricate myself." The grey pattern of Hannah's days had occasional relief. She had a sister to whom she was devoted, a person of even temper and serene outlook. She had her books. She loved "rural prospects", enjoying the quiet satisfaction of watching birds in flight and flowers growing. She had one other satisfaction. Her father's financial crisis necessitated the taking of lodgers whose services Hannah Adams was not long in enlisting. Her "happiness chiefly consisted in literary pursuits." And the "gentlemen lodgers" offered to teach her "the rudiments of Latin, Greek, geography and logic . . . gratis, and I pur-

sued these studies with indescribable pleasure and avidity." By the time she was twenty, few "females" could equal her for breadth of knowledge and reading. Yet she still derived the larger part of her ideas about the world about her and the men and women who peopled it, from the novels which continued to sustain her. She traces many of her mistaken ideas and much of her trouble in later life to this inaccurate romantic notion of life.

There was but one mitigating circumstance. She says that her "seclusion from the world preserved me from many temptations which are incident to young people. . ."

And the "gentlemen lodgers" were truly gentlemen!

Now her life changed abruptly. She found during the years of the American Revolution that there was a ready market for woven bobbin lace. It was "much more profitable" than her previous employments—spinning, sewing and knitting. It is a curious fact that the weaving of bobbin lace should have been profitable during the troubled days of our first war. Before that foreign laces were much in demand. Abrupt termination of a market for this kind of lace came with the end of the war. Hannah Adams accepts these stern economic realities without accounting for them. All she says is: "But at the termination of the American war, this resource failed, and I was again left in a destitute situation." It was, indeed, a "gloomy period", again a bit relieved by the presence in the immediate neighborhood of three young gentlemen. But this time, it was Hannah Adams who taught them "the rudiments" of Latin and Greek. But she still did not earn enough. Her needs were pressing. Like many an impoverished woman since, she then turned to writing. Of the pleasures of her new occupation she writes eloquently: ". . . I had been in the habit of employing myself very diligently for trifling profits, and those who are in easy circumstances cannot form an adequate idea of the lively satisfaction I felt when I could procure any work by which I could earn a few shillings. This kind of enjoyment, which Providence has given to the poor, appears intended to soften the many difficulties in their situation."

She knew her limitations. Her inadequate background,

her inexperience, her limited knowledge, her notions of life grounded in unreality, derived only from books. But she also had the powerful spur of dire financial need. She had her abiding "curiosity". She was launched on her literary career. She prepared her *View of Religions* for publication. And the book was fed to the printing press in 1784. But her financial troubles were unsolved by this bold venture into authorship. Her father was her business agent,—a man who had made a success of failure,—"he was completely duped by the printer." All that she received for her labors was fifty books which she had to peddle herself. Her books sold well—but the profits all went into the hands of the printer. The results were, from every point of view, far from happy. When she balanced her accounts, Hannah Adams found them all on the debit side.

She was just as poor as ever, just as dependent on her own efforts for funds. Lace-making and reading had strained her eyes. The old sense of unhappiness persisted. There was little to dispell the gloom. "The effect", she says, "of reading so much religious controversy, which had been very trying to my mind, was extremely prejudicial to my health, and introduced a train of the most painful nervous complaints. I was at length brought so low, that the physician who attended me supposed I was in a decline."

Her sister died and she was cast down in spirits. "To describe the excess of my grief on this occasion," she goes on, "would be altogether impossible." Her troubles were mounting. She enumerates the growing difficulties of her existence, —unbroken poverty, unrelieved unhappiness, progressively poorer health. She decided that she alone could pull herself out of this morass. She determined to go on with her writing, concluding that "it was, perhaps, a happy circumstance, that necessity stimulated me to exertion in this most gloomy period of my life." By sheer force of will, she tells us, she managed "to detach my mind from the recollection of past sufferings . . ." Her second edition of her *View of Religions* was a profitable venture. She paid off her debts and "put out a small sum upon interest." She was launched on her career as a writer—the first professional woman writer in the land.

One service was performed at this time by Hannah Adams, of peculiar interest to all writers. In 1790, she sent a petition to Congress, asking that a law be passed "to secure to authors the copyright of their publications." For printers were often piratical in their methods and countless authors lived on slim rations, eked out by charity, while the work of writers was exploited and used to enrich the people who had not really earned the money. Of one such rogue Hannah Adams said that she would refrain from mentioning his name "out of respect to his descendants." In her efforts "for a bare subsistence," Hannah Adams next engaged in the writing of *A Summary History of New England.* She entered on this self-imposed task reluctantly, for she knew that it "would require much reading upon dry subjects . . ." But she wanted to avoid any controversial subjects, to read nothing that would keep her in a state of ferment. Her purpose was simple—to earn a bit of money, to serve the public, for there was a need for such a book, "to keep my mind in a more healthy state, than the perusal of works which are calculated to excite the feelings." That she did not succeed in her objective was a pity, but it makes a more interesting story than if the tenor of her days had been unmarked. The writing of this work, so innocently conceived was destined to raise a storm in the Adams teapot, to create a controversy involving much mud-slinging and to introduce considerable drama into the quiet life of Hannah Adams. But the story does not belong here.

Hannah Adams and the Jews

Dogged by misfortune, ill health, grinding poverty, monotony, anxiety and all the ill-starred misadventures which attended her career, Hannah Adams determined to divert herself by writing about the stepchildren of mankind, whose catastrophic battle for survival is one of the unhappiest and most miraculous records in human history. She chose to write of Jews. Her overt reasons for her choice are simply stated in her autobiography. What the deeper

motives might have been, a wider acquaintance with her writings, her nature, her sensibilities, clearly reveal.

Having found her rights to the field of New England History disputed by the Reverend Jedediah Morse, she says: "I next chose a subject in *which I thought it probable that I should not meet with any interference. I formed the design of writing the History of the Jews . . .*"[1] So much for the obvious reason—a field uninvaded by disputants and contestants. But what was behind her interest in the Jews?

Very early in her program of self-education, and particularly in her studies of various religions, she realized that blind partisanship was the stuff of which religious histories were usually woven. "I soon became disgusted," she writes, "with the want of candor in the authors I consulted, in giving the most unfavorable descriptions of the denomiations they disliked, and applying to them the names of heretics, fanatics, enthusiasts, etc."

With bigotry of any sort she had no patience. Intolerance she always abhorred. In her *Summary History of New England,* she shows herself to be deeply moved by the black arts of the righteous who indulged in burning of witches, in persecuting non-conformists. "Those who think the whole to be an imposture," she writes, "account for it by the prevailing credulity of the age; the strength of prejudice; the force of imagination, operating on minds not sufficiently enlightened by reason and philosophy . . ." The attacks on Baptists and Quakers awaken her ready sympathy. Her indignation mounts when she writes of the "unjust and impolitic law" which put Quakers to death. Again and again, she cries out against "the intolerant principles of the settlers of New England . . ." She finds with deep regret that she must "contemplate them in a light which strongly exhibits the imperfection of human nature and the influence of error and prejudice upon the mind."

Through all of her writings there runs this thread of moral indignation, interlaced with a deep compassion for

[1] Italics mine.

the targets of persecution and the victims of bigotry. What more logical preparation for her next two volumes which were to be devoted to the Jews? One or two other facts need here be noted. They throw light on her as a writer. One is that of her great humility. She seems always aware of her lack of formal education and often refers to herself as a mere "compiler" of facts. She also considers the fact that she is a woman to be a major handicap in her chosen life work. She prefaces one of her books with a long apology for a "female" to have undertaken such work. She adds the hope "that generous humanity will soften the asperity of censure and that the public will view with candor the assiduous, though perhaps, unsuccessful efforts of a female pen."

Other characteristics which are prominent in Hannah Adams are her ardent and wholehearted belief in the messianic era, her unfaltering conviction that the time will come when all mankind will embrace Christianity and that then only will the Jews be restored to their just rights and liberties and ancient lands. But pending that happy time which she foresees, she notes all signs of abatement of prejudice with rejoicing and "with the most lively gratitude to Divine Providence, for the entire liberty of conscience, which is at present enjoyed by each individual state . . ."

Such was the background and such were the endowments of the first American who chose to introduce the *Pilgrim People*[2] to the descendants of the Pilgrim Fathers.

She knew that she was in for an unhappy time in writing of the Jews, for was not the record of their successive martyrdoms, "a dreary wilderness, unenlivened by one spot of verdure." We have seen that she was by nature and temperament ready for the task. Need we add proof of her objectivity? Such proof exists in abundance.

She writes of the Jews as follows:

> Still, however, in traversing the desert, a wonderful object arrests our attention, and the feelings of indignation and compassion are suspended by astonishment while we contemplate . . . a helpless race of men,

[2] So called by the Jewish historian Simon Dubnow. This is the title of a forthcoming book of the writer.

whom all nations have endeavored to exterminate, subsisting during ages of unrelenting persecution . . . but in all countries the remnants of Israel still preserve their own customs, and religious rites, and are connected with each other by a community of sentiments, of antipathies, and pursuits, and separated by a wonderful destination from the general mass of mankind.

She is not blind to the shortcomings of the Christians who in the very name of the King of Israel, practice the antithesis of the teachings to which they render lip service:

On the other hand, we see the christian world inveloped in darkness and ignorance; and the professed disciples of the benevolent Redeemer violating the fundamental precepts of the gospel, assuming a shew of piety as a mask for avarice, and a preference for pillajing an unhappy people.

Indeed, the deeper she gets into her subject, the greater the intensity of feeling that she displays. "My curiosity was strongly excited," she writes, "and I determined to persevere in my attempt to investigate the fate of this wonderful people." So she reads Josephus and Jacques Basnage and the works of that great French Revolutionary, Abbé Grégoire. A Jew, a Calvinist and a Catholic,—these introduced her to Jewish history. She then begins a correspondence with the Abbé Grégoire, "who," she tells us, "had attained great celebrity for the conspicuous part he acted during the French Revolution, and exerted all his energy in the first constitutional assembly to procure the rights of citizens for the Jews. He had the goodness to send me some writings in their favor, which increased the interest I felt in this oppressed people."

Her difficulties at this time were unabated. The deep indigo flavor of her days continued. She felt confirmed in her shyness, in her self-distrust, in her personal insecurity, yet in her research work she had to meet new people. She was handicapped by her "ignorance of the established rules of propriety" when in society, which made her "tremblingly apprehensive of exposing myself to ridicule." To be a literary woman was to court added social censure. ". . . I have been in a situation deeply to feel the trials which attend literary pursuits." She saw herself confirmed in poverty,

with deteriorating eyesight, on the threshold of old age, cut off from the ordinary satisfactions and joys of life—yet she went on with the eagerness of a zealot, devoting her remaining energies to her chosen goal, the writing of a history of the Jews. Now here, at low ebb, concerned with a far from popular subject, there befell an unexpected bit of good fortune. A number of her friends who had rallied to her cause when she needed their moral support during her battle royal with the Reverend Jedediah Morse, now procured an annuity for her, which freed her of financial responsibility and the worries which had plagued her most of her life.

Her gratitude was freely expressed:

> My generous friends could hardly appreciate the extent of the benefit they conferred upon me. I had not been able to make any provision for my declining years, and had not a place on earth which I could call my home . . . I had now attained a condition more eligible than my most sanguine wishes could ever have led me to anticipate.

Not only was her means of livelihood firmly assured. Her new friends became warmly interested in her projected history. She was given the opportunity of using the valuable Athenaeum library. One of her new friends, the Reverend Joseph S. Buckminster, a Unitarian clergyman, was of immeasurable help to her and placed his invaluable library at her disposal,

> which was of great advantage to me in compiling my History of the Jews. In my efforts to complete the work, I was encouraged and animated by his participating in the interest I felt in this extraordinary people. Though entering into the details of the sufferings of the persecuted Jewish Nation, yet the enthusiasm Mr. Buckminster inspired, and the pleasure of conversing with him upon a subject with which he was intimately acquainted, rendered the time I was writing my History one of the happiest periods of my life. I completed my work in 1812, a few months before his death.

That this brilliant young friend,—Dexter Lecturer on Biblical Criticism at Harvard, member of Phi Beta Kappa, a founder of the Athenaeum, orator of renown and a man of great influence, enriched the years of the writing of the *History of the Jews,* was another circumstance which seemed to indicate that Providence to which Hannah

Adams felt she owed so much, was indeed taking a hand in her affairs. Her new friend disturbed her religious orthodoxy and injected some of his Unitarian beliefs into her hitherto firm and unclouded convictions. She now felt constrained to "read all that came in my way upon both sides of the question."

She reached a modification of her views leading her to "give the preference to that class of Unitarians, who adopt the highest idea of the greatness and dignity of the Son of God."

With the death of her friend, her autobiography is abruptly terminated. A close friend of Miss Adams then wrote the brief story of her ensuing years. It is to this friend that we are indebted for the last chapter:

"And many said: 'if you want to know Miss Adams, you must talk to her about the Jews.' And this last was, indeed, a subject that always called forth the energy of her mind. She had faithfully studied their history, and she venerated the antiquity of their origin . . . She felt for them as a suffering and persecuted people; and she felt yet more, when she considered them as a standing monument of that religion, which she regarded as the *first and best of God's gift to men.* It was the long contemplation of this chosen race that induced her, amidst all the obstacles that were in her way, to write their history."[3]

The friend who completed Miss Adams' biography dwelled with great enthusiasm upon the friendship of the young Unitarian clergyman and the much older spinster who pursued her researches in his library.

She was in the habit of visiting him in his study, and had his permission to come when she pleased, to sit and read there as long as she pleased. But her own language will best describe her feelings. . . . 'I never could have gone on with my history, without the use of his library. I was indebted to him for a new interest in life. . . . His character was the perfection of humanity. . .'

Her enthusiastic friend describes these two dissimilar people working together in perfect amity. "Who would not be touched," she asks, "by the spectacle of a young man of distinguished talents, equally sought by the world of *science,* and of *fashion,* extending a helping hand, and de-

[3] Italics mine.

voting a portion of his valuable time, to a timid and helpless female, shrinking from the ills of life; but who indeed derived her happiness from the same sources he did, literature and religion!"

Were her biography to be evaluated by a disciple of Freud or Ernest Jones her personality traits would be more greatly emphasized. Her excessive timidity and shrinking from other people have already been noted. There was always a tendency to self-depreciation. This she carried to great lengths. She had a wide and important circle of correspondents, embracing Abbé Grégoire and President John Adams, among many others, "but", observes her biographer with regret, "she never preserved any copies of her own letters." She belittled her work, repeating over and over again that she had written nothing original. "It is other people's thoughts . . . that I put into my own language."

Her friend goes on: "Her defect was, underrating, instead of overrating her powers . . . Her timidity was excessive." She expected to die young and lived under the firm belief that her death was just around the corner. "But fortunately for the Jews, and for literature, her anticipations were not realized."

Hannah Adams suffered all her life from these tendencies of "sensibility",—self-censure and self-reproach. She examined herself rigorously for all departures from her lofty ideals. She drew up a set of "serious resolutions" in which she stated her determination to lead the kind of life which would rely upon Divine Providence for its guidance, to read the Bible diligently; to choose her friends wisely; to be charitable to her enemies; and "to pray and guard against loving my friends with that ardent attachment, and that implicit reliance upon him, which is incompatible with supreme love to, and trust in, God alone." She was by nature a scholar. Many anecdotes attest the fact. When she was invited to the home of President John Adams, he offered the use of his library to her as in inducement to accept his invitation. She astonished him later, in conversation, with the rapidity with which she had assimilated the books she had read. The librarian of the Athenaeum would often lock up

his library with her in it (having tried unsuccessfully to separate her from her books), go home for his dinner and return to find her still rooted to the same spot "unconscious either of his absence, or that the dinner hour was past."

Yet these were no romances such as she had read in her early years. Here were no lurid adventures, no stories conceived in unreality. These were hard facts, rooted in actual experience, all in the same minor key. Here was a record of unparalleled martyrdom, a story of repeated massacre, of death by torture and fire, of confiscation, of mass exile, of unrelieved calamity—*the history of the Jewish people.*

It was this woman with her taste for scholarship, her love of books, of research, who had once thought of writing fiction. "But," says her friend, "fortunately for the Jews, and for literature, her anticipations were not realized."

The Historian of the Jews

Were the Jews "fortunate" in their chronicler? Let us now open the two-volume history dedicated to their past.

The account of the tangled threads of Jewish history is told with sympathy and compassion, with insight and deep understanding. It is clear that her own unhappy past made Hannah Adams ready to gauge sorrow and to commiserate with insecurity and privation.

The facts are a matter of record. Since the days of Hannah Adams much has been written on the subject and many new data have been brought to light. Graetz has labored in the vineyard and Dubnow and many modern scholars. What is important in the *History of the Jews* by Hannah Adams is the breadth of the outlook, the large view, the unfailing sympathy, the unquestionable honesty of presentation. Her purpose is to acquaint her contemporaries with a magnificent story, to present it with untainted honesty and without bias. To explain the role of Jewry in Christendom. To answer the question: was Christendom the potter that shaped the Jewish clay in the diaspora? Or was the Jew the artist who molded the ideology of his times?

Living out her days in New England, particularly in Massachusetts, Hannah Adams was impressed with two facts. One, that the freedom the Pilgrim Fathers sought for themselves, was a commodity they were most unwilling to share with other non-conformists. The other, that the early constitutions of many New England colonies were based on the plan of Jewish theocracy. The Massachusetts code of laws, particularly, was "founded chiefly on the laws of Moses."

"How could intolerance be practiced by those who themselves have suffered from it?" How could the seekers after freedom of conscience "so far forget their own sufferings as to persecute those who refused to accede to their religious sentiments?"

Intolerance in any form is foreign to her make-up. That she finds it again and again in her own New England is a source of abiding regret to Hannah Adams, for she owns that she must "contemplate them in a light which strongly exhibits the imperfection of human nature and the influence of error and prejudice upon the mind."

In considering the chronicle of the martyr people, Hannah Adams finds a way of giving vent to these general principles,—her hatred of intolerance and her abhorrence of persecution. Perhaps it was her subconscious wish to show the stupidity of prejudice, bias and narrow-mindedness which prompted her to her task.

She begins her story with the destruction of Jerusalem. She ends her chronicle with her own times. Josephus is her early authority. But her reading and research take her into many bypaths. Basnage and Grégoire, and Maimonides and many other sources, "publications and manuscripts," are consulted and abstracted.

Yet the writing of history requires more than a fellow-feeling for the subject. We have a right to ask whether the work makes a specific contribution, whether it enriches the field, whether it could be dispensed with, and none the poorer. Decidedly, the answer is in the affirmative. The book served a purpose. For her fellow-Americans, ignorant of the

past of this ancient people, often devoid of understanding, sometimes tarred with prejudice,—had much to learn from Miss Adams' history. She opens the door on one corridor of time hitherto closed. She chronicles facts that are unknown. She rescues famous men, long gone, from oblivion. She rounds out the pattern of history. She adds to the available knowledge of her time. But no mere chronicler is Hannah Adams. With discernment she finds that there is no historical condition without its logical antecedent. Events do not merely happen. Practices evolve from the crises which they are designed to meet. "What nation," asks she, "ever suffered so much, and yet continued so long?" This question has a modern ring.

"The intrepid firmness" of Jewish martyrs under constant persecution arouses her admiration for the victims, and her moral indignation at the oppressors. She does not spare her barbs: "In christendom they have been despised, calumniated, burned."

Could it be the fault of the Jews, she wonders, because they rejected "the true Messiah"?

> The history of the Jews exhibits a melancholy picture of human wretchedness and of depravity. On one hand we contemplate the lineal descendants of the chosen people of God, forfeiting their inestimable privileges by rejecting the glory of Israel, and involving themselves in the most terrible calamities; condemned to behold the destruction of their city and temple; expelled from their native country; dispersed through the world; by turns persecuted by Pagans, Christians, and Mohamedans; continually duped by imposters, yet still persisting in rejecting the true Messiah.

She notes that under a beneficient moral climate, Jews flourish and make their mark. Thus she writes of Jewish scholarship during the tenth century:

> While Christendom was involved in darkness and ignorance, the Saracens became the patrons of philosophy in the east. The Jews, under their domination, imitated their example, and applied to learning with assiduity and success.

She dwells often on Jewish scholars and scholarship. Her inventory of the names of great Jews is surprisingly complete. Rabbi Ibn Ezra, Maimonides, Don Isaac Abravanel,

Manasseh ben Israel, Baal Shem Tob,—these are but a few of the personalities whom Hannah Adams brings to the notice of her contemporaries. Nor are they just names to her. They are personalities with distinct character traits. Crimes against Jews are crimes against people with the same capacities for sensibility and feeling, for sorrow and frustration which other people feel when oppressed. That is her thesis. Their faults, she finds, are often those which others have fostered in them—for their own use and profit. "The Jews, since their final expulsion from Palestine, have universally attached themselves to traffic for a subsistence. Being generally prohibited from acquiring and cultivating land, and interdicted from following trades and professions, the objects of their industry have been limited, and they compelled to confine themselves to commerce."

She cites Pope Sixtus V, who "frankly declared that the profit he derived from the Jewish merchants was his principal motive for tolerating those of this nation." When Graetz or Dubnow make this point, being Jews, and writing at a later date with documented authorities to bolster their opinions, we are not surprised. But that Hannah Adams had the ability to interpret the facts at her disposal, is a most gratifying circumstance. She even insists in maintaining that "it seems as if every mean has been used to render the Jews despicable, that we might have a right to despise them."

Her eloquence is aroused and her sympathies are quick and ready on this subject. Her contempt for those wielding the club of prejudice and the sword of intolerance is unsparing. "The history of the Jews is remarkable, above that of all other nations, for the number and cruelty of the persecutions they have endured." Many a Jewish historian while engaged in summarizing the murder carnivals of the Crusades and the mass executions of the Inquisition—has shed tears of rage and fury at the bestiality and brutality of creatures who look like men—but who in their actions toward Jews outdo the beasts in the jungle. Recent times with their pogroms in Russia, and diabolical campaigns of systematic starving of Jews in Poland, rising to the unspeakable horrors

of German manic orgies as practiced in Dachau and Lublin—have left Jewish historians too stunned for words, too crushed for "research" into these betrayals of humanity. And little wonder! But that a frail and ailing Christian scholar, struggling with poverty and progressive blindness, should be aroused to cry out against cruelty and persecution, should raise her voice in ringing protest against crimes of long ago—that is in itself a miracle of magnitude. In writing of the crimes committed against Jews during the Crusades she says that "our feelings (are) agitated in reviewing the terrible calamities which the Jews were compelled to endure. . ." She considers their survival, in view of their sufferings, as a phenomenon unparalleled in all history:

> In various countries of the east, as well as in Europe, they have been subjected to invidious, humiliating, and disgraceful distinctions, and condemned to wear extereriorily the badges of their abject state; and every where exposed to the insults of the vilest populace.

In the face of such a history, Hannah Adams maintains that "the preservation of the Jews as a distinct people is an event unparalleled in the annals of history." It is her opinion that their continued existence is due to their insularity of religion, of custom, of habit and tradition:

> We may number among the most striking traits which designate the Jewish character, the wonderful uniformity of views that appear to have influenced the actions of this extraordinary people through the course of so many ages . . . because no religion establishes such a uniformity in doctrine as the mosaic, which . . . regulates with the utmost minuteness every thing which respects life. These people, wherever dispersed, have carried with them their language and religion, and abandoned none of the customs but those which they could not preserve.

Their zeal for learning and their veneration of scholars and scholarship, strikes a kindred note in Miss Adams. Yet, she is quick to forestall criticism on one point. Lest some critic challenge them on the non-existence of Jewish universities, she defends the Jews by pointing out: "In the midst of their calamities and depression, the Jews have all along paid some attention to their language and religion; but dispersed as they are, and without a country of their own,

they cannot be expected to have such national establishments as universities. . ."

Her admiration for Jews is considerably tinged with regret for their having so long and with such unanimity withstood the blandishments of those who held out Hannah Adams' brand of salvation to them. Their role in relation to "divine providence" she finds most confusing. She cannot quite reconcile the fact of their present survival as Jews with her pious hopes as to their twin destinies,—of acceptance of Christianity and their ultimate return to Palestine. Of the "expectation they entertain of being restored to their own land . . ." she too, has never a doubt. But the conditions of that restoration are clear to her. "Many pious and learned men have supposed that they will not only be converted to the christian religion; but restored to Palestine and placed in a state more splendid and glorious than ever."

She has no hesitancy in predicting with assurance just what providence has in store for the Jews. The blueprint of their future holds no mystery for Hannah Adams. To the student of today her skill and talents in using documentary materials is hard to reconcile with her glib prognostications of the as yet unrealized future. Of course she had not alone this gift of reading the tea-leaves of history. All of her contemporaries were crystal-ball gazers. They described with graphic attention to detail the pleasures and perils of the after-life. "Dr. Hartley, Dr. Priestley, and others, have written in defence of the restoration of the Jews to their native country. At a later period Mr. Faber has published a work on this subject. . ."

All of these and countless others are agreed, she avers, on the inevitability of the conversion of Jews to Christianity.

Indeed, it is this ease of assuming the role of spokeswoman for "divine providence" which so infuriates the Jewish historian, Graetz. He erroneously alludes to Hannah Adams as "the wife of an American clergyman" and underestimates her talents, being a stranger to her work, as most people are and were. Her "crude work . . . was good enough for the purposes of the London Society for the Promotion

of Christianity among the Jews, who also made several alterations in the book in order to serve their ends." Such distortion of history made Graetz cry out: "It was high time that Jews should take away the pen from the hands of Christians who only trifled with it, and used it for their own purposes."

Certainly Hannah Adams was untroubled by doubts as to her ability to interpret the role of providence in the tangled web of Jewish history. Perhaps she anticipated her future critic when she said:

> The Jews, notwithstanding the calamities they have so long endured, still look down upon all nations, and continue to claim the partial kindness and protection of Heaven. The miracles, performed in favor of the first Hebrews, inspired their descendants with a contempt for those nations which the Deity never honored in the same manner. They are more elated with the advantages granted to their ancestors, than humiliated by the calamities which they have endured since their dispersion.

If Graetz is intolerant and Hannah Adams a little smug —may we not stop to ask whether the trouble is not in the situation, rather than in its interpreters? May we not be permitted to express a doubt as to the meaning of preservation and persecution, of extermination and survival, of divine beneficence and divine wrath? In short, of the pendulum which beats the rhythm of Jewish history?

The answer must be given by the future historian.

But untroubled and undeterred by these enigmas, Hannah Adams assures us that "the care of divine providence is wonderfully displayed in saving the outcasts of Israel from utter extermination, while groaning under the most furious intolerance." Not only do Jews refrain from falling gracefully into the dramatic plot provided for them by their obliging Christian friends,—but they have fallen from orthodoxy, she finds, in the practices of their rites and religion. Writing of her Jewish contemporaries, Miss Adams notes with regret and disapproval this tendency to nonconformity:

> It appears from authentic accounts, that many Jews at the present day have imbibed the principles of infidelity, and no longer receive the writings of the Old Testament as divinely inspired, or expect the coming of the Messiah.

Yet, it may be said in passing, that just as Hannah Adams was the first woman in America to be a professional writer and historian, she also has the distinction of being its first Zionist. For of the ultimate merging of Israel with its land, she had no doubt. When Chateaubriand visited Palestine in 1807, she writes, he found some 3,000 Jews in Palestine. She notes with regret that their conditions of life are almost beyond description for hardship and privation.

An appraisal of Hannah Adams as historian would not be complete without an examination of her use of original materials available to her in the writing of the history of the Jews in the New World. Considering the time of writing, the scattered materials available, the fact that such a sketch of American Jewish history had hitherto never been attempted,— one gains new respect for Hannah Adams and new proof of her honesty of purpose, her integrity, her indefatigability in obtaining data.

Beginning with the coincidence of the expulsion of Jews from Spain and Jewish migration to America (a fact subsequently pointed out by every writer in the field from Kayserling to Herbert B. Adams), she next discusses their migrations to Surinam and their relations with the Dutch West India Company. She notes that in March, 1605, French officers in America were ordered to expel Jews from their colonies in America. In 1639 she finds that "David Nasci, native of Brazil" received permission to establish a Jewish colony in Cayenne. Here Jews were to enjoy both civil and religious freedom, on condition that non-Jews receive the same privileges.

Hannah Adams traces the history of this island colony, conquered by the French in 1664, necessitating the removal of Jewish colonists to Surinam, where they continued to enjoy all civil and religious rights. When the Dutch took possession of this Jewish settlement "all these privileges were confirmed to them."

The author of *The History of the Jews* has read and utilized Manasseh ben Israel's *Hope of Israel.* She knows of the myth that the American Indians were supposed to have been descended from the Ten Lost Tribes of Israel. She

knows the story of Judah Monis, convert, Hebrew instructor at Harvard, who wrote the first Hebrew grammar in America. She knew that his conversion was only nominal. "Before he could be admitted, it was rendered necessary by the statutes that he should change his religion. . ." She calls attention to the fact that Dr. Coleman of Boston who delivered the address on the occasion of his conversion seemed to entertain doubts as to the sincerity of Monis's conviction about his newly adopted religion, and repeatedly challenged the new convert, *who became a Christian and instructor at Harvard at one and the same time.*

Hannah Adams knew of the friendship between Ezra Stiles, President of Yale and a noted Hebrew scholar, Rabbi "Haijim Carigal". She noted with interest that Stiles was studying Hebrew, and that the two scholars "corresponded in Hebrew when apart". She knew of another famous American, Thomas Paine to whom David Levi addressed a series of letters in defence of the Old Testament.

She corresponded with Rabbi Gershom Seixas and from him obtained much valuable information, not only about *Shearith Israel,* that historic and memorable synagogue, but about the early history of the Jews along the Atlantic seaboard. She noted with satisfaction that "the United States is, perhaps, the only place where the Jews have not suffered persecution. . ."

Hannah Adams was touched with the greatness that is America,—with its vision and its idealism. She was nurtured on the same diet as the Founding Fathers of this nation,—the belief in the inalienable rights of mankind to life, liberty and the pursuit of happiness.

She had the tolerance which is native to the soil. She had the convictions for which Americans have been willing to lay down their lives.

Hannah Adams would have rejoiced if all of mankind were to take shelter under the same tree, but failing that she was willing with George Washington, to let each man "sit in safety under his own vine and fig tree and there shall be none to make him afraid."

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THE BAAL-SHEM OF MICHELSTADT MESMERISM AND CABBALA

By Raphael Straus
New York City

Introductory Remarks

THE name of the "Baal-Shem of Michelstadt" was Isaac (Seckel) Löb Wormser. Popular voice conferred on him the designation "Baal-Shem" (literally: "Master of the Holy Name") meaning, miracle-worker. In this capacity Wormser enjoyed great reputation, not only among the Jewish and Christian population of the small Hessian township,[1] but also among Western-Germany Jewry from the Swiss down to the Dutch frontier and from Alsace to Saxony. Such a phenomenon was unique in Germany in the period of Enlightenment. Therefore scholarly attention has concentrated on this singular figure.[2]

Unfortunately documentary information on Wormser is scarce. Little is known about his personality, since he spent his life in a small community and very narrow circle. Moreover, his manuscripts and library were destroyed by a fire in 1825. Much of the information available is legendary,

[1] "Michelstadt im Odenwald" is situated half-way between Heidelberg and Würzburg, about twenty miles from Darmstadt and forty miles from Frankfort on-the-Main.

[2] Selected Wormser Bibliography: J. D. Eisenstein, *Otzar Yisrael*, III (1909), p. 138 f.; Michael Wormser, *Das Leben und Wirken des zu Michelstadt verstorbenen Rabbiners Seckel Löb* (1853); (no copy of this exteremely rare booklet was available to the author); Arthur Kahn, "Ein ungelöstes Rätsel," *Die Jüdische Presse*, Supplement: "Sabbatstunden" (1892); I. Günzig, *Die "Wundermänner" im jüdischen Volke, ihr Leben und Treiben* (Antwerp, 1921), p. 70 f.; Judaeus, *Der Baalschem von Michelstadt* (Frankfort on-the-Main, 1907); Franz Babinger, "Isaac Löb Wormser, Baalschem von Michelstadt," *Hessische Biographien*, II (1924), p. 171 ff.; J. Lebermann, "Das Darmstädter Landrabbinat," *Jahrbuch der Jüdisch-Literarischen Gesellschaft in Frankfurt am Main*, XX (1929), p. 190.

based as it is on oral tradition in the circle of descendants of his followers. Some records are preserved in the possession of the Straus family which is descended from Wormser. The following article is based on his diaries which shed light on his life and activities. They consist of three books written for the most part in Hebrew.

The first is a ledger of the year 1841 which bears the following inscription: "In this book those of our debts are entered for which we possess 'contos' (accounts). Begun Friday Ki-Thetze 5591" (that is, August, 1841).

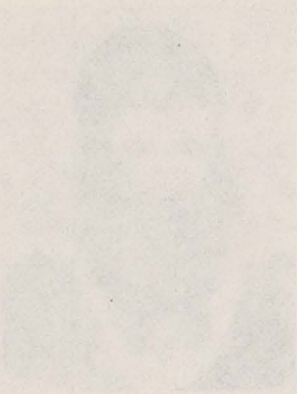
In this book many pages are missing. Those left are records of debts to purveyors, particularly to Christian merchants and artisans as well as to Jewish servants and to the assistant teacher in Wormser's *Yeshiba*. At times, instalments are entered as paid to the Jewish personnel. This manner of paying was necessitated by the extreme poverty in which Wormser lived at the time. Likewise instalments paid on loans and mortgages are entered, as the rabbi's house was constantly heavily burdened with indebtedness.

This book mirrors a rabbi's life in a small town in the eighteen-forties. It offers also interesting material for the local history of Michelstadt since many inhabitants are mentioned. But it contains very little information on Wormser's rabbinical activities.

The second and third volumes yielded more material for the present essay. They are two books of "*shiurim*" (the original meaning of *Shiur* is: the daily portion to be studied by a Talmud student). One of these books is dated 1840, the other 1845. A third book of the same kind must also have existed. It is often quoted in these two books as "the intermediate book": *das mittlere Buch*. No trace of it was discoverable; it is probably lost. The two extant books are complete, although their page numbering may sometimes cause doubts. The book of 1840, called "the old book", is written almost entirely in Wormser's own hand. In that of 1845, called "the new book", many entries are made by other hands. Wormser's own handwriting does not appear after

SEKEL LÖB WORMSER

PART OF THE FIRST PAGE OF WORMSER'S "NEW BOOK"
(In the third entry "Syracuse in America" is mentioned)



the summer months of 5606 (1846). At that time he was seventy-nine years old. Up to this date the entries refer to *shiurim* requested by individuals on joyous or sad occasions, such as prize-winning in a lottery, purchase of a house, diseases, pregnancy, critical conditions of any kind. Such requests for *Lernen* are not entered anymore after the summer of 1846. Wormser was then on the decline. Only some Jewish communities continued to request *shiurim*, until no entries were made anymore.

These diaries offer a better opportunity to study Wormser, the man, rabbi, cabbalist, and "miracle-worker" than the historical material previously employed. They give information on his private life, his healing practices, and his position among German Jewry which, at the time, still lived as strongly isolated as in the medieval period, but already had been touched by modern thought, namely by Enlightenment, Romanticism, and Science. No doubt, the "Baal-Shem" of Michelstadt, too, had experienced the impact of modern ideas, a fact which lends increased interest to this historic personality.

Biographical Notes

Isaac Löb Wormser was descended from a family of rabbis who for centuries had lived in Michelstadt and Worms. Among his forbears, who had settled in Upper-Alsace and Upper-Baden, is Josel(mann) of Rosheim (1840-1554),[3] the representative of German Jewry at the courts of the Emperors Maximilian I and Charles V, known as "Befehlshaber gemeiner Judenschaft im heiligen Römischen Reich."

Wormser was born in 1768, date unknown, in Michelstadt. He received his rabbinical training in Frankfort on-the-Main from Nathan Adler (1741-1800), the much ad-

[3] On Josel von Rosheim, cf. Ludwig Feilchenfeld, *Rabbi Josel von Rosheim* (Strasbourg, 1898).—On Wormser's genealogy, cf. L. Löwenstein, *Geschichte der Juden in der Kurpfalz* (Frankfort, 1895), p. 158. In 1903, Elias Straus, a great-grandson of Wormser, compiled a genealogical survey, which is—in manuscript form—in the possession of Mrs. Rahel Straus in Jerusalem.

mired and much attacked cabbalistic adept and founder of Frankfort Hasidism. In the then modern center of business and cultural life, Frankfort on-the-Main, Wormser stayed six years and came in contact also with extra-Jewish modern ideas. He returned to Michelstadt in 1790. After the death of his parents in 1791, he continued living in Michelstadt, striving to make a livelihood as a merchant. No details are known of this period of Wormser's life. Evidently he was not successful in business. After the death of his wife, in 1810, to whom he had been married in his Frankfort days, he left Michelstadt and turned to Mannheim, an important commercial city. Here he is reported to have performed his first miracle-cure by healing an insame woman. In spite of his temporary separation from Michelstadt, his personal connections with his native town had continued. In 1822 he was elected as rabbi of the Jewish community of Michelstadt, where he soon returned.

In Michelstadt Wormser had to live under very modest circumstances as rabbi of the small community, numbering about twenty families. In those days rabbinical positions were not paid with regular salaries. The rabbi had to make a living from the fees for performing religious ceremonies, such as marriages, funerals, circumcisions, and from gifts of well-to-do members of the congregation. In this respect there was no difference between a rabbi and a Christian minister. Wormser widened his field of activity by directing a talmudic school (*yeshiba*), probably of moderate size, which was attended by local and foreign students. It was certainly not the study of the Talmud by which Wormser was absorbed. He did not engage in writing rabbinical treatises as the heads of other *yeshiboth* used to do.[4] His main interest

[4] A talmudical treatise by Wormser was published posthumously in 1887, in the Jerusalem periodical, *Hamisderonah*, II (Jerusalem, 5648), p. 43-46. The title of the article is as follows:

ש א ר י ת י צ ח ק מאת הרב הגאון הצדיק כו' מהור"ר יצחק אריה המכונה ז ע ק ל
ל י ב ו ו א ר מ ז ע ר ז צ ל ה " ה (מובק"ק מיכענשמאדרג יע"א — עם הערות בפנים
מאת המעתיק הרב הגדול וכו' מו"ה יהודא אליקום גאלדבערג נ"י.

(Information received from Professor Alexander Marx, New York City).

was in practical pedagogics and studies pertaining to this field, which are comprised in the designation "care of the souls" (*Seelsorge*). For his healing practices were patently intended not only for the body but also for the benefit of the soul. Mystics like Wormser believed that diseases of the body, in the last analysis, originated from spiritual factors which had to be overcome by spiritual devices. Wormser devoted his main work to this special "care of souls", which non-mystics would rather call care of the body. He practiced his healings until his death, on September 13, 1847 in Michelstadt.[5]

Healing by Caring for the Soul

The working of "miracles" won Wormser popularity among the contemporary Jews of Germany. In the two years covered by the diaries, the number of his clients was about fifteen hundred, living in about seven hundred places. The large number of localities is explained by the fact that in the eighteen-forties German Jewry was distributed over large country territories and not yet conglomerated in urban centers. Wormser's clientele seems to have comprised almost one fourth of the entire Germany Jewry. Inhabitants of large cities appear only rarely, the Jews of Frankfort and Cassel being represented. It is a well-known fact that backward country people are more inclined to believe in miracle-cures than more enlightened city dwellers. Obviously medical facilities were not available to them at all or only with difficulties. Nor were physicians popular among them. Moreover, most of the Jews living in the country were in want of a rabbi. Thus they turned to Wormser for rabbinical assistance. In turn, he sent emissaries (*shalihim*) out twice a year to visit his clients in the country. Probably he had traveled

[5] A lengthy report on Wormser's funeral is found in Fürst's *Orient*, XII (1847), p. 332. About 800 persons arrived in the funeral train, a large attendance regarding place and time. The Grand-Ducal Court of Hesse sent a representative, and the Protestant pastor of Michelstadt delivered a eulogy.

himself when he was young. In this way he was permanently in contact with his clients. The psychological information gathered in this way facilitated his "medical" activities considerably and had to take the place of meeting his patients in person.

Wormser did not consider his method of magical healing as a substitute for real medical work. Sometimes he even recommended consultation of a physician, a *Naturarzt*, as he called him. His own activities should only supplement those of the physician. But, a convinced mystic, he thought that super-natural forces were always operative, and therefore he probably did not leave much work to the *Naturarzt*.

The "medicines" recommended by Wormser comprised the following items: The reading of psalms, especially psalms 20, 41, 91, to be done either by relatives of the sick person or by the prescribed *quorum*, a *minyan* (ten adult males necessary for public divine service); secret acts of charity by giving alms into the alms-box (*sether-kuppa*); fasting, which was recommended only in rare cases, however; examination of the ritual integrity of the *mezuzoth* (religiously prescribed parchment scrolls in a metal or wooden box containg several portions of the Pentateuch and to be placed upon the doorpost of a house), and of the *tefillin* (phylacteries), very frequently prescribed; placing of a *mezuzah* in a box on the body of a sick person; wearing of clothes of white linen by the sick and his family; change of name of the sick; change of dwelling-place; drawing of water(?); wearing of rings made of gold or steel on which the name of the arch-angel *Raphael* had to be engraved.[6]

Amulets are not explicitly mentioned. But a small design in the shape of an oblong parallelogram occurs often in the

[6] Change of name and place of residence was often recommended by cabbalists in order to deceive the angel of death on his approaching. Water is connected with magic ideas in many ways. Even today there is a practice among Jews to pour out water which had been in the same room with a dead body. Probably the "drawing of water", as recommended by Wormser, means a symbolic pouring out of water; cf. L. Blau, *Das altjüdische Zauberwesen* (Strasbourg, 1898).

notebooks. No doubt, this refers to a paper. According to the orientalist Jacob Obermeyer who was born 1845 in Lower-Franconia, where many clients of Wormser resided, in numerous cases amulets were prescribed and produced by the Baal-Shem of Michelstadt. This seems credible in view of the fact that amulets played an important role in healing by magic as well as in the realm of the Cabbala.[7]

In magic healing no systematical scientific method was customarily applied. Mere intuition was the basis of the prescription. Sometimes a differentiation was made between natural and super-natural diseases. Thus Wormser once declined to perform a cure, since the disease appeared to be merely of a "natural" character, that is, not caused by super-natural forces, and therefore not fit for his method of magical healing. The symptoms from which he recognized a disease to be natural, another super-natural, are not pointed out. He considered a "cold" which had lasted for three years as a disease caused by super-natural forces, whereas he certainly would have declined the treatment of simple colds of normal duration. Nervous and mental diseases were predominant in his practice. In Wormser's days the *Naturärzte* were obviously helpless in cases of mental diseases. Popular belief ascribed mental diseases to super-natural forces and considered them as different from physical illnesses. Thus the preponderance of those diseases in Wormser's practice is only

[7] Jakob Obermeyer, *Modernes Judentum im Morgen-und Abenlande* (Vienna, 1907), p. 42: "The Baal-Shem of Michelstadt begun his talmudic studies in Frankfort on-the-Main with Rabbi N. Adler, in the beginning of the past century. Among his fellow students was Rabbi Moshe Sofer, who was to become later the renowned sage of Pressburg. The "Baal-Shem" had taken to the Cabbala and to an ascetic way of life. From his eighteenth year he abstained from all food produced from animals, including milk and eggs. Like other cabbalists he strictly adhered to vegetarianism. He did not receive any salary from the Jewish community of Michelstadt, which was small and poor. But he wrote amulets, and derived from this a livelihood. South-German Jewry related many strange things about his activities. In the Odenwald region Christians, too, were among his adherents."—In Wormser's diaries many abbreviations are found, which probably refer to amulets, for example, ק"ט and ק"כ The first letter may be interpreted as *kemea*, Hebrew for amulet. Some of his amulets may perhaps still be extant.

logical. It was not an improper field for his healing activity, and he may honestly have reaped some success.

Women outnumbered men by far among his patients. Nervous diseases and indispositions were frequent in the periods of pregnancy and birth. Although such spells of illness were of a transitory nature, their disappearance was certainly ascribed to Wormser's "treatment", and the miracle-doctor must have felt well corroborated in his mystical theories by such experiences.

As a rule, he did not see the patients personally, but had to act upon written reports of their relatives. In some cases the relatives called on him in Michelstadt, not shunning the troublesome journey to the remote Hessian town. But even then he had to identify the disease from its symptoms and history in absence of the patient. Accordingly, he contented himself in his diaries with short and indistinct statements regarding the diseases, referring to the correspondence, which patently was preserved carefully. Often the disease is indicated with a single word: *meshugge* (insane).

Here are a few examples from the diaries in literal translation:

> Item 606: Brückenau: David Kahner, a *shiur* for him and his family and the "P" candles because of the incident.[8] (The names are): David ben Josef Katz, his wife Yitle Hannah, daughter of Matle and Elle.[9]
>
> Item 614: Gailingen near Schaffhausen on-the-Rhine: I was asked in a letter by Rabbi Koppel Löwenstein to learn a *shiur* in favor of the mad Fradel, daughter of Yitle of Worblingen and wife of Moses Guggenheim of Randegg. I promised a *shiur* until Elul first. Then he may advise me about the changes which may have occurred.

[8] What kind of "incident" it may have been is not reported. The mentioning of every member of the family is evidence that the *shiur* had to be held for the benefit of each individual in order to protect him from the bad consequences of that "incident". By "P-candles" most probably *pidyon*-candles (Hebrew for ransom) are to be understood.

[9] The entries in the diaries were numbered by the present writer; the original shows no numeration.

Item 616: Ittlingen in Baden: Miryam, wife of Rabbi Löb Wimpfheimer, was blinded after giving birth, I replied that I would learn a *shiur*, but that she was in need of being cured by natural means.

Item 623: Gaisa near Buttlar: Received a letter from Kalman Silberschmidt, teacher and cantor, because of the wife of Abraham Stern. I prescribed a *shiur*, as set for madmen, and was advised that she is better and bodily healthy.

Item 714: Mühlhausen: Received a letter from Rabbi Samuel Dreifus because of his sister living at Münzenheim who is mad. I prescribed reading 109 verses of the Bible in the synagogue and in the presence of ten adult men and the school children.[10]

Item 740: Fischheim near Zusmarshausen: Rabbi Josef Landauer has written me because of the wife of the warden Löb Götz. I prescribed a girdle of flax to be worn on the forehead for nine days. (Addition): I was advised of the recovery of the patient.

Frequently advice was requested from Wormser in other matters than diseases. In his opinion, all natural events and facts, be it bearing a child or prize winning in a lottery, were in some way connected with the inner life of the soul, while almost nothing was restricted merely to a corporal existence. Therefore, in such cases he prescribed *shiurim* as well, however unspiritual they may have appeared to a non-mystical critic. The case of a man, who was unable to perform his marital duty and was to be cured by *shiurim*, may still be regarded as a medical case. But a man, who had committed suicide, could hardly be considered as still curable. Wormser found out, that something "strange" had occurred to the wife of that suicide. Thus he was supposed to take care of the widow in order to protect her from bad consequences of a spiritual nature. This was in line with his cabbalistic ideas. His prescriptions culminate again in *shiurim* in the case of a man who had lost three wives by death. He may well have been asked for his advice in regard to an intended fourth

[10] Perhaps 109 verses of the Bible? The number 109, written in Hebrew, is ט"ק: cf. *supra*, note 7. One must ask whether this number referred perhaps to a special amulet for madmen? On the cabbalistic use of numbers, cf. Ernest Alfred Wallis Budge, *Amulets and Superstitions* (London, 1930), p. 427 ff.

marriage. The idea underlying this inquiry may have been that something must have been spiritually wrong with the widower. To a family, who had lost several of its members in a short span of time, Wormser recommended to tear down their house, to sell their possessions, and to settle elsewhere. For a missing man likewise a *shiur* was prescribed. Was this done for the sake of his hoped-for return, or for the sake of protection of his family from similar events?

Wormser was approached for advice also in simple problems of everyday life. A Jew of Baden asked him, for example, whether his intention to leave his home in order to emigrate to Paris would be commendable spiritually. Wormser did not discourage the questioner from emigrating, provided that he would live in peace with everyone in Paris, leaving it to the local rabbi to arbitrate his disputes. The conclusion is obvious that the questioner had had quarrels in his place of residence. In this case, Wormser's reaction shows no trace of mysticism but merely an endeavor to take "care of the soul."

Very few traces of rabbinical arbitration, once generally practiced among Jews, are found in these diaries. To be sure, one should not expect to find such cases in these notebooks, which are explicitly designated as *shiurim*-books. But it is not likely that Wormser was asked for such decisions often. His activity and popularity lay in a different field.

Wormser's Position in His Time

None of the activities described gives definite evidence of Wormser's contacts with the trends of his time. They could be fully explained by his cabbalistic ideas. What remains a puzzle, is the revival of cabbalism in Western Europe permeated with nineteenth-century rationalism and its employment in "medical" practice, otherwise not customary among cabbalistic adepts. A solution of this puzzle may perhaps be found in the fact that Wormser was influenced by

extra-Jewish currents, for which indirect as well as direct proof is available.

It is conspicuous, how rationally his diaries were composed. The writer appears eager to keep his affairs in absolute order. That is by no means the attitude of a mystic theologian towards worldy affairs. His handwriting is small and fine, almost pedantic. The same accuracy can be observed in the arrangement of the individual entries. Several other books kept by this cabbalist, such as the "petty cash-books", mentioned in the ledger, as well as his frequently cited correspondence are evidence enough that some rationalistic vein was inherent in this mystic, possibly a result of the merchant's career which he had pursued in his youth and early manhood.

The assumption that Wormser may have been something more or less than a genuine cabbalist is increased by the vivid interest he took in modern scholarly literature. During the two years of his old age, which are accounted for by his diaries, he bought books of this kind, and must have indulged in such purchases for some time, for he had accounts with booksellers and received from them consignments on approval. He bought works of German literature from two Darmstadt booksellers (Heyer, and Junghaus and Dingeldey), while his purveyors of Judaica were the Jewish booksellers Veidel of Essenheim (near Worms), and Schlesinger and Gusdorfer, both of Fürth. He secured Hebrew literature sometimes through private channels, for instance from Rabbi Weiskopf of Aub, who provided him with books formerly in the possession of the "Hohe Rabbi Löw of Prague." He must have formed a respectable library which was, however, destroyed by fire in 1825. Here are some of his entries concerning the purchase of books, the descriptions are inaccurate, however: Buxtorf's and Gesenius's *Hebrew Dictionaries; Kupfertabellen Naturlehre;* Zerenner's *Schuleinrichtung;* a *History of the World;* Greek and Roman classics in German translation; Josephus' *Jewish War;* Schäffler's *Die Gewissheit des Lebens.* These titles indicate an interest in

linguistics, literature, science, pedagogics, universal history, and philosophy. Among the Hebrew works purchased were: *Hisuq Emunah* by Creitzenach; *Kerem Hemed; Miqdash la-Melech; Magen Abraham;* the *Responsa* of the fifteenth-century Rabbi David b. Solomon ibn Abi Simra. Such interest in modern scholarship and his rationalistic way of thought separated Wormser from true mystics. He was certainly not a scholar, but a rabbi of a special sort. The wide range of his intellectual interests shows in what way he endeavored to combine Jewish orthodoxy with the rationalistic trends of his time. This was the problem that concerned all theologians of his time, Jewish as well as Christian.

Considering Wormser's interest in scholarship, one can not refer his miracle-healings to old cabbalistic leanings alone. True, in his lifetime the rise of a scientific way of miracle-healing, under the name of "Mesmerism" had created a sensation in Europe.[11] It is unlikely that Wormser should not have learned of Mesmer's "animalic magnetism" during his stay in Frankfort or Mannheim, and not have combined this then famous theory with his own cabbalistic views. Practitioners and theoreticians of magic healing were very numerous at that time. They came from three different ranks: from medicine and science came such men as Mesmer, Wolfart, Windischmann, Koreff; from theology Gassner, Hohenlohe, and Wormser; and from the rank and file of uneducated people such a figure as the Frankish peasant Martin Michel.[12]

[11] "Mesmerism" or "animalic magnetism" introduced into medicine magnetism, which had been applied already by Paracelsus early in the sixteenth century. It was based on the assumption of the existence of magnetism in every being. According to this doctrine, individuals gifted with magnetism are endowed by nature with healing power.

[12] On Franz Anton Mesmer (1734-1815), see R. Tischner, *F. A. Mesmer* (1928).—On David Ferdinand Koreff, F. von Oppeln-Bronikowski, *D. F. Koreff, Serapionsbruder, Magnetiseur, Geheimrat und Dichter* (Berlin, 1927).—On Karl Joseph Hieronymus Windischmann (1775-1839), Karl Christian Wolfart (1778-1834), Johann Joseph Gassner (1727-1779), Prince Alexander von Hohenlohe-Waldenburg-Schillingsfürst (1794-1849), cf. the pertinent articles in the biographical dictionary, *Allgemeine Deutsche Biographie.* On Gassner, also Georg Pfeilschifter, "Des Exorzisten Gassner Tätigkeit in der Konstanzer Diözese im Jahre 1774," *Historisches Jahrbuch der Görresgesellschaft,* LII (1932), p. 401 ff.

All these men were contemporaries of Wormser. The methods of the trained physicians and scientists among them were certainly different from those of the laymen and mystics. But these differences do not weigh heavily. Even the scientists had sometimes to take refuge to mystical explanations of their "magnetic" treatments. The mystic theologians, on the other hand, could not entirely forego scientific considerations in so far as they had access to them.

Magic healing without scientific training or understanding was more frequent among Catholics and Jews than among Protestants. It was therefore more popular in Southern Germany, which was predominantly Catholic, than in the Protestant North. Gassner and Hohenlohe were Catholic priests, and they practiced their art of healing in the same regions of Southern Germany as Wormser. Both were Wormser's neighbors, topographically as well as spiritually. The Catholic priests as well as the rabbi derived their ideas from that ancient mystical inheritage which had been common to Judaism and Christianity. Gassner and Hohenlohe seem to be most akin to I. L. Wormser. They were semi-scholars of his own type, by far more interested in the practical tasks of a theologian than in theologic scholarship. All three were abused and ridiculed by those of their correligionists who were devoted to religious ethics. To those of a mystical disposition they appeared as venerable men of God, endowed with special qualities. The Catholic priests were subjected to the control of their religious superiors. One day Gassner was forbidden to continue his healing practice. He had to retire to a small parsonage in the country, where he lived under conditions similar to those of Wormser. Prince Hohenlohe could overcome his superiors' suspicions by virtue of his noble birth and personal connections, but was, nevertheless, exposed to distrust.[13] There was no such restriction in the case of rabbi Wormser, who could carry on his activities freely and unhampered. Needless to add that

[13] Cf. Sebastian Merkle, "Zur Beurteilung des Wundertäters Alexander von Hohenlohe," *Historisches Jahrbuch,* LV (1935), p. 371 ff.

Judaism in itself imposed some kind of limitation on the practice of mysticism.

It is the general background described above which, in addition to the specific biographical data, enables us to understand a personality of rabbi Wormser's type and to assign him his place in history. In a period when religious leaders such as Samson Raphael Hirsch and Abraham Geiger were striving for a renaissance of Judaism in a new world of modern thought and life, Wormser attempted to apply old cabbalistic teachings by means of somewhat modernized methods. Had he lived like Mesmer in Vienna or Paris, he would probably have attracted greater attention and exercised a more conspicuous influence on his contemporaries.

HISTORY OF THE JEWISH PHARMACY (JUDENAPOTHEKE) IN PRAGUE

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The First Jewish Pharmacy In Germany

THE Bible distinguishes clearly between the following three groups:

(1) the physician (רֹפֵא *Rofe*);[1]

(2) the man who knows how to make certain mixtures such as powder, oils, or salves, (רוֹקֵחַ רֹקַח *Rokeach*).[2]

If made by such an expert, these mixtures have a special name for which the designation "pharmaceutical products" may be used, (רֹקַח);[3]

(3) the merchant, who sells the materials like spices, oil, resin, and others which can be used by the pharmacist (רכל *Rochel*).[4] The expression *Rochel* is also generally used for a merchant dealer.[5]

There is definite proof that in Roman times dealers like the biblical *Rochel*, selling salves, ointments, or raw materials for pharmaceutical and cosmetic purposes, lived even in such remote Roman colonies as Colonia Agrippina (Cologne), as early as the second century.[6] Lampridius mentions them under the name of *seplasiarii*;[7] and a tomb-

[1] Genesis, 50:2; Exod. II Reg., 20:5; Jerem. 8:22; Psalms. 103, 3; 147, 3; Chron. II 16, 12.

[2] Exod. 30:35; 37:29; Eccles. 10:1.

[3] Exod. 30:35.

[4] Ezech. 27:17; 22; Cant. Cant. 3:6.

[5] Reg. 1, 10:15; Ezech. 17:4, 13, 17, 22; 27:3, 23; Nehem 3:31, 32; 13:20; Nahum 3:16.

[6] Alfred Schmidt, *Die Kölner Apotheken* (Cologne, 1931).

[7] Aelius Lampridius; *Elagabali Vita*, 30, Inscriptiones Orelli 4202, 4417. The expression seplasia occurs repeatedly in Plinius, *Historia Naturalis* 16:10; 34: 11.

stone of such a seplasiarius of the second century was found and preserved in Cologne.[7a]

Arabian medicine in the medieval period had a well developed idea of pharmaceutic activities, but it was not until the twelfth century that a strict separation between the profession of a physican and that of a pharmacist was ordered in Europe by law.

Apparently the first mention of a real pharmacist in Germany is found in Cologne about 1206.[7b] Another early mention occurs in the Chronicle of Trent in 1241. In the fourteenth-century in rules and regulations of German towns sometimes boundaries are set up for both the physician and the pharmacist.[8] In such regulations, fee-splitting between physician and pharmacist is strictly prohibited.

However, it was a long time before a really modern distinction was made between the activities of

(1) the doctor who treated the patient and made out the prescriptions, and in olden times also had to supervise the filling of his prescriptions by the pharmacist;

(2) the pharmacist who filled the prescriptions; and

(3) the druggist, or "materialist", who supplied the pharmacist and other customers with the necessary raw materials.

Even in the sixteenth century when in Europe and especially in Germany the pharmacists or apothecaries were already members of licensed professions and their stores supervised by an authorized commission, the pharmacy was still very different from a European pharmacy of our day. According to a decree of the "Nürenberger Rath" of 1505, even a man who was no pharmacist at all could obtain a license for a pharmacy, providing he had an employee who was trained as a pharmacist. The great German painter, Lukas Cranach, for instance, was the owner of such a pharmacy in Wittenberg, where his son-in-law was really the acting pharmacist.

[7a] See *supra*, note 6.
[7b] See *supra*, note 6.
[8] Herman Peters, *Aus pharmaceutischer Vorzeit*, I (third ed., Berlin, 1910).
[8a] See *supra*, note 8.

In the pharmacy of the sixteenth and seventeenth centuries, many articles were sold which we no longer expect to buy in a pharmacy today. One of the main goods which the pharmacist had to have in stock beside his drugs, and which other stores generally did not carry, was sugar. Sugar was at that time very rare and expensive. That not even every pharmacist was well supplied with it can be derived from the saying, "Ein Apotheker ohne Zucker ist fürwahr ein armer Schlucker" (A pharmacist without sugar is indeed a poor devil). In addition to sugar, the public was sure to find spices in a pharmacy. In France in the sixteenth and seventeenth centuries the title of royal pharmacist and spice dealer ("Apothicaire-Epicier du Roy") was used.[8b] From the year 1554 the case of a pharmacist is reported who was licensed to sell spices and wine besides his pharmaceutical products.[8c] It was in all probability only heavy wine, which could be sold by a pharmacist in small amounts for medical purposes. The picture of the interior of an Italian pharmacy of the fifteenth century shows among the exhibited goods still others such as candles, cookies, etc.[9]

A modern European pharmacist would feel insulted if he should be asked to sell anything except drugs. In fact he leaves the selling of such things as sugar, cookies, candles, beeswax, etc. to the druggist or "materialist" or other merchants. A remainder of the old-time pharmacy preserved from Colonial times still exists in the form of the American drug store. But even the owner of such a drug store would refuse services which were expected from the pharmacist of the sixteenth century as can be seen in the official price list for pharmacists issued in 1582, in Worms.[9a] There the fee for an apothecary's apprentice is given if his master sends him out, or if he is to accompany a doctor to give a patient

[8b] *Statutes de la Faculté de Medecine en l'Universite de Paris* (Paris, 1672).

[8c] See *supra*, note 8.

[9] R. Forrer, *Spätgotische Wohnräume und Wandmalereien aus Schloss Issogue* (Strasbourg, 1896).

[9a] See, *supra*, note 8.

an enema, or to do some other work which today would be done by a nurse.

Such was the status of pharmacies in general in the sixteenth and seventeenth centuries in Europe, and especially in Germany. Therefore, one should not expect conditions to have been better in the Jewish ghettos of that period.

As is well known, Jewish physicians enjoyed great renown from ancient times and, especially in the Arabian era, were outstanding in the fields of medicine, science, and philosophy. Their skill and reputation remained undisputed even during the time of their persecution by the Christians, and despite the isolation imposed on them by governmental laws. The Jewish physicians unquestionably also supplied their patients with the appropriate medicines, as we know for sure in the case of the Jewish court-physician of Emperor Konrad II, and the Jewish physician of Archbishop Bruno of Trier.[10] But there is no definite reference to Jewish pharmacists operating a special apothecary shop or drug store at that time. In the previous historical literature, the distinction between physicians making their own medicaments and giving drugs to their patients, on the one hand, and pharmacists independent from the profession of the physician is not clearly made.[11] That Jewish pharmacists must have existed in the fourteenth century can be seen from a special decree of the Synod of Avignon in 1341, which permitted the purchase of drugs from Jewish spice dealers and pharmacists.[12] In the decree of the Synods of Avignon of 1241 and 1341, Jews are especially mentioned as wholesale dealers in drugs, and according to Schelenz who was outstanding in this field of medical history, a large part of the wholesale trade in drugs and their import was in the hands of Jews during the Middle Ages.[13] The fact that archbishops and emperors had Jews as their physicans and pharmacists, even at the time of Jewish

[10] Hermann Schelenz, *Geschichte der Pharmazie* (Berlin, 1904), p. 321.

[11] For instance, by L. Glesinger, "Beiträge zur Geschichte der Pharmazie bei den Juden", *MGWJ.*, LXXXII (1938), pp. 111, 417.

[12] Schelenz, p. 342.

[13] Schelenz, p. 363.

persecutions, is proof of their confidence in Jewish skill and conscientiousness. Sometimes a government reached this conclusion only after sad experience. This appears from a license granted after the plague in 1592 in Neu-Ruppin. A Jew, Moses Stenger, and a non-Jewish pharmacist received a license at that time to operate a pharmacy in Neu-Ruppin, near Potsdam, in the province of Brandenburg, and the exclusive privilege of selling in large quantities as well as in retail ("nicht allein loth-und pfundtweis, sondern dem gmeinen Mann zu Pfennigen") the following goods: Seeds of certain herbs (Schwaden), rice, good soap, sugar, and spices. This collection gives us an idea of the stock of the first licensed Jewish pharmacy in Germany in the sixteenth century.[14] Moses Stenger was the first Jew known to have been a privileged pharmacist in Germany (1592). He was a rare exception to the usual discrimination and intolerance against Jews there. We learn of another such laudable exception only in the seventeenth century.

This special case of a Jewish apothecary in the seventeenth century may be mentioned here because it bears a close relationship to the Jewish pharmacy of Prague.[15] In the archives of the Collegium Pharmaceuticum of Nuremberg various documents of the seventeenth century were preserved relating to the question of whether or not a Jew should be permitted to run a pharmacy. According to these documents, there lived in the little village of Fürth a Jew named Löwe who illegally established a kind of pharmacy which was later run by his sons despite the fact that in the seventeenth century a non-Jewish pharmacy already existed in the same village. Fürth was a little town in Bavaria where Jews had been permitted to settle since 1528.[16] A complaint of the non-Jewish pharmacists asking that the practice of the above mentioned "Löw Judt" be stopped mentions a previous decision ordering him to close his pharmaceutical office and sell the stock some miles away from the village. But, as the docu-

[14] Wernicke, *Pharmazeutische* Zeitung, 1901, p. 479.
[15] See Peters (*supra*, note 8).
[16] *Encyclopaedia Judaica*, VI, (Berlin, 1930), p. 1212.

ments prove, this order was not obeyed, and his sons later continued to officially run the pharmacy, to prepare medicines, and to fill prescriptions. The complaint states that these pharmacists began to appoint Jewish servants and to teach Jewish apprentices to promulgate among the Jews the profession of pharmacist. To stop such a procedure once and for all, the Nuremberg Collegium of Pharmacists decided to submit this generally important case to the highest court, the Domkapitel at Bamberg. The question seemed to be of such importance that the Collegium of Pharmacists, to support its request, asked the medical faculties of the universities of Jena and Leipzig for their expert opinion, as well as that of the Dean of the College of Physicians of Augsburg. Each of the three experts asked decided that it was absolutely not permissible for a Jew to be a pharmacist. They found that it should be the Christian physician's responsibility to prevent such a thing. The reasons for their decision are partly religious. Partly they are based on the often repeated false accusation, uttered against the Jews in times of plague, that they had poisoned the wells or that they had killed children and that, therefore, no Jew should be permitted to handle drugs. Besides, it was emphasized in these opinions that the existing Christian pharmacist of Fürth should be protected against the Jewish competition. It was also stated that in the Regulations of Pharmacists, article 25, 5, and in the Frankfort Regulations for Pharmacists, tit. 11, 20, Jews are expressively forbidden to prepare or distribute drugs, and it was mentioned that no conscientious Christian physican mindful of his duties as a graduate doctor could give a Jewish pharmacist assistance, thus helping to injure a Christian pharmacist. The most interesting part of the entire law-suit is the decision which the highest authority, the Domprobst of Bamberg, made answering all of these complaints, in 1677. He decided that the demand of the College of Pharmacists was unjust, because the Jews were recognized in different *Reichstagsabschieden* as *cives imperii* and as such were entitled to learn and to practise the crafts. It was especially pointed out that this Jewish pharmacist in Fürth had complied with

all legal prerequisites and examinations necessary for operating a pharmacy. From this decision we learn also that possibilities already existed for the examination of Jewish pharmacists. Unfortunately at present the Nürenberg archives, even if not destroyed, are not accessible. Therefore, we are unable to discover from the original sources in greater detail where such examinations for Jews were given. Perhaps it was outside of Germany since at that time in Padua and in Holland, Jews were able to obtain even a doctor's degree in medicine. Among the first Christian pharmacists in Germany we find also many Italians. In the fifteenth century, the first Christian sworn in as a pharmacist of Frankfort on-the-Main was a man apprenticed in Venice, where this profession was developed and cultivated much earlier than in Germany. For instance, J. D. Falcaud de Luca in 1357 was one of the first pharmacists in England, and in Vienna two Italians from Venice were among the first there, in 1350.[17]

The First Jewish Pharmacists in Prague

The interest of the non-Jewish population in the sixteenth and seventeenth centuries, concerning the provision of pharmaceutical supplies for the Jewish population, was ruled mainly by two viewpoints: first, to prevent competition for the non-Jewish pharmacist even if he were not always reliable; second, to prevent the spread of contagious diseases in cities with a large Jewish population confined to ghettos, as in Prague, by providing this Jewish population with urgently needed physicians and pharmacists. Documents show that in the seventeenth and eighteenth centuries, there were several terrible epidemics of plague which decimated the population of Prague: the plague of 1613; the plague of 1679-1680; and finally the last epidemic of bubonic plague in Europe, the outbreak of 1713-1714.

Concerning the Jewish community of Prague it can be stated that in 1546 there existed as yet no Jewish pharmacy or pharmacist, independent from a physician. From this year, there exists a document concerning the census of the Jews in

[17] Alfred Schmidt (*supra*, note 6), p. 14.

Prague.[18] In spite of the fact that in this document, to the name of each Jew his profession or occupation is added, not one among all the mentioned persons is designated as a pharmacist or apothecary. The names of various physicians like Moyzis Lekarz, Izdrahel Lekarz, David Lykarz, Uryas Lykarz, Isak Lekarz are found there. The world Lekarz or Lykarz means "physician" in the Czech language. It should not be assumed that each of these five persons called Lekarz or Lykarz was really a practising physican in Prague in 1546. The name of the profession was usually retained as a family name. But it proves that, whereas the profession of physician was well known among the Jews of Prague in 1546, that of pharmacist was not.

In the same census, also other occupations connected with practicing medicine and hygiene are mentioned: a barber (*Moyses ktery brady strziha*) born in Brunswick, a bathing-attendant, a grave-digger, and male and female nurses. The census contains about 1,000 persons, the heads of families. The fact that none of them are entered as pharmacists, seems to prove that this profession, independent and divorced from that of physican, did not yet exist within the ghetto of Prague, at least legally, in 1546. Another proof for this supposition is that among the inscriptions on tombstones in the old Jewish cemetery in Prague, we do not find anyone designating a pharmacist earlier than in the seventeenth century.[19]

The non-existence of Jewish pharmacists in Prague in the middle of the sixteenth century is not extraordinary if we consider that in Berlin, for instance, the first privileged Christian apothecary did not obtain his license until 1488.[20] In the seventeenth century the non-Jewish pharmacists of Prague protested in a petition of May 5, 1650 against granting

[18] Document J 4/1 DN 297, Starà Registratura (Old Register), in the State Archives of the Ministry of Interior of the Czechoslovak Republic in Prague. This source will be cited henceforth as St. A. M. I. P.

[19] David Kaufman, *Die Familien Prags nach den Epitaphien des alten jüdischen Friedhofs in Prag*, zusammengestellt von Simon Hock (Presburg, 1892), to be cited as Hock-Kaufmann.

[20] Pagel, *Die Entwicklung der Medizin in Berlin* (Wiesbaden, 1897).

a license to an Army pharmacist in their town by emphasizing that they had already too many pharmacies there, namely nine, and that no more should be added, ("auf der kleinen Seite alleinig 3, in der Altstadt 5, und in der newen Stadt eyner, und nit mehr sein sollen").[21] They mentioned at the same time that Hamburg, a city larger and much more populated than Prague, had no more than three pharmacists.

There is no question that the Jews in the ghetto of Prague in the sixteenth as well as before the sixteenth century needed drugs and were supplied with them. They obtained them not only from the Christian pharmacies, where they could never be sure that the drugs would not contain ingredients forbidden by Jewish law, such as pigs' fat, and that they were not made from all the different animals used at that time pharmaceutically, or that wrong things were sold them by any malevolent Christian pharmacist. Thus one can conclude that up to the seventeenth century, the Jewish physician was both physician and pharmacist, as were the Christian physicians in ancient and early medieval times.

The first mention of a Jewish pharmacist in Prague can be found in documents of the seventeenth century. Since these documents were governmental land registers (*Grundbuch*), the profession of a pharmacist at that time not only existed among the Jews but was licensed or at least legally tolerated. The family names of the first Jewish pharmacists in Prague prove that they had immigrated from foreign countries. This fact, too, is not surprising. At that time, the study of medicine or pharmacy in Prague was not only impossible for Jews but also extremely difficult for Christians, because in the sixteenth and first quarter of the seventeenth century the medical Faculty of the University of Prague was practically non-existent.[22]

The family names of the first Jewish pharmacists in Prague indicate that they had come from Italy. There, the admission of Jews to certain universities such as Padua was

[21] St. A. M. I. P., A 36/6, Starà Registratura.

[22] Wenzel Wladiwoj Tomek, *Geschichte der Prager Universität* (Prague, 1849).

permitted. In the families of these first pharmacists in Prague some members were physicians and others pharmacists.

In a document of March 21, 1635 concerning the so-called Liechtenstein houses, a house of the Jewish brothers Impressor (printers) is mentioned, which was situated next to the house of "Zacharyase Wenedigera Appatykarze" (i.e., Zacharias from Venice, pharmacist). He is the first Jewish pharmacist in Prague. It seems that as soon as the first Jew was granted the permission to practice this profession, others followed quickly. In the middle of the seventeenth century, we find several pharmacists in the ghetto of Prague. In a document of May 24, 1672,[23] heirs of Zacharias Nantua, a former Jewish pharmacist of Prague, are mentioned.[24] According to the land registers of the Jews of Prague, called *Liber Albus Judeorum*, he was recognized in his profession since on September 6, 1667, he is mentioned as "Zacharias Nantua Hebraeus Pragensis possesionatus pharmacopola".[25] In this document, he stated that his father, Elias Nantua, the physician, in 1633 was possessor of one of the Liechtenstein houses in Prague. According to a declaration of his son-in-law, Herschel Meissl Balbierer, Zacharias Nantua is identical with "Pessachia Apotheker". The same family Nantua had also other members who were physicians. A document of August 25, 1626 was signed by "Joseff Nantua Doktor a Žid Prazsky", (Joseff Nantua, physican and Jew of Prague).[26] In 1670, a deceased physician, Lion Nantua, is mentioned as a brother-in-law of the pharmacist Jacob Hirsch in Prague.[27] He was a son of the physician Elia Nantua[27a] and a brother of the pharmacist Zacharias Nantua. In 1622, one Rabbi Isak Neustadtl bought part of a house in the ghetto of Prague from the afore-mentioned physician, Joseff Nantua.[28] His

[23] Documents of the Archives of the City of Prague, vol. 177.

[24] "Zacharias Nantua auch gewesen Prager Jüdischen Apothekern."

[25] *Liber Albus Judeorum*, Archives of the City of Prague (to be quoted as Lib. Alb.), vol. II, fol. 498 (1667).

[26] Archives of the City of Prague, vol. 2972.

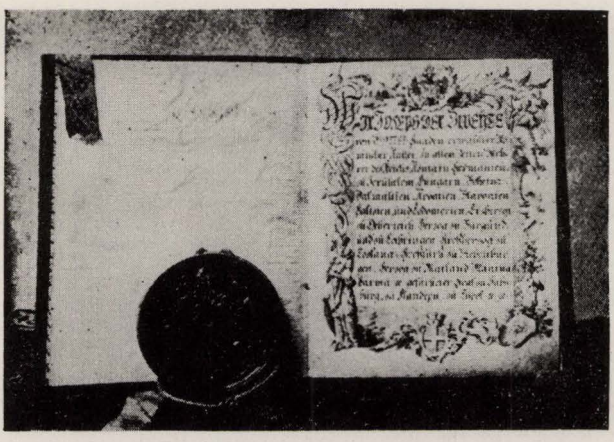
[27] "Seat Register of the Pinchas Synagogue in Prague" in the archives of this synagogue (to be cited as Sb. Pinch. Sch.), p. 236.

[27a] Koppelmann Lieben, *Gal Ed* (Prague, 1856), p. 39.

[28] Lib. Alb., II, fol. 240. On Josef Nantua, Lieben, *op. cit.*, p. 39.

No. 1

MEDIEVAL PHARMACY
Illumination in a Hebrew Avicenna Manuscript
(University Library of Bologna)



No. 3

THE DIPLOMA OF HIRSCH JEITELES
(1783)

son, Samuel Isak Neustadtl, mortgaged this house in 1666,[29] and when a year later a Jew, Jacob Josef Levi, acquired the mortgage,[30] he received the right to use the entire house. Among the rooms registered in this contract, the front house with the ground floor containing the Jewish pharmacy is also mentioned. But it is expressly stated that Levi should have no right to run the pharmacy. This shows that the pharmacy of the Nantua family, in spite of the fact that the house was sold and mortgaged, could be operated neither by the buyer nor the owner of the mortgage but only by a privileged person. The holder of the privilege was probably the afore-mentioned Zacharias Nantua, also called Pessachia Apatykarz Židowský, who was the son and only surviving heir of Elias Nantua.[31] On August 8, 1672, the Neustadtl house with the pharmacy was finally bought for the amount of 880 gulden by Jacob Josef Levi and his wife, Rückele.[32] The son-in-law of Jacob Josef Levi (also known by the name of Jöckel Slatkis) was the pharmacist Wolff Kisch. After the death of Josef Levi, Wolff Kisch bought the house and the pharmacy which he operated. When he finally bought the entire house and pharmacy in 1699, it was especially noted in the books that the store of this house opened on the street and that in this store a Jewish pharmacy had keen kept "from olden times".

The Pharmacy Operated by the Kisch Family

In the middle of the seventeenth century, there were several Jewish pharmacists in Prague. In the archives of the Chewra Kadischa in Prague, a list of all the Jewish victims of the plague of 1679-1680 was preserved. One Nathaniel, who succumbed to the plague, was designated as pharmacist. He was the son of Zacharias Nantua, the pharmacist.[32a] A

[29] Lib. Alb., II, fol. 465.

[30] Lib. Alb., II, fol. 465.

[31] Lib. Alb., II, fol. 410.

[32] Lib. Alb., III, fol. 176.

[32a] Hock-Kaufmann, p. 21, No. 7214.

Rabbi, Gerschon Apotheker, whose daughter became a victim too, is also mentioned.

From 1650 on, one "Jacob Zwi" (Zwi is the Hebrew term for Hirsch), also called "Jacob Hirsch" and "Jacob Hirschl Apotheker", is repeatedly mentioned in the land register of the Prague Jews. In 1650, he and his wife, Rachel, bought a part of a house in the Prague ghetto from Fischl Jcob Epstein.[33] Jacob Hirsch, the pharmacist was the father-in-law of a man who migrated to Prague from a little town, Chisch, in the sixteenth century also called Kisch and Kiesch, near Elbogen in Bohemia. Like his father-in-law, he was an apothecary by profession. His name was Hirsch, son of Jacob from Kisch. This son-in-law had, like his father-in-law, the name Hirsch and the profession of a pharmacist. To avoid confusion he was soon called after his birthplace, Hirsch Kisch. The name Kisch was kept by his sons and grandsons who took over the profession. In the signature of documents and on the tombstones either Kisch or Kisch Apotheker or Kisch Rokeach (Hebrew, "the man who prepares salves," or pharmacist) is given as their name. The pharmacist, Jacob Hirsch, was the son of a physician Salomo.[35] He died in 1673 in Prague after having been a trustee (*gabai*) of the Pinchas Synagogue for twenty years. In 1650 he had bought a house in the Prague ghetto.[36] His sons, Solomon and Matthias, were mentioned in the *Liber Albus Judeorum* as pharmacists. But there is no proof whether, and for how long, they really operated their father's pharmacy, or whether they were called Apotheker, the second name having been taken merely from their father's profession. In

[33] Lib. Alb., II, fol. 405, Archives of the City of Prague, Vol. 2972, fol. 64; Lib. Testimon., 5, fol. 49.

[34] Sb. Pinch. Sch., fol. 133 and 189.

[35] Hock-Kaufmann, p. 21. There the date of his death is given as 1659. But in the copy of the inscription on his tombstone, preserved in the archives of the Chewra Kadischa in Prague, it was given as 1673. The inscription on his tombstone gives the year 433 (1673) as date of his death in the form of an acrostychon. In Lib. Alb., fol. 405 (1671) he still is mentioned as living.

[36] Lib. Alb., II, fol. 405; and Archives of the City of Prague, vol. 2972, p. 64.

1688, Wolff Kisch, the son of the apothecary Hirsch Kisch, together with his bride, Esther, daughter of David Jaiteles, bought a claim of 250 gulden, which a nobleman, Wilhelm Arnold Giltea von Altbach, had against his uncles, Matthias Apotheker and Solomon Jacob Apotheker.[37] Jacob Zwi is mentioned as pharmacist for the first time in 1648, when he bought a seat in the Pinchas Synagogue.[38] In 1673, Hirsch, son of Jacob Kisch, bought for himself and his wife seats in the same synagogue from his sister-in-law, Esther, daughter of Jacob Apotheker.[39] On the same page of the afore-mentioned document,[38] it is also mentioned that, in 1698, Wolff, the son of Rabbi Hirsch Kisch, was the owner of the same seat, and there is a notation explaining his right of possession: "The mentioned seat was given to his father from the aforementioned Jacob as dowry and real donation, as can be seen from the engagement contract, and because the mentioned Rabbi Hirsch donated this seat to his son, Rabbi Wolff."

The pharmacist, Hirsch Kisch, practiced his profession first in a different location from that of his father-in-law.[40] His store was in the "Naftel-Karpelis Gewölbe", in the vaulted room where he sold "seine Artzneisachen nebenst der sonst ordentlich fail habenden Gewürtz" (his pharmaceuticals besides the other spices usually sold). He must have been living in 1685 and 1686 because during these years there are still two columns under his name in the business tax book of the Jewish community in Prague (page 98). Besides the two pharmacies, the one of Jacob Hirsch, and the one of his son-in-law, Hirsch Kisch, we find, in the second half of the seventeenth century, a third Jewish pharmacist practicing in Prague. He had come from Fürth in Bavaria, where a Jewish pharmacist, previously licensed, had tried to teach Jewish apprentices his profession. This new pharmacist is not mentioned in the business tax book of the Jewish community of Prague before 1686. His name appears for the

[37] Lib. Alb., II, fol. 405, and VI, fol. 230.

[38] Sb. Pinch. Sch., page 189.

[39] Sb. Pinch. Sch., page 133 and 366.

[40] Lib. Appellationum in the Archives of the City of Prague (to be quoted as Lib. App.), vol. 1032.

first time in the book of 1686-1687 (page 103). His name was also Hirsch. Since he, too, was a son-in-law of the pharmacist Hirsch Zwi of Prague, he was called Hirsch Fürth to distinguish him from the pharmacists, Jacob Hirsch, and his other son-in-law Hirsch Kisch. His second name as that of his brother-in-law, was derived from his native town. His wife, the daughter of the pharmacist Jacob Hirsch, died in childbirth, in 1686.[41] Hirsch Fürth was the son of the Jewish physician, Löbl Roffa of Fürth.[42] He claimed to have learned his profession in Fürth.[43] At the beginning of his stay in Prague he operated his pharmacy without obtaining an official permit. This was regarded not only as illegal but also as dangerous.

By 1672, there had already been complaints against the Jewish pharmacies in Prague. Whether these complaints were justified or only due to the envy of Christian competitors cannot be established. However this may have been, on September 3, 1672, a decree was issued by the Royal Governors of Bohemia to the University of Prague deciding that since much inconvenience and harm arose from the Jewish pharmacies because they sold various forbidden and harmful things, they should be restrained, under severe penalty, from selling any pharmaceuticals to Christians. But they should be permitted to use their pharmacies for the purpose of supplying themselves.[43] This decree shows that in 1672 there was more than one pharmacy in the ghetto of Prague, but also something about the spirit of the Governor toward the Jewish ghetto. The Jews were permitted to buy and use those pharmaceuticals which were supposed to be extremely harmful for the Christian population. The pharmacy of Hirsch Fürth was ordered to be closed by the government on July 21, 1681.[44] In the same decree the elders of the Jewish

[41] Hock-Kaufmann, p. 21, No. 9006. The inscription on her tombstone translated from the Hebrew text reads: "Perl daughter of Jekel the pharmacist, wife of Hirsch the pharmacist from the holy community of Fürth".

[42] Lib. Alb., VII, fol. 17.

[43] Guido Kisch, *Die Prager Universität und die Juden* 1348-1848: *Mit Beiträgen zur Geschichte des Medizinstudiums* (Mährisch-Ostrau, 1935), p. 131, 133 (henceforth cited as G. Kisch).

[44] Lib. App., vol. 1032, p. 421.

community were informed that "if they want to have more than one pharmacy they must ask for it by applying either to His Imperial Majesty or the Royal Governor in Prague." From this decree it appears that, after the death of Jacob Hirsch in 1673, his son-in-law, Hirsch Kisch, was the only licensed pharmacist of the Jewish community in Prague, and that the government did not intend to admit another. The same decree was upheld in 1682 and 1693. But, in spite of this fact, Hirsch Fürth apparently continued to sell medicines, and had protectors among the Jews.

In 1693 "Hirschel Fürth" is mentioned as owner of the "verstatteten neuen Apotheken", which means Hirschel Fürth's assumed new pharmacy.[44] In 1681 this tolerated but not licensed pharmacy was ordered by the government to be immediately closed, and by the Elders of the Jews to be sealed ("alsogleich zu verpetschieren"). This decision was confirmed in 1700 as long as Fürth had not applied for and received the consent of the Faculty.[44a] More about Hirsch Fürth and his pharmacy can be learned from the protocols of the Medical Faculty in Prague.[45] In 1700 he was summoned to the Faculty to testify in a lawsuit of the physician Marcus Beran who accused him of treating patients.[45a] When the Faculty had to decide whether the Jewish pharmacies should be inspected as were the Christian ones, a protocol of April 11, 1707 stated literally: "There are physicians knowing that the Jews before had only one pharmacy and that the other began to work only about two years before the plague (the plague of 1679-1680) but how and *quo jure* have they done that? Then the Jews should be asked for information about what happened since 1693 privately among them." There it is also mentioned "that the Jewish pharmacists sell poison and other detrimental things, therefore it would be justified to stop them in running pharmacies".[45b] In 1705, another governmental decree was issued stipulating that the Jews were

[44a] G. Kisch, p. 135.
[45] G. Kisch, p. 140.
[45a] G. Kisch, p. 133.
[45b] G. Kisch, p. 140.

forbidden traffic in, and the sale of, poison. But this did not end the license for operating the Jewish pharmacy.[46]

Finally, in 1707, even the pharmacist Hirschl Fürth succeeded in obtaining a license for his hitherto illegal pharmacy. On August 13th, the Dean of the Medical Faculty in Prague gave an order to "hand to the Jewish pharmacist Fürth the copies or documents concerning his Jewish pharmacy."[47]

The question of the Medical Faculty, as to what happened among the Jewish pharmacists after and during the year 1693, hints at a serious struggle among the Jews concerning their pharmacies. In 1693, Wolff Kisch, the licensed Jewish pharmacist of Prague, complained to the government that the Jews wanted to take his pharmacy away from him and to appoint a new pharmacist and that they were trying to create a new charitable brotherhood to care for the sick, damaging him in his profession.[48] A report to the Royal Governors signed by the burgomaster and counsel of the Old Royal City of Prague, August 3, 1693, gives an interesting picture of the quarrels of this pharmacist with the Jews in Prague. The Jewish Elders were summoned before the municipal board for a hearing, and at first denied that any of Wolff Kisch's claims were justified. But later they admitted that there was a decision of the Elders of the Jewish community not to let him fill any more prescriptions for needy Jews who had their drugs paid for by the community's "Almosen Vorstand", nor to buy any longer in Wolff Kisch's pharmacy. The pretext given was that his pharmaceuticals were not good and that the sick Jews were not well supplied by him. Therefore, it was resolved that the trustees of the alms and the Jewish doctors and all Jewish barbers should send their prescriptions for needy sick Jews to be paid for by the community, not to Wolff Kisch but to "Herschel Ferth". Those who would act against this law, should be punished by a fine of 100 ducats.

[46] St. A. M. I. P., Fasc. 4/14, Stara Registratura.

[47] G. Kisch, p. 140.

[48] Lib. App., 1693, p. 414 and 416; Lib. Missivarum Veteris Urbis, in the Archives of the City of Prague, vol. 392, p. 152.

This decision was very peculiar, not only because of the threatened high fine, but also because it favored the unrecognized pharmacist, against, whom the government had repeatedly issued decrees in order to close his pharmacy. The cross-examination of the witnesses disclosed that this decision was made in the absence of some of the Jewish elders and without hearing the defendant Wolff Kisch. Moises Abeles, for instance, at that time Primas of the Jews, said that he was absent and that he, as the highest personality among the elders, protested against the decision because he and some other elders had not been asked, and that his opinion would have been not to decide the matter without hearing Wolff Kisch. Some of the elders thought that both pharmacists should be entitled to fill prescriptions. A most interesting feature is the testimony of one of the elders, Wolff Freundt, who declared that Wolff Kisch always had supplied the sick with good drugs and that the proceeding had been instituted "ex passione", that is, because of prejudice. Wolff Kisch remained the privileged pharmacist and, on June 12th, 1699, bought the house in which the old Jewish pharmacy was kept, from the heirs of Jöckl Sladkis.[49]

The quarrel between the two Jewish pharmacies found its end in a decision of September 7, 1693.[50] Hirchel Fürth was ordered to close his new pharmacy as had been ordered on July 21, 1681. If the Jewish Elders wanted to have another pharmacy besides the existing one, they should turn in an application to His Majesty or the Royal Government (Statthalterei) within six weeks. Hirschel Kisch, called in this act "Prager Jüdischer Apoteker" (Jewish pharmacist of Prague) should remain unmolested in his profession and in his contracts with the Jewish Charitable Brotherhood which took care of the sick, and a similar new contract should be made according to the order of October 12, 1693, by the Royal Governor, Wentzel Adelbert, Count of Sternberg. In this document, for the last time, Hirschel Kisch is mentioned as a privileged pharmacist of the community. Whether this was

[49] Lib. Alb., VIII, No. 4821, fol. 130.
[50] Lib. App., vol. 1032, p. 421.

really Hirschel Jacob Kisch or his son, Wolff Hirschel Kisch, is doubtful because Wolff, the son of Hirschel Kisch, at that time was already a practicing pharmacist in the Jewish community of Prague. In 1693, he was the one involved in the quarrel with Hirschel Fürth, the unlicensed pharmacist.

Wolff Kisch's pharmacy was a fairly large enterprise. In 1699 it consisted of the main floor of the Jäckl Sladkis house which was bought by Wolff Kisch in the same year.[51] This document mentions as his privilege the right to use the tabernacle, which existed in every Jewish house of the ghetto in Prague, not only during the holidays for his meals, but also for drying the herbs for his pharmacy, and to have his pharmaceutical herbs stored there during the entire year. On the ground floor of this house a room with windows and doors opening into the street was to be used by him. There was also a fireplace in this room which probably served as a laboratory. In the sixteenth and seventeenth centuries it was very common for a customer to obtain his goods through the window while standing outside the pharmacy. In the pharmaceutical room there was the laboratory as can be proved from pictures of non-Jewish pharmacies of the seventeenth century. This seems to have been the case also in the Jewish pharmacy of Prague. On the ground floor there was a vaulted room (Gewölb) with a store opening on the street where, as mentioned in the Liber Albus, "from olden times a Jewish pharmacy was in operation", and next to this there was another vaulted room which could be entered from the pharmacy. All this was purchased by Wolff Kisch together with the privilege of running a pharmacy. When, in 1702, Wolff Kisch married again, (this time the daughter of the afore-mentioned Jaekl Sladkis), he insured his bride's dowry by a mortgage to the amount of 1,500 Rhenish gulden in case of his death. This mortgage was given on the house containing the family pharmacy.[52] A document shows that Wolff Kisch's son, David Kisch, after his father's death on reaching majority in 1718, took over the pharmacy.

[51] Lib. Alb., VIII, fol. 131.
[52] Lib. Alb., VIII, fol. 427.

From all this it is apparent that Wolff Kisch's pharmacy, at the end of the seventeenth century, was of respectable size and had good working facilities. But at that time such an establishment needed more than that for its reputation.

Inspection ("Visitation") by the Medical Faculty

The problem of a regular inspection of the Jewish pharmacy was repeatedly considered by the Prague Medical Faculty. Wolff Kisch himself urged such a procedure which was the final acknowledgment that his pharmacy had the status of a legally recognized enterprise. In 1702 and 1705, the Medical Faculty of Prague emphasized that the Jewish physicians, pharmacists, barbers and midwives were under the supervision of that Faculty; they were to be examined and approved by it.[52a] In 1706 Wolff Kisch submitted a request for regular inspections of his pharmacy by the competent commission of the Faculty, to be carried out in the same manner as those of the Christian pharmacies. This demand of Wolff Kisch provoked an important discussion in the Faculty meeting of December 14, 1706. The minutes of this meeting were published in G. Kisch's book on the University of Prague and the Jews (p. 139 ff). According to the protocol, even before 1706 two members of the Faculty, Crusius and Vogt,[54] were ordered to inspect the Jewish pharmacy. However, it seems that this was never done, for in the meeting of 1706 Crusius, admitting the order, suggested first asking the Christian pharmacists whether they had any objection. Another participant in the Faculty meeting (Pollentius) stated that it was forbidden (for Christians) to buy medicaments from Jews; therefore, he thought it was not possible to approve their pharmacy by regular visitations. A third Faculty member (Jäckl), pointed out that such an approval would damage the interests of the Christian pharmacies in Prague. To prevent such an effort Fuchs suggested

[52a] G. Kisch, p. 136, 137.

[53] G. Kisch, p. 139.

[54] Both these names do not appear in W. W. Tomek, *Geschichte der Prager Universität*. Crusius and Vogt were not professors, but as physicians members of the Faculty.

inspecting the Jewish pharmacy but not approving it (non ut videatur approbari, sed ut visitetur). The final decision was not even as favorable as this suggestion. The Dean, with the majority, decided that the Jewish pharmacy should be inspected, but first the Christian pharmacists should be asked for their opinion.

In March 1713, when the outbreak of the plague in Prague made everyone aware of the imminent danger, a commission was finally sent, consisting of the physicians Wentzel Ignatz Pawlowsky and Adam August Jäckel, who were both "geschworene physici" (sworn in as health officers), and of Johann Adam Riedel and Reinhard Leisten, both surgeons (Alt-und Neustädter Chirurgi), to visit unexpectedly the Jewish pharmacies as well as the Jewish hospital and other houses in the ghetto of Prague.[55] It was then too late. The bubonic plague soon decimated the population of Prague, and it was no use to blame the Jewish patients and pharmacists for this event as did the Dean of the Medical Faculty in 1714. At that time, however, what he writes may have been true, namely that the Jewish pharmacists in Prague were inexperienced people unable to prepare the right medicines.[56] Wolff Kisch was already dead at that time, and his son and successor in the pharmacy was still an unexperienced youth. Wolff having been especially exposed through his profession to infectious diseases, died on the day of atonement 5474 (1713), as a victim of the epidemic of bubonic plague, mourned by his family and the entire Jewish community of Prague.

The Pharmacy after Wolff Kisch's Death

After Wolff Kisch's death, the pharmacy may have been run by his brother-in-law, Löbl Jaiteles' son Mischl, who finally became the owner, or perhaps by Wolff Kisch's minor son, David Wolff Kisch. David Kisch was regarded in Prague as the official representative of the Jewish pharmacy. When on May 18, 1716, the Jews of Prague made a solemn parade on the occasion of the birth of the son of

[55] G. Kisch, p. 141.
[56] G. Kisch, p. 142.

Emperor Charles VI, the first solemn blessing for the Emperor (*mi sheberach*) was pronounced in front of the Kisch-pharmacy. Pictures and descriptions of this parade are known. One such pamphlet was written by Marcus Marle, "Jüdischem Quartiermeister", and printed by Carl Johann Hraba "im Plateysischen Haus" in Prague. Another, with three etchings in folio, was published by Johann W. Helm in Prague. No copy of the latter can now be traced. Even in Frankfort a pamphlet was published on the Prague event, and J. J. Schudt in his "Jüdische Merkwürdigkeiten" (Vol. IV, p. 114 ff.) has a report and picture which is reproduced as our Picture No. 2. David Kisch as the Jewish pharmacist marches behind the physicians and in front of the Jewish barbers, in a black habit with a green apron and a silver balm box in his hand, the balm box being the usual symbol of the pharmacist in olden times.

At that time he had not yet come of age, and therefore, he did not officially take over the license until September 1718, when he did and became engaged.

Meanwhile, after Wolff Kisch's death another competitor was interested in gaining a hold on the Jewish pharmacy. In 1717, the physician of the Prague ghetto, Solomon Gumpertz,[57] gave the orphans of Wolff Kisch a mortgage of 1200 Rhenish gulden on the pharmacy.[58] The money was loaned on the pharmacy and its inventory, consisting of "Arzneiwaren, Material, Destillata und Composita, messingenem, kupfernem und anderem Apothekergeschirr" (Drugs, material, distilled liquids, mixtures, pharmaceutical paraphernalia of brass, copper and other material).[59] This enumeration shows that the inventory was generally of the same type as in a non-Jewish pharmacy of this time. When, in September 1718, David Kisch and his bride, Rosel Aitlitz, repaid half of the 1200 gulden to Gumpertz and acquired his part of the Father's heritage, he became the owner of one-half of the pharmacy.[59] His brothers owned the other

[57] About his personality, see G. Kisch, Index of Names, p. 236.

[58] Lib. Alb., XIII, fol. 314 (1718).

[59] Lib. Alb., XIII, fol. 435 (1718); also with reference to the following text.

half, and Solomon Gumpertz the mortgage. Gumpertz registered his right to bring his son, then absent from Prague, or anybody else for the next two years to stay in the pharmacy in order to make sure that it was well kept.[59] He may have done this because of his interest in the sanitary conditions in the ghetto of Prague. But this provision can be considered also from another viewpoint. In fact, a part of the Jewish community made an explicit compliant to the Medical Faculty of the University in Prague when Solomon Gumpertz tried to make another of his sons an associate community doctor *cum jure successionis.*[60] The protest against such an exclusive medical power of the Gumpertz family was thus motivated by the complaining Jews: "Da er Gumpertz unlängst auch die noch ainzige jüdische Apotheke durch Consortschaft auf lange Jahre an sich gebracht hat." (Because he, Gumpertz, just acquired the now only Jewish pharmacy by partnership for many years to come).

This proves that at that time only one licensed Jewish pharmacy was really functioning in Prague. The opinion voiced by the Medical Faculty to the Rector and the Prague Magistrate in this matter on November 19, 1718, is of special interest. It reads as follows: "We find the fact that Solomon Gumpertz acquired the pharmacy of the Jews and brought it into his possession to be a dangerous, selfish and suspicious thing and to the disadvantage of the community because there is not taxation, visitation, approbation of quantity and quality of the medicaments, and the material has to be considered seriously. Furthermore, no such arrogance is permitted any Christian physician. Therefore, it would be better for the community if a licensed and examined Jewish pharmacist would be the head of the pharmacy and appointed by oath" (Dass der Solomon Gumpertz der Juden Apotheken sich zugeeignet und an sich gebracht, finden wir selber, dass es eine gefährliche, interessierte, verdächtige und der Gemeinde nachteilige Sach sey, Weilen weder die Taxation, Visitation, Approbation, Quantität und Qualität derer Medicamenten und Materialien so höchst zu

[60] Archives of the University of Prague, A 24.

considerieren stattfindet, auch diese Arrogantz keinen Christen Medico nicht zugelassen wird, dahero vor die Gemeinde besser seyn wird, wann ein approbierter und examinierter Juden Apotheker der Apotheken möchte vorgestellt und unter einem jurament verbunden werden).

This opinion of the Medical Faculty of Prague shows that at that time (1718) the Jewish physician was probably supposed to inspect (visitation) and approve the quality and quantity of drugs and material in the Jewish pharmacy. Otherwise the possession of the pharmacy by Gumpertz would not have interfered with the supervision of the Faculty. However, the integrity of such a procedure seemed to be endangered when the inspecting physican was at the same time the owner of the pharmacy which was to be inspected. The complaint of the Jews and the opinion voiced by the Faculty may have been somewhat exaggerated, because Solomon Gumpertz did not possess the Jewish pharmacy in 1718 but had only a mortgage on it. Nevertheless the procedure shows how important the pharmacy appeared in the eyes of the Jews as well as of the Faculty a few years after the horrors of the plague epidemic. It was probably in connection with this lawsuit that Gumpertz asked for and received from the same Medical Faculty on June 14, 1718, a certificate of his valuable services as the only physician of the Jews during the plague of 1713-14, and on his high medical qualities.[61]

In spite of all the objections and opposing opinions, in 1721 Solomon Gumpertz succeeded finally in seeing his son Isaac become the owner of the pharmaceutical privileges of the Jewish pharmacy.[62] There is no documentary proof as to Isaac Gumpertz's possible studying pharmacy abroad in the years of his absence from Prague. The facts are that, in 1721 David Wolff Kisch was still owning as pharmacist one half of the parental pharmacy, and that on July 24, 1721, Solomon Gumpertz bought for, and in the name of his son,

[61] G. Kisch, p. 115.

[62] Lib. Alb., XIII, fol. 435.

Isaac Solomon, also called Isaac Solomon Doctor,[63] the remaining half of the pharmacy from David Kisch's brothers, who had to promise not to open any other pharmacy or to try to obtain a license for one in the future.[64] The price for half the pharmacy was 700 gulden offered in public auction by Isaac Solomon Doctor and not surpassed by any other offer.[65] In this way he gained the license to run the pharmacy. David Kisch had formerly bought the pharmacy privileges from Wolff Fürth, probably the brother of Hirschl Fürth,[65a] who had finally succeeded in getting (1708) pharmacy privileges in Prague.[66] After the purchase of the pharmacy by Gumpertz, David Kisch resigned in 1721, in spite of being the only privileged pharmacist in Prague, in favor of Isaac Gumpertz, but retained the right to a weekly fee payment of four gulden by Gumpertz, who in addition was obliged to pay within three years to David Kisch and his wife the sum of 1250 gulden.

The Gumpertz family did not remain for long the owners of both the licenses of physician and pharmacist in the ghetto of Prague. Isaac Solomon Gumpertz was baptized and as a Christian was not able to continue to run the Jewish pharmacy because after his baptism his father and his wife, who remained in the Jewish faith, as his creditors closed the pharmacy by decree of the court and did not leave it free for business until the baptized Gumpertz made an agreement inscribed in the Liber Albus, on January 9, 1725.[68] In this he pledged to give his wife a letter of divorce according to the Jewish law, and to return to her the engagement ring, his *tallit*, and the ritual gown for burial, which the Jewish bridegroom usually receives as a wedding gift from his parents-in-law. In addition, Isaac, now Johann Gumpertz and his daughter "Särtl", now called "Josepha", who had

[63] Lib Alb., XV, fol. 198, 199.
[64] Lib. Alb., XV, fol. 198, 199.
[65] Lib. Alb., XV, fol. 199.
[65a] Hock-Kaufmann, p. 22, No. 864/5835.
[66] Lib. Alb., vol. 1032, p. 428; Lib. Alb., XVI, p. 421.
[67] Lib. Alb., XVI, fol. 421.
[68] Lib. Alb., XVI, fol. 311.

also been baptized, received from his father a financial compensation excluding every claim for the future. Shortly after this agreement, on July 20, 1725, Gumpertz sold the Jewish pharmacy which he had run for only four years.[69]

The Pharmacy in Possession of The Jeiteles Family

David Kisch and his wife did not buy from Gumpertz the other half of the pharmacy. Whether he could not afford it financially or was no longer interested in being a pharmacist, cannot be ascertained. The house and store and the privileges were bought by David Kisch's cousin, Mischl Löbl Jeiteles. The deed was signed on July 20, 1725, and Isaac Gumpertz now appears under the name of Johann Damian Gumpertz.[69] According to this deed, in 1721, Gumpertz, bought the "Apotheken, Materialia, Geschürr, und diejenigen Grundstüke, darinnen die Apotheken geführt und die Medicamenten laboriert und verschliessen worden sambt dene darzugehörigen Privilegien, sowohl was der Wolff Kisch vor sich erhalten, als auch was er, David, von dem Wolff Fürth, gleichmässig gewesen hiesigen Jüdischen Apothekern erkauffet hat", which means, that he bought "the pharmacy, material, utensils, and those premises where the pharmacy was operated, the medicaments were prepared and were kept under lock, besides the pertinent privileges, those which Woff Kisch received personally, as well as those which he, David, had bought from Wolff Fürth, also formerly a Jewish pharmacist." Damian Gumpertz gave as reason for selling the pharmacy that he was no longer able to enter the pharmacy operated by him for some years, located within the ghetto, because of his newly accepted faith ("wie er dann die erkauft Grundstücke und darinnen geführte Apotheken etliche Jahr ruhig possediert hat, nachdem aber derselbe sothane in der Judengassen liegende Apotheken, dann die darzue gehörige Grundstücke und Freyheiten wegen angetrettenen Christlich-Catholischen Glauben nicht mehr betretten können noch mögen"). Mischl Jeiteles bought not only Gumpertz's share in the pharmacy, but also that of David

[69] Lib. Alb., XVI, fol. 421.

Kisch and his wife, for the sum of 3250 Rhenish florins. David Kisch and his wife received 1250 gulden cash. On the Jewish side, the famous Jonathan Aybeschiz is named as mediator who received for the seller 1000 gulden; and on the other side Leopold, Count of Waldstein, the Governor of Prague (Königl. Hauptmann dieser Königl. Alten Stadt Prag) is mentioned as having mediated the selling. In the contract of 1725, the children of the late Wolff Kisch, as former owners of the pharmacy, again promise not to put up a new pharmacy or to prepare medicaments or to sell drugs or pharmaceutical materials. David Kisch and his wife were permitted to sell such materials outside of Prague only.

With this sale of the pharmacy operated by three consecutive generations of the Kisch family, no one of this family again became a pharmacist. But the interest in medicine was never extinguished among its members. Two of David Kisch's nephews became physicians, pioneers of Jewish attempts to gain standing in modern medicine. One of them was Dr. Abraham Kisch, the first Jew from Prague to graduate *rite* (regularly) from a German University (Halle, June 25, 1749),[70] the other was Dr. Abraham Kisch's brother, Dr. David Kisch (graduated Halle, July 22, 1771).[71] Some members of the English branch of the family also turned later to the medical profession.

About a year before they bought the pharmacy the new owners, "Mischel Löbel Jeutteles" and his wife Leha,[72] took over from the aged grandmother of both Mischl Jeiteles and David Kisch, Edel Slatkis, the cloth business and the vault where it was carried on "am Tandelmarkt" in Prague, valued at 4753 gulden.[73] In return they were obligated to pay their grandmother, weekly, for as long as she lived, the amount of four gulden and thirty kreutzer.

On page 17 of a consignation of July 15, 1729 of all Jews (10,507) living in the ghetto (Judenstadt) in Prague,

[70] G. Kisch, p. 125 ff.
[71] G. Kisch, p. 129 f.
[72] Lib. Alb., XVI, fol. 421.
[73] Lib. Alb., XV, fol. 310.

No. 2

THE JEWISH PARADE IN PRAGUE (1716)
(*David Kisch Marching Behind the Doctors*)

"Mischl Jeuteles" is mentioned as pharmacist living in No. 19 of the first of the 13 quarters of the Judenstadt and two sons, Löbl and Abraham, are noted.[74] Among the other persons of pharmaceutical or medical interest in this consignation, on p. 229 one Moyses Jossel Rolach is named as a "materialist", that is, dealer in medical raw materials and other chemical things, an occupation which still exists under this name in Bohemia. The "materialist" is not permitted to fill prescriptions, but only to sell natural products like dried herbs for tea, soap, salts, etc. Besides this "materialist", another Jew, Elias Schosch (p. 138) is mentioned as a dealer in brandy and spices ("Brandwein und Gewürz"). David Wolff Kisch, the former pharmacy owner, is now listed as dealer in coffee and brandy ("Caffee und Brandwein"). On p. 80 a physician Solomon Moyses Gumpertz appears as Doctor Med.[75] On p. 284, there is the name of a woman Solda, daughter of Löbl Barbier, and her profession is given as "Doctorin". That is the peculiar case of a Jewish woman practicing medicine officially, even if not licensed, so at least tolerated. She cannot have been a midwife, because on p. 15 the profession of one Pessl Hebamm is expressly given as "Hebamm" (midwife), although this was indicated by her second name "Hebamm".

When in 1741 the Jews of Prague held a solemn parade on the occasion of the birth of Archduke Joseph, later Emperor Joseph II, a pamphlet describing the parade was printed.[77] It describes as walking next to the physician, Moyses Solomon Gumpertz, Löbel Jaiteles, the son of the Jewish pharmacist, and elder of the community, Löbel Mischl Jaiteles. He wore a scarlet gown and a rich waistcoat and across the body a golden belt. He held in his hands a apothecary box, and was followed by the barbers. This Löbel Jaiteles is

[74] St. A. M. I. P. See the brief review of this document in Jaroslav Prokes, "Die Prager Judenkonskription vom Jahre 1729" in *Jahrbuch der Gesellschaft für Geschichte der Juden in der Tschechoslovakischen Republik, IV* (1932), p. 297.

[75] Prokes, *loc. cit.*, p. 325.

[76] On Dr. Moses Gumpertz, see G. Kisch, "Der erste in Deutschland promovierte Jude," *MGWJ.*, LXXVIII (1934), p. 350 ff.

[77] *Beschreibung einer alleruntertänigsten Freuden-Bezeugung.* A copy of this pamphlet was in the Library of the Verein für Geschichte der Deutschen in Böhmen, No. 26J 32.

found in the Jewish census of 1729 as the eldest son of Mischl, the pharmacist. The balm box was, like the mortar, always a symbol of the pharmacists. This makes it very probable that Löbel Jaiteles at that time worked as pharmacist together with his father, who meanwhile was one of the elders of the Jews of Prague. After the period of the Jews' expulsion from Prague under Maria Theresa (1744-1748) was ended, the Jaiteles family returned to Prague and again operated the Jewish pharmacy. After the fire which devastated the ghetto of Prague in 1754, "Mischl Jaiteles" claimed a damage of 7650 gulden, his son "Löbl Mischel Jaiteles" one of 400 gulden, and his wife of 450 gulden.[78] Mischl Löbel Jaiteles died in 1763 as a respected and, according to the inscriptions on his tombstone, a well-to-do man.[79] He is buried in the old historic cemetery in Prague.

In all these years, neither the plundering and sacking of the Prague ghetto nor the general fire of 1754 were able to destroy the Jewish pharmacy. But the documents concerning its privileges were lost, as is explicitly stated in the license granted to Hirschl Mischl Jaiteles by Emperor Joseph II, in 1783. This diploma, granting all the old and some important new privileges, presents the last development in the history of the Jewish pharmacy of Prague. Hirsch Mischl Jaiteles who received it, was not a son of Löbl Jeiteles who represented the Jewish pharmaceutical profession in the 1741 parade, but a son of Mischl Jaiteles, the first of this family who owned the pharmacy. The inscription on the tombstone[80] of Hirsch, who died in 1784 (544), a year after he received this diploma, reads: "Zwi Hirsch, son of the deceased rich Mr. Mischl, pharmacist". According to the document of 1783, he was the heir of the parental pharmacy; in the land register he is designated as heir of his father's house containing the historical pharmacy.[81] The diploma signed in the name of Emperor Joseph II in 1783 and published in

[78] Wenzel Zacek, "Nach dem Brande des Prager Ghettos im Jahre 1754", *JGJC.*, VI (1934), p. 157.
[79] Hock-Kaufmann, p. 168, No. 7717.
[80] Hock-Kaufmann, p. 169, No. 1461.
[81] Lib. Alb., XVI, fol. 421, Liber Test. et Invent., 2, fol. 94.

full for the first time in the following pages, finally brought the fulfillment of the boldest dreams of all the former generations of Jewish pharmacists. The Emperor confirmed not only the old privileges to Hirsch Jaiteles and his heirs, but for the first time licensed the pharmacy to sell its medicaments indiscriminately to Jews and Christians. The owner was obliged to have an examined and approved Christian as his chief employee (provisor), and also other Christian employees as was the case before 1783. The diploma mentions further that, before 1783, the Jaiteles pharmacy like the Christian ones was yearly inspected by the Medical Faculty of Prague, and was always found in good condition. This decree given, signed and sealed in Vienna, May 17, 1783, fulfilled indeed all possible ambitions of the Jewish pharmacists. But, with this diploma the pharmacy ceased to be a "Judenapotheke", in the old meaning, an establishment operated by Jews and working for Jews exclusively. It became a regular pharmacy exactly in the same way as those of the Christians, retaining only the two earmarks: it was located in the *Judengasse* (the Jewish quarters), and it was owned by a Jew. The house in the Judengasse in Prague, in which the Jewish pharmacy was operated for centuries, was still in existence and in possession of the Jeiteles family in 1821.[82] But the history of Prague's Jewish pharmacy practically ends with Joseph II's diploma given May 17, 1783 to Hirsch Mischl Jaiteles.

Appendix

Diploma for Hirschl Michl Jaiteles by Emperor Joseph II.*

(1) Wir Joseph der Zweyte, von Gottes Gnaden erwählter Römischer Kaiser, zu allen Zeiten Mehrer des Reichs, König in Germanien, zu Jerusalem, Hungarn, Böheim, Dalmatien, Kroatien, Slavonien, Galizien, und Lodomerien; Erzherzog zu Oesterreich; Herzog zu Burgund, und

[82] Juda Jeitteles, *B'ne Neurim* (Prague, 1821), p. 6.

* The diploma adorned with the large seal of the Emperor, is reproduced in Picture 3, which was taken from S. H. Lieben, *Das Jüdische Museum in Prag* (Prague, no date given), describing the Jewish museum in Prague. The diploma is in the form of a booklet. The figures in brackets indicate the beginning of a page in the original. The beginnings of paragraphs correspond with the beginnings of paragraphs in the original. The diploma, from which this copy was made, was in the possession of the Jewish Museum of Prague.

zu Lothringen; Grossherzog zu Toskana; Grossfürst zu Siebenbürgen Herzog zu Mailand, Mantua, Parma, etc.; Gefürsteter Graf zu Habsburg, zu Flandern, zu Tirol, etc., etc.

(2) Bekennen offentlich mit diesem Brief und tun kund jedermänniglich, dass uns der Prager Jüdische Apotheker Hirschl Michl Jaiteles alleruntertänigst gebeten, wir geruheten ihm die kaiserlich-königliche Gnade zu thun und bei dem Umstande wo er das ihme bey denen die Prager Judenschaft theils durch die Plünderung, teils durch die Auswanderung, und die nachgefolgte grosse Feuersbrunst betroffenen Unglücks-Fällen in Verlust gerathene Privilegium (3) der von seinem Vater erblich an ihn gediehenen Apothecke zu unserer allerhöchsten Bestättigung beyzubringen nicht vermöge, demselben das zu Unterhaltung dieser seiner Apotheke zuständige Recht nicht allein zu bestättigen, sondern solches auch durch Behebung der bisherigen Dispensirungs-Beschränkung in dem freyen Verkauf seiner Arzneyen an die Kristen gegen deme, dass er diese seine Apotheke durch einen ordentlich geprüften christlichen Provisor mit den übrigen dazu (4) erforderlichen christlichen Subjekten jederzeit zu bestellen urbietig und schuldig sein solle, allergnädigst auszudehnen.

Wann wir nun nach hierüber von gehörigen Orten eingezogenen Berichten in gnädigste Betrachtung gezogen, dass es in der Notorietät beruhe wie nach von unfürdenklichen Zeiten her in der Prager Judenstadt eine jüdische Apotheke be- (5) stehe die von einem christlichen Provisor und den übrigen dazu nötigen christlichen Subjeckten ordentlich besorget, und gleich anderen christlichen Apothecken von der dasigen medizinischen Fakultät jährlich genau visitiert werde, dann von derselben noch immer in gutem Stande befunden worden, und nebst dieser Offenkündigkeit der für dauernde Besitz, und die ungestörte Ausübung des Apothecker Rechts, in welchem der jüdische Supplikant dermalen wirklich (6) bestellet ist, an der Richtigkeit des diesfalls erworbenen Rechts keinen Zweifel übrig lasse, folglich in einem solchen Falle nicht weniger Beweis, als eine schriftliche Urkunde oder Diplom bewirke, hiernächst aber auch die vermeintliche Besorgniss, der Unächtigkeit, und schlechten Zubereitung der in dieser jüdischen Apothecke verfertigten Medikamenten, aus welchem Anlass deren Verkauf blos auf Juden beschränket worden, durch die eingeführte Vorsehung des da-(7) bey halten müssenden christlichen Provisors, und durch die fleissige Aufsicht der medizinischen Fakultät gänzlich beseitiget werde, anbey auch Unserer allerhöchsten Gesinnung alle Einschränkungen der Juden in Handel und Wandel, sowie in dem Betriebe ihrer erlernten Künste und Professionen wiederstreben.

Als haben wir mit wohlbedachtem Muthe, gutem vorgehab- (8) tem zeitigem Rath, und rechtem Wissen in seine des jüdischen Supplikanten alleruntertänigste Bitte in Gnaden gewilliget, und wollen diesem nach in hoc casu über die Formalität des von demselben beizubringen

habenden Concession-Diplomatis hinausgehen, folglich Unsers allerhöchsten Orts die gebetene Bestättigung dieser seiner Jüdischen Apothecke für ihn Impetranten Juden Hirschl Michl Jaiteles, und seine Erben jedoch unter (9) der ausdrücklichen Vorsicht, dass er wie bisher, also auch führohin zu Besorgung seiner Apothecke einen von der medizinischen Fakultät ordentlich geprüften und approbierten christlichen Provisor, und die übrigen dazu noch erforderlichen christlichen Subjekte zu halten schuldig seyn solle, nicht nur allergnädigst ertheilet, sondern auch, da die vorgefasste Besorgniss wegen unächter, und schlechter Medikamente durch die gleich erwähnte Vorkehrung gänzlich beseiti-(10) get wird, den bis nun eingeschränkten Verkauf der Arzneyen aus gedachter jüdischer Apothecke an Christen hierdurch gestattet, und somit die diesfällige Dispensierungs-Beschränkung in Absicht auf den freyen Verkauf der Medikamente an die Kristen behoben haben.

Thun das auch hiemit wissentlich, und in Kraft dieses Briefes, als regierender König zu Böheim.

(11) Meinen, setzen, ordnen und wollen, dass benannter jüdische Apothecker Hirschl Michl Jaiteles sothanes ihm von Uns allergnädigst ertheilte und respective erneuerte Recht zu Haltung und Bestellung seiner in der Judenstadt zu Prag besitzenden Apothecke, dann die ihm verwilligte Freiheit, die Arzneyen aus derselben sowohl an Kristen als an Juden obbemeltermassen ungestöhrt verkaufen zu dürfen, haben, gebrauchen und geniessen könne, (12) und möge.

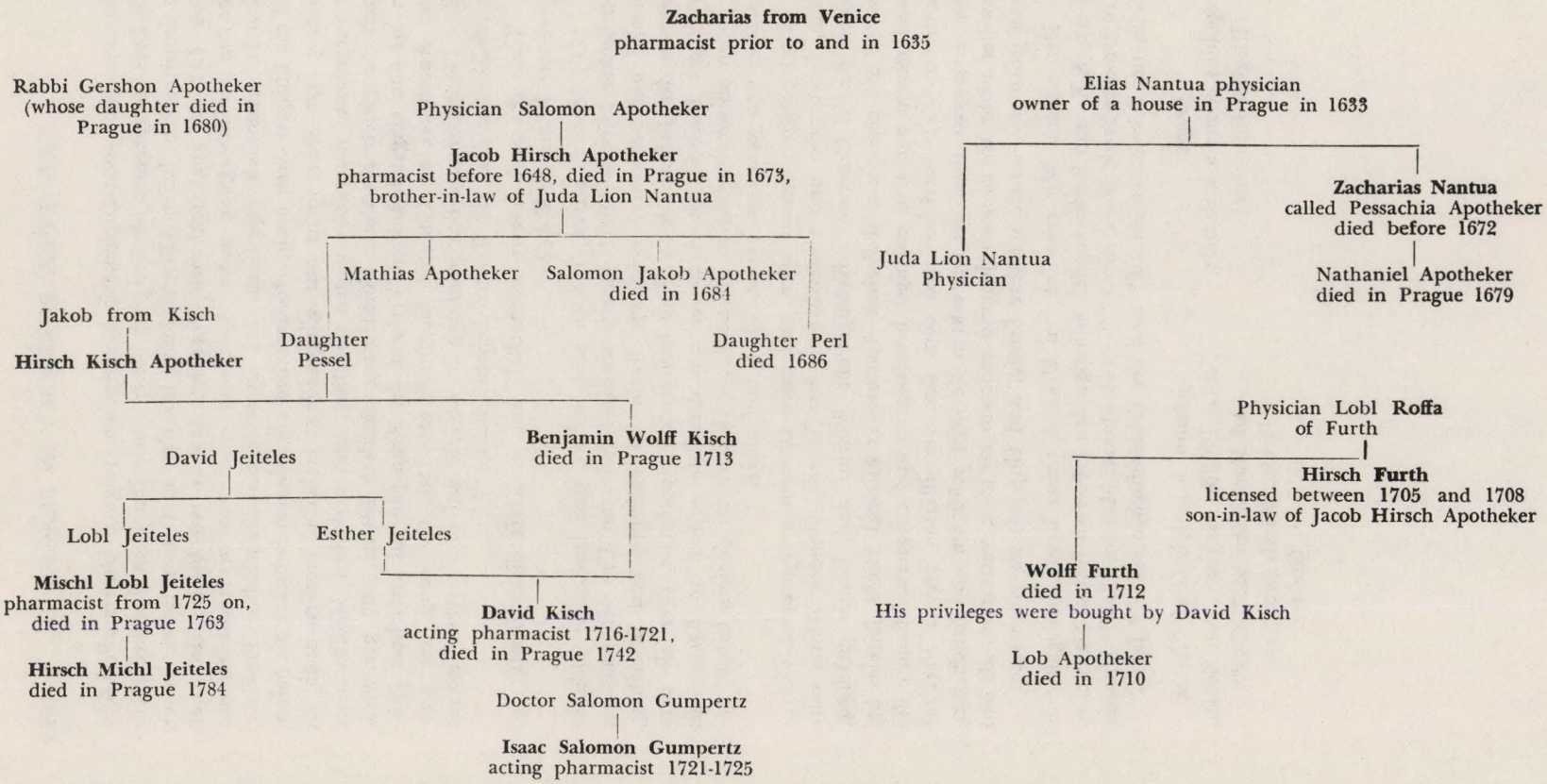
Und gebieten hierauf allen, und jeden Unseren nachgesezten Obrigkeiten, Inwohnern und Unterthanen, was Würde, Standes, Amtes oder Wesens die in Unserem Erbkönigreiche Böheim sind, hiemit gnädigst, dass Sie oft gedachten jüdischen Apothecker Hirschl Michl Jaiteles bei diesem seinem von Uns gnädigst bestättigten und erneuerten Rechte des Apotheker-(13) Betriebes und dem ihm verwilligten freyen Verkauf seiner Arzneyen unter der bemerkten Vorsicht schützen und handhaben, darwider nicht thun, noch Jemand anderem zu thun verstatten, als lieb einem jeden sey, unsere schwere Strafe, und Ungnade zu vermeiden.

Das meinen Wir ernstlich, zu Urkund dieses Briefs, besiegelt mit Unserm K.K. und Erzherzoglich anhangenden grösseren Insigel Der geben ist in Unserer Stadt Wien, den 17ten (14) Monats May im 1783ten Unserer Reiche, des Römischen im 20ten und der Erbländischen im 3ten Jahre.

Joseph
Leopoldus comes a Kolowrat
[Illegible signature]

Johann Rudolph Graf Chotek
Tobias Philipp Freyherr von Bebler
Ad Mandatum Sac^{ae} Caes^{ae}
Regiae Mattis proprium
F. I. v. Greiner.

The Jewish Pharmacists of Prague (1635-1784)*



*Those pharmacists whose names appear in bold type practiced their profession as evidenced by documentary proof.

A CONTRIBUTION TO THE HISTORY OF THE JEWS IN UPPER-SWABIA*

By Luitpold Wallach

Ithaca, N. Y.

THE small town of Buchau on-the-Federsee in Upper-Swabia, between the Danube and the Lake of Constance, is known to those interested in pre-historic researches through the lake-welling finds in the marshy zone which surrounds the diluvial, outletless lake.[1] The synagogue of the old Jewish community of this town was adorned since 1854 with a little bell-tower.[2] It was the only Jewish house of worship in the world with a bell whose sounds called Jewish worshippers to the services on Friday nights, Saturday mornings, and on all holidays.

The year 1577 has been assumed as the *terminus ante quem non* for the earliest settlement of Jews in that old *Reichsstadt.*[3] In the treaty of November 5, 1577 between the Convent and the city of Buchau, both authorities regulated the status of the Jews under their respective jurisdiction.[4] Yet, as early as September 1, 1401, the City is mentioned among those imperial towns which had to pay the

*In this article the remnants of a large collection of documents relating to the history of the Jews in Upper-Swabia are discussed, which were left by Nazi hooligans when they raided the writer's study on November 10, 1938, in Goeppingen, Württemberg (Germany).

1) Cf. H. Reinerth, *Das Federseemoor als Siedlungsland des Vorgeschichtsmenschen* (Augusburg, 1928).

2) See picture in *Jüdische Gotteshäuser und Friedhöfe in Württemberg* (Augsburg, 1932), p. 64; for the bell, see *Bayerische-Israelitische Gemeindezeitung* (1929), no. 13, p. 206.

3) On the history of the Jews in Buchau, see J. E. Schoettle, *Geschichte von Stadt und Stift Buchau* (Waldsee, 1884), pp. 161, 182: as to the years 1577-1652, cf. Theodore Selig, "Die ältesten Juden in Buchau, "*Riedlinger Zeitung*, (*Riedlingen* on-the-Danube, 1929), nos. 224-231.

4) See Appendix II.

Jew-tax to the German King Rupprecht.[5] The hitherto unchallenged assumption that no Jewish settlement existed in Buchau at about 1400,[6] is therefore to be corrected. Furthermore, the brief of October 23, 1382, concerning a lawsuit, published below for the first time from the manuscript, testifies to an earlier, if only temporary, Jewish settlement in that Swabian town.

This is the story of the lawsuit. On Thursday after *St. Gallentag,* that is, on October 23, 1382, there appeared before the municipal court of the *Reichsstadt* Buchau, composed of the town council, with Bentz Stüring in the chair, the plaintiff, Anna von Rünsegg, abbess of the Convent of Buchau, and the defendant, the Jew Moses, son-in-law of Marcus (=Maiger), burgher of Ulm on-the-Danube. Both parties were represented by their spokesmen.

The plaintiff's cause of complaint was the fact that cattle had been seized by Moses from subjects of the convent who were, in person and with their property, in the service of the abbess. She demanded the release of the cattle, herded by Moses into the city, and maintained that no one was entitled to attack her bailiff or to impound her cattle.

The defendant tried to justify his action in the following manner: he had lawfully seized property belonging to Herrn Mantz von Hornstain, the bailiff of the people of Betzenweiler, near Riedlingen on-the-Danube, for these people must be considered as his subjects. They pay him tribute, tax and annually a hen on Shrove Tuesday, and render also other services due to him. According to the defendant, the plaintiff's cause has therefore no legal basis.

But the plaintiff repeated her argument. She challenged the defendant by pointing out that the people of Betzenweiler were her subjects, personally as well as with their possessions. They are bound to pay her tribute and money, to give her the best head of cattle in case one of them dies, and to pay fines in case of failure to perform other legal

5) *Württembergische Jahrbücher für vaterländische Geschichte,* 1857, Heft 2 (Stuttgart), p. 182.

6) This was assumed in *Beschreibung des Oberamts Riedlingen* (Stuttgart, 1923), p. 691.

obligations resulting from their subjection under her rule. In fact, they are performing all their duties just as other people under the rule of the abbey. For this reason the abbess repeats her application for the release of the impounded cattle.

Nevertheless, it remained the firm opinion of the defendant that the inhabitants of Betzenweiler were not her subjects. Accordingly he maintains, he has nothing at all to do with the abbess. In his opinion, Mantz is the true master of the people of Betzenweiler. Consequently he asks to pay no attention to the abbess's action in court.

Having listened to both parties, the chairman presented the case to the town council of Buchau for decision. Thereupon the council decided that the abess must produce evidence of the existence of her rights in accordance with her assertions, with her own oath and the support of two impartial oath-helpers. If such evidence could be produced, the cattle should be released to the people of Betzenweiler under certain conditions which would be mentioned in the final decision.

The abbess took the oath as required supported by two helpers, and her spokesman asked for the release of the cattle to his client.

The final decision of the council read thus. The cattle should be released, however, with the proviso that whatever the people of Betzenweiler owed at the time to Herr Mantz von Hornstain on account of taxation or other debts, should be paid by the pledges, but not more. This decision was embodied in a document (*vrtail brieff*) of which one copy was made out for the abbess, and a duplicate for the Jew Moses.

It seems that both parties accepted this decision, which was authenticated in the document here under consideration and reproduced in the APPENDIX.

The law content of the document calls for explanation which can be given only by going back to the history of the Jews in Ulm on-the-Danube. It refers to an incident preceding the great *Judenschuldentilgung* or cancellation of debts owned to Jews, as decreed and executed by the

Swabian *Städtebund* and by King Venceslas, on June 12, 1385.[7]

The Jew Moses of Ulm and Herr Mantz von Hornstain, bailiff of Betzenweiler, are mentioned in other historical records. Moses, together with his sons Abraham and Manne, was the owner of a banking house in Ulm.[8] In 1385, he was the outstanding moneylender in that city. The municipal authorities employed Moses's services for their plans of territorial expansion of Ulm by making him their financial agent. He was commissioned to buy up seized and forfeited properties of improverished knights within the sphere of influence of the city where he resided. On August 21, 1385, he surrendered to the judicial authorities of Ulm a large number of promissory notes of Swabian noblemen. Among his debtors figures *Ritter* Ludwig von Hornstain, a relative of Mantz.[9]

Mantz von Hornstain appears as debtor in the promissory notes surrendered in 1385 by the Jew Vidal,[10] brother-in-law of the renowned Jew Jäcklin of Nuremberg and Ulm, a fascinating figure of a business man, and the greatest Jewish financier of Ulm since 1373. It is known that Mantz owed Moses of Ulm four hundred *Goldgulden* which were repaid in 1385 with the deduction of 25% as agreed on by King Venceslas and 38 *Reichsstädte* in their debt-cancella tion treaty concerning Jews.[11]

These facts, postdating the above mentioned lawsuit and its decision by approximately three years, enable us to reconstruct the connection between Moses and Mantz. Moses seized the bailiff right of the knight in Betzenweiler in order to obtain his money by herding cattle previously seized in Betzenweiler, into the city of Buchau.

This lawsuit also provides an insight into the struggle raging at that time between the rising and powerful Free

7) Cf. A. Süssmann, *Die Judenschuldentilgungen unter König Wenzel* (Berlin, 1907).
8) H. Dicker, *Die Geschichte der Juden in Ulm* (Rottweil, 1937), p. 35.
9) Eugen Nübling, *Die Judengemeinden des Mittelalters* (Ulm, 1896) p. 384.
10) Nübling, *op. cit.*, p. 383; Dicker, *op. cit.*, p. 91, note 62.
11) Nübling, *op. cit.*, p. LXXVII.

Cities (*Reichsstädte*) and the impoverished *Landstände*, such as knights and convents. The abbess of the Convent of Buchau and the Knight Mantz von Hornstain claim the bailiff-rights of Betzenweiler. For Moses, the financial representative of the City of Ulm, it is a foregone conclusion that Mantz is the bailiff. The dissension about the *vogtreht* of Betzenweiler is illustrative of the decomposition of the territorial rights of small *Landstände*, and their pauperization which caused their final surrender to the jurisdiction of the cities which had grown more powerful. In this development the cities used Jewish financiers such as Moses and Jäcklin and the latter's relatives to get hold of the properties of impoverished *Landstände*. The political activities of the cities during those years illustrate this trend of development.

The Swabian *Städtebund*, comprising the cities of Augsburg, Ulm, Kostanz, Buchau, and others, had been renewed in 1379 with the silent consent of King Venceslas. On June 17, 1381, this *Städtebund* signed an alliance with the Rhenish *Städtebund*, politically and financially the most powerful and influential association of German cities. The King, with the help of Leopold of Austria who had become *Landvogt* of Swabia in 1379, succeeded in putting an end to the constant fight between Swabian knights and Swabian cities through the establishment of a sworn land peace (*Landfrieden*). Subsequently, on April 9, 1382, many knights and cities, including Ulm and Buchau, made a mutual agreement for two years to refrain from all quarrels and to preserve the peace of the land. But as early as September 28, of the same year, a number of cities, including Ulm, concluded their own alliance which was supposed to last till April 23, 1395, in order to help each other against anyone trying to challenge their sovereignty and territorial ambitions, such as the knights' associations of the *Schlegler*, the *Löwenbund*, or powerful individuals, such as the count of Württemberg.

This stormy political background makes it possible to

12) *Ibidem*, p. 362 f.; Ernst Bock, *Der Schwäbische Bund und seine Verfassungen* (Gierke's *Untersuchungen*, no. 137).

find the true motive of the municipal court of Buchau for the decision of October 23, 1382.[13]

Mantz von Hornstain, like other impoverished knights of Upper-Swabia in those years, was also an "external citizen" (*Ausbürger*) of Ulm. Obviously, the municipal council of that city was interested in straightening out the knight's financial status. This task was entrusted to the Jew Moses. The alliance between Swabian cities, including Ulm and Buchau, must be regarded as the cause for the smooth disposition of Moses's lawsuit. This was by no means a favor of the municipality of Buchau to the Jew Moses. Anxious to please its confederates, among them the city of Ulm, Buchau went even so far as to grant a brief on the case to the Jew without any application for such on his part. In accordance with the custom of the time, Ulm must have given an escort of soldiers to Moses when he went to Betzenweiler to help him in the seizure of the cattle and in driving it into the city of Buchau.

The plight of Swabian Jews in territories with a multiple and disputed overlordship is amply demonstrated in the paragraphs six and seven of the treaty between the Convent and the City of Buchau, signed on November 5, 1577.

The first paragraph concerns the settlement of Jews. It was resolved that the arrangements of the city with those already settled, or with any future settlers, should be valid, not only for the city, but also for the convent. However, both parties should be at liberty to permit or forbid their respective subjects to do business with Jews. The same should also apply to Jews eventually admitted under the sole jurisdiction of the convent.

The seventh paragraph of the treaty indicates that among the Jews of Buchau there were small farmers. For they enjoyed the right to send their domestic animals to the communal pasture (*Allmende*). Married Jews, present or future Jewish settlers, were, however, restricted in this right. They should be entitled to use the communal pasture only for one horse, one cow, and one she-goat. Additional cattle was evidently permitted on the pasture upon a special permit.

13) Cf., *infra*, note 21.

APPENDIX

I

Bentz Stüring, Stadtammann of Buchau on-the-Federsee, authenticates a court decision of the municipal court passed under the *linden* on October 23, 1382, in the lawsuit of the abbess of Buchau, Anna von Rünsegg, against the Jew Moses, son-in-law of Marcus, citizen of Ulm on-the-Danube, concerning the release of cattle seized by Moses from people of the village of Betzenweiler, near Riedlingen on-the-Danube, for his claim against Mantz von Hornstain, bailiff of Betzenweiler. According to the decision, Moses is permitted to seek satisfaction for his claim to the extent that the people of Betzenweiler are indebted to Mantz as their bailiff. As for the rest of the seized cattle, Moses has to release it to the abbess, since the people of Betzenweiler are also subjects of the convent.

Reproduced from a photostat of the original on parchment, once in the possession of the Württembergisches Staatsarchiv, Stuttgart, Germany, Repertorium Buchau, Büschel 22.[14]

Jch, Bentz Stüring, Amman ze Buochow,[15] verich, daz ich ze geriht sass ze Buochow vnder der linden vff den tag als diser brief geben ist. Vnd kam für mich dü erwirdig, wolerborn, min gnädigü frow von Rünsegg,[16] von gots gnaden Äpptissenn ze Buochow, mit irem fürsprechen vnd klegt zuo dem vich daz da ze gegen stuond, daz mosse der Jud, des marcus tohterman, bürger ze Ulm, uff reht in die stat ze Buochow getriben hedt vnd sprach also: daz die selbtätigen lüt, der daz vich wär, mit lib vnd mit guot ir aigen wärin vnd an sy vnd ir gotzhus ze Buochow gehortin, vnd daz die nieman fürkamen iren vokt angriffen noch pfenden sölt kaineswegs, vnd badt ir ouch darüber ervarn ob man ir daz vich nit billich ledig vnd louss sölti lassen.

Des stuond mosse der Jud mit sinem fürsprechen vnd antwürt also: er hedt Herr Mantzen von Hornstain da gepfendet vff reht vnd geriti, ouch nit anders denn rehtes by den pfanden, vnd trüeri ouch got daz in ir man davon dringen sölt, wan Herr Mantz von Hornstain vogt[17] vnd Herr wär über die selbtätigen lüt vnd guot, dero daz vich wär, wan im die ze zins vnd ze stür sässin vnd ir vasnaht Hünr[18] gäbin vnd im dienetin mit allen diensten als sy iro Herren billich dienen söltin, wan er ouch ir

14) The brief is mentioned by Paul Härle, *Die zwölf Abteimaierhöfe des Stifts Buchau* (Stuttgart, 1937), p. 133, note 360.
15) On Stüring, see *Beschreibung des Oberamts Riedlingen*, p. 688.
16) Abbess of the Convent of Buchau, 1371-1402.
17) Cf. Edward Freiherr von Hornstein-Grüningen, *Die von Hornstein und von Hertenstein* (Konstanz, 1911), p. 38 f.
18) A yearly tax in the form of a hen to be given by the tenant to the lord of the manor on Shrove Tuesday.

vokt vnd ir Herr war, vnd hedti darumb miner frowen der Äptissen von Buochow niht ze antwürtend.

Des antwürt aber min frow, dü Äptissenn von Buochow, mit irem fürsprechen also: die lüt, dero daz vich wär, die wärin mit lib and mit guot ir aigen, vnd gäbin ir zins vnd gelt vnd houptreht[19] vnd müsdin ir vngenouschaft[20] bessren, vnd gen vnd tätin ir alles daz das ir gotzhus zuo gehorti als ander ir gotzhuss lüt; vnd badt ir aber ervarn an ainer vrtail wan die lüt vnd guot ir wärin, ob man ir dü pfant niht billich ledig vnd louss sölti lassen.

Daz verantwürt aber mosse der Jud mit sinem fürsprechen vnd sprach also: er getrürt ze got daz er miner frowen der Äpptissen niht darumb antwürten sölti, wan er ouch mit ir niht ze schaffend hedti; er hedti daz vich den von Betzenweilern genommen, da Herr Mantz von Hornstain vogt vnd Herr über wär, vnd im die selbtätigen lüt von Betzenwiler, dero daz vich wär, ze stür vnd ze ins sässind vnd im vasnahthünr gäbin vnd im all dienst tätin als irem rehten Herren, vnd wär ouch iro rehter Herr; vnd badt im ouch ervarn, ob in min frow, dü Äpptissen von Buochow, an dem vich nit billich vnbekrenkt sölt lan.

Vnd nach klag der obgenanten miner frowen, der Äpptisenn von Buochow, vnd nach widerred des egeschribenn mosse des Juden, da fragot ich an ainer vrtail den Rat gemainlich der stat ze Buochow,[21] daz sy darüber vff iro ayd ertailtin das sy reht düht nach der klag miner frowen, der Äptissen von Buochow, vnd nach widerred mosse des Juden. Vnd do ich sy also gefragot vff ir ayd, do ertailten sy mit gesamnoter vrtail also: wan min frow, dü Äptissen von Buochow, da stünd vnd sprach: die lüt von Betzenwiler dero daz vich wär, die wärin ir aygen mit lib vnd mit guo vnd gehortin an ir gotzhuss, vnd daz ir ze zins vnd ze gelt sässin vnd gäbin ir houptreht and bessritin ir vngenosschaft vnd tätin ir alles das, daz ander ir gotzhusslüt ir tätin, mocht sü daz also gewisen als reht wär, daz sü de billich genuss. Des fragot ich aber do die rihter vff ir ayd, wie sü daz wisen sölt. Do wart ertailt: möht min frow dü Äptissen von Buochow zwen man zuo ir han, die weder tail noch gemain an dem vich hedtin, vnd sü zuo den Hailgen swür, als sü gelupärt hedti, vnd die zwen swürin danach, daz der ayd wär rain vnd vnmain: daz das vich den von Betzenwiler denn billich ledig sölt sin, doch mit der beschaidenhait, was die obgenanten lüt von Betzenwiler, dedro daz vich wär, Herrn Mantzen von Hornstain söltin ze vogtreht vnd sich ergangen hedt vnd im veruallen wär vff die zit von inen, es wär stür oder ander ding, daz dennoht vorhanden wär vnd im nit worden

19) Duty consisting of the best head of cattle to be given to the master in the case of the death of a subject.
20) The loosening of a subject's loyalty towards his master.
21) On the legal conditions in the city, cf. Karl Otto Müller, *Die oberschwäbischen Reichsstädte* (Stuttgart, 1912), p. 315 ff.

wär, daz zy daz rihten vnd bezalen söltin by den pfanden vnd füro niht.

Vnd do daz mit gesamnoter vrtail ertailt wart, do stuond dü obgenant, min frow, dü Äptissenn von Buochow, vnd badt ir daz reht gen vnd swuor da mit vffgebotnen vingner ain gestaboten ayd[22] ze got vnd den Hailgen alles des, daz ir ertailt war, vnd dar zuo stuonden zwen man dar, ouch als ir vnd inen ertailt war, vnd swuoren baid mit vffgebotnen vingner zwen gestabot ayd zuo got vnd den Hailgen, daz der ayd wär rain vnd vnmain. Vnd da batd mich da miner frowen, der Äptissen, fürsprech fragen an dem rehten, ob daz vich den von Betzenwilern nit billich ledig vnd louss sölt sin. Vnd do ich des gfragot ain vrtail, do antwürten die rihter als vor vnd sprachen: es sölt billich ledig vnd louss sin als och vor ertailt wär, doch mit der gedingd vnd beschaidenhait, was die lüt von Betzenwiler Herrn Mantzen von Hornstain ze vohtreht söltin vnd sich ergangen hedti vff die zit vnd im veruallen wär von inen, es wär stür oder ander ding, daz dennoht vorhanden wär vnd im nirt worden wär, daz sy daz rihten vnd bezaln söltin by den pfanden vnd niht füro.

Vnd do daz alles beschach, do batd aber min frow, dü Äptissenn von Buochow, mit irem fürsprechen, daz man ir der vrtail ainen brieff gäb. Vnd des fragot ich aber ze ringumb, ob ich daz tuon sölt. Da wart ertailt mit gesamnoter vrtail, daz ich des billich ainen vrtail brieff gäb, vnd ouch dem Juden Mossen, ob er in gnaden hedti. Vnd darumb so han ich disen brieff besigelt mit minem aigen insigel, daz ich von vrtail wegen offenlich selb an disen brieff gehenkt han ze ainer offenn vrkünd vnd zügnüst aller vorgeschribn sach. Diser brieff ist geben in dem Jar do man zält von cristus gebürt drüzehenhundert Jar vnd danach in dem zwai vnd achzigosten Jar an dem nähsten dunrstag nach sant Gallentag.[23]

II

Treaty between the Convent and the City of Buchau, concerning the Jews in Buchau, of November 5, 1577.

Excerpts reprinted from Th. Selig, "Die ältesten Juden in Buchau," *Riedlinger Zeitung*, Riedlingen on-the-Danube, 1929, no. 225.

Zum *sechsten* die Juden betreffendt im Fahl die Stadt solche Juden, so itzt alhie und nach Aussgang irer Jarn, dieselben oder andere weitter aufnehmen, und einkomen lassen wolten, und desswegen mit denselben besondere Pakt und Geding irer Bürger contrahieren, handtierens oder

22) An oath repeated by a person after a judge who pronounces it by solemnly holding his judicial staff in his hand.

23) =October 23, 1382.

andern Sachen halben treffen und aufrichten lassen würden, so sollen des Stifts Verwandte darunter auch gemaint und begriffen sin. Jcdoch steht auch hiemit jeder Obrigkhait bevor, den Jren des Contrahierens und Handlens halben mit solchen Juden ires Gefallens und Willens zugepietten oder zuverpietten unverhindert und ungeirt daran des andern Thails. Gleicher Gestalt soll es auch gehalten werden, da der Stifft unter seiner Jurisdiction in künfftig die Juden bei Jme einkhomen und einnemen lassen welte.

Damit auch zum *sibenten* des Stiffts und der Stadt zugethonen, Burgern und andere Gemaindtsleuth ires Trieb und Tratt halben durch die Juden und irem Vich zu wenigisten beschwerdt und nit überschlagen werden, ist abgeredt und verglichen, dass den jetzigen oder künftigen Juden, doch allein denen, so in ehelichem Stand sin, nit mer dan ain Ross, ain Kuo und ain Gaiss zu halten erlaupt sein soll, und dass die Juden ire Ross nit unbeschawet auszuschlagen schuldig sein sollen.

REVIEW SECTION

THE ESSENCE OF JEWISH ART
A Book Review*

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DURING the last years, when all Jewish questions gained a new and fateful actuality, one was frequently drawn into a discussion of whether there exists a specific Jewish Art or not. The present writer often observed the real interest in this question on the part of both Jews and non-Jews, as well as the uncertainty and vagueness of any definition.

Thus Franz Landsberger's book, *A History of Jewish Art*, the first comprehensive English work on this subject, can be sure to meet with widespread interest. As a survey of Jewish art it has predecessors in the German literature: *Die Juden in der Kunst* by Karl Schwarz (1928 and 1936), *Die Jüdische Kunst* by Ernst Cohn-Wiener (1929). Landsberger contributed a volume, *Einführung in die Jüdische Kunst* (1935).

Landsberger's new book surpasses the older ones by the amount of material which is represented and discussed; it is not basically different in its approach to the problems. It is divided into two main parts: 1) Jewish Life and Art; 2) the Development of Jewish Art. The first part is typological and gives the author an opportunity to explain the names and purpose of the different ritual implements in use in the synagogue and the home at the various festivals and throughout the year and in the religious life of the Jews. The second part is historical and discusses the works of Jewish art chronologically in seven periods from the beginnings up to the present time. Part one and part two are supposed to complement each other in many respcts. A bibliography and an index of names and topics are added at the end of the volume.

From the editor's introduction and the introductory remarks of the author it is clear that the book has a difficult and ambitious aim: to be both scientific and popular; to serve the education of adults and

* Franz Landsberger, *A History of Jewish Art*. The Union of American Hebrew Congregations. Cincinnati, 1946. Pp. IX+369, with 209 illustrations.

older youth groups; to be elucidating to Jews as well as to non-Jews. The author may have been somewhat frightened by this vast program after it was either conceived by him or imposed on him by the editor's plans. In fact, the time has not yet come to accomplish such a task to complete satisfaction. Much archaeological research and detailed work on the later periods has still to be done as, for instance, the author's latest and interesting studies on Torah curtains demonstrate.

Nevertheless, Landsberger's brave enterprise must be commended. His book will serve many of its aims. The following discussion is intended to be useful to the reader in leading him closer to some important points.

Landsberger is aware of the different problems offered by the concept of "Jewish Art". This is evident from the first chapter, "The Problems of Jewish Art," and many passages scattered throughout the book. Its author knows and acknowledges the restricting effect of the Second Commandment, although he shows that this effect varies in strength in the different periods. He proves through evidence from the Talmud that the beauty of ritual objects was not negated by this commandment. He also knows that there is a section of Jewish art which should be termed "folk art", and another which is closely connected with the general development of the respective periods, often being strongly influenced by the art of the surrounding world. He states, moreover, that there are works of art made by Jews for Jews, others made by non-Jews for Jews, and others made by Jews for non-Jews.

This situation is the result of the unique features of Jewish history. These features have always to be taken into account and one should emphasize them more strongly than Landsberger does. Of course, the ancient and also the new Palestinian period can be paralleled with the history of other peoples, and so can the art of these periods. Unfortunately, we know very few monuments of the ancient period and most of the important ones are not yet out of a controversial stage. What we know, shows clearly that ancient Palestine was certainly not a productive art center, but strongly influenced by the powerful art production of Mesopotamia, Egypt, and later of Greece and Rome. The new Palestinian art is still in a state of development, but what can be pointed out as specifically Jewish art should be combined in a separate chapter.

For a long and decisive period, the Jewish people has lived without a country, without political concentration, yet strongly kept alive as a unit by its great spiritual tradition. This tradition is its very life, but art never received a dominant place in it. It must be recognized that Jewish art production is weak for two reasons: The one constitutional in character, being the aforementioned Second Commandment; the other is historically acquired, namely, the extreme exposure to foreign influences. This applies to a certain degree even to the Palestinian periods

of Jewish history, and is essentially effective for the period of the Diaspora. This fact has not only to be acknowledged, but also to be represented in all its consequences.

Nevertheless, it is evidently Landsberger's and the editor's main purpose to consider Jewish art as an entity more or less similar to the art of any other people. The problems, of which he is aware, are not elaborated on in the text, but disappear in an uninterrupted interpretation which finally leaves one with such an impression as that, for example, the portrait of Sauerbruch by Liebermann is as basically Jewish art as a Polish Chanukkah lamp. From a very general concept of the Jew, and an equally general concept of art, this is true. But it is not what we need. We need discrimination—not generalization. This point would not be emphasized here so strongly if it had not appeared in a somewhat programmatic statement in the editor's Introduction. He cites there the names of painters like Israels, Pissaro and Liebermann as representative of Jewish art, whereas they might be designated more correctly as Dutch, French or German.

The works of Jewish artists in the realm of general art, whether in the nineteenth or twentieth century or in earlier periods, should certainly not be excluded from such a book as Landsberger and the editor had in mind. From many points of view it is surely desirable to state the artistic achievements of Jews for the world, but it would have been preferable to treat this matter in a separate chapter. Thereby the author would have had an opportunity to analyse in a much clearer and more comprehensive way what in the non-Jewish works of Jewish artists is common as the characteristic resulting from the artists' Jewish origin. Landsberger mentions such trends, (for instance, the feeling for a fine tonality without strong color contrasts, and a specific gift for portrait painting), but it would be more elucidating for the reader to have such analyses combined under a clear heading.

Thus in principle, it would have been better if the author, in treating the very complicated problems, had eliminated some from the main part and elaborated on others. Eliminating the department store of Wertheim by Messel in Berlin and the portrait of Sauerbruch as well as the non-Jewish works of Jewish artists from the periods of the Middle Ages and the Baroque and dealing with them in a separate chapter would have made way for the basic statement that Jewish art is art made for Jews or for a Jewish purpose. Of course, it is especially so when the artist is Jewish. But art can be considered as Jewish even if it is produced by a non-Jewish artist, as long as it is made for a Jewish purpose. On the other hand, a work of a Jewish artist for a non-Jewish purpose is not intrinsically a work of Jewish art. Jewish art is for the most part ritual art. Only to a minor extent is it secular art but this, too, should be considered as Jewish only if connected with some aspect of Jewish life.

Within this definition one has to emphasize several important features which in fact constitute the essence of Jewish art.

(1) Jewish art is essentially applied art in the deepest sense, applied to the religious life of the people and, since there is no real distinction between religious and secular life, applied to life itself. Thus in fact, Landsberger's part one, "Jewish Life and Art", is not, or should not be, a kind of explanatory chapter only, but the core of the whole book and as such should be elaborated on in many respects. The concentration on applied art results in a genuine gift for developing forms and adapting forms; not decorative detail forms, but work forms. This is rightly emphasized by the author but should be more clearly illustrated by significant examples. To name only one instance, the seven-branched candelabra is in this writer's opinion a genuine Jewish creation. Up to the present, neither in Mesopotamia nor in Egypt nor any other part of the Near East has a similar lamp form been found. The survival of this form, first as a real lampstand in the synagogues, then, after it had been forbidden to copy the ritual objects of the Temple, as a Jewish symbol only, and also in Jewish Bible illustrations can be shown throughout the centuries. Its survival in Christian use, in the great seven-branched Easter candlesticks of many Christian cathedrals, should not be forgotten. Its Jewish revival as the nine-branched Chanukkah candelabrum is a result of lighting the Chanukkah candles not only at home, but also in the synagogue. This use has developed since the twelfth century according to the sources published in Narkiss's book on the Chanukkah lamps. It is surely accidental only that the earliest preserved example, the beautiful Paduan candelabra still showing a connection with the medieval Christian works, did not originate earlier than in the fifteenth century. During the sixteenth and seventeenth centuries the form was introduced in a smaller size from the synagogue into the home, where the bench-form had been customary since antiquity. That is only one of many examples in which a most significant form could be traced through the centuries. Another is the German Sabbath lamp of star form which clearly goes back to a well-known Roman hanging lamp, but was skillfully adapted to Jewish use. It appears at least as early as the sixteenth century in the sources as "Jewish Star" (*Judenstern*). In Italy as well as in Holland the form remained more closely related to its genuine classical origin.

(2) This brings up another demand which could have been fulfilled to a certain degree by evaluating the material of our Jewish art collections. In accordance with the history of the Jews, the different types which were locally developed can be pointed out and classified. West European lamps or *Besomim* (spice) boxes should be confronted with Polish or Italian or Near Eastern pieces of the same kind. Sephardic Torah mantles could be confronted with Ashkenasic ones. By comparing these different groups one can visualize the history of the Jews. In the

same way their migrations can be shown by the wandering of specific forms of the objects of Jewish art from Russia and Poland to England and the United States.

(3) Another feature of Jewish art is the importance of its iconographical content. Landsberger mentions the often appearing combination of pictorial and verbal decoration. "The Jews liked to read and to visualize at the same time and combined the graceful and the didactic." Still more stress should be laid on the fact that almost all the forms as well as the decoration have a symbolic meaning. The results of the book of Wischnitzer, the studies of Eisler and Ameisenowa, should be utilized more extensively in a history of Jewish art. Very little is mere decoration and very little can be evaluated from an aesthetic point of view alone. One should rather honestly admit that Jewish art judged by general standards very rarely reaches the highest artistic quality. On the other hand, an outstanding feeling for the tradition of symbols can be observed. In Polish works of the eighteenth century there still appears the same symbolism, almost in the same forms, as can be found in late antiquity.

(4) The importance of applied art as well as the strong conservatism with regard to content are important features which cause a large section of Jewish works of art to be classified as folk art. Here and there Landsberger speaks of Jewish art as of folk art. Once again he should show more consistency and deliberation. Folk art is art made by, and basically for, the use of a special group which, for some reason or other, is more or less secluded from the development of the art of a larger group of nations or people forming a cultural unit. It is normally created not for the privileged individuals of higher social classes, but for the average members of the group or for the entire group. It should not be identified with primitive art, but it constantly combines genuine primitive trends with borrowings from the surrounding high art, sometimes of remote periods. It is not provincial art because it is more lively and self-conscious, and in spite of its borrowings lacks real ambition to compete with the art of a cultural center. It is not identical with dilettant art, but may be the work of dilettants as well as of craftsmen who are members of the group. Yet it has some primitive, some provincial, some dilettant characteristics. Unfortunately, sometimes Landsberger's basically aesthetic point of view distracts his judgment. For instance, speaking of the mosaic of Beth Alpha he states that "the classical sense of proportion has completely disappeared. In the picture of Helios the chariot and the horses are devoid of perspective and the conventional face on the long neck of the Greek god rises like a mask above the chariot." "How unfortunate", he exclaims, "that this mosaic pavement made in the sixth century of our era dates from a period of artistic decay." As very few Jewish monuments of this period are preserved, this one should not be judged in a book on Jewish art from

such a general point of view as an example of the great changes of style leading from antiquity to the Middle Ages. It should be evaluated positively in its content as a most significant combination of truly Jewish and truly classical topics. It should be evaluated stylistically as a characteristic example of folk art, in fact, as one which shows clearly the specific elements found throughout the centuries in Jewish folk art: the strong influences from a surrounding style of high art, showing this relation between the group, producing the folk art works, and groups of higher artistic training which we find, for instance, in European folk art between the work of peasant groups and urban art; contempt of complicated space concepts, strong linearism, lack of the sense of true proportion, disregard for harmonic beauty, oversimplification. But in spite of all this, a very expressive manner of telling the story, of being decorative and didactic at the same time, guarantees that it will be understood by the common people. We can find almost exactly the same style in Polish Chanukkah lamps, in Hessian Torah wrappers or the engravings of pewter plates. The case of the Beth Alpha mosaic is especially fitting to be the starting point for such an investigation of Jewish folk art, because it is so well documented as a work not only for Jews but surely also as one which was created by Jewish artists. For later periods the interesting group of Polish brass-casts, for which the collection of the Jewish Theological Seminary of New York and the Minz Collection have assembled many examples, illustrating all the basic conceptions of Jewish symbolism, could be discussed and represented more extensively. In the same way Jewish filigree work, often a product of true folk art, should be treated. Here, too, different groups can be distinguished.

(5) One more specific feature of Jewish art should be elaborated on. It appears in the region of the strongest foreign influences, namely, the Western-European countries where Jews from the high Middle Ages until the nineteenth century were completely excluded from all kinds of metal work, silver work, pewter or brass casting. As far as brass-casting is concerned we have to assume an extensive import from the Eastern Jewish workshops, but art objects of pewter and silver were exclusively made by Christian masters. This fact should not merely be mentioned. Landsberger's book with its comprehensive range should also characterize the activities of Christian masters for Jewish communities which can be traced through the artists' hallmarks and mastermarks. Although made by Christian masters they may be considered as genuine works of Jewish art because they received their importance exclusively from the fact of their Jewish use. Here it appears that, in spite of the greatest opportunity for foreign influences, the Jewish component proved strong, developing favorite local types for instance in Frankfort, Augsburg and Berlin. Produced over a long period by the same master-families, according to the wishes of the Jewish buyers, they show the

same conservatism as works done by Jewish artists. But it can also be demonstrated how the traditional Jewish symbols, which appear in Polish-Jewish folk art in the original classical forms, were changed into a modernized European pattern in these Christian work-shops. To be sure, details of this kind can be traced in the literature cited in Landsberger's bibliography. But this does not free him from the obligation to pay attention to these principal facts and to illustrate them with examples, because the relation of the Jewish communities to their surrounding world is one of the crucial points of Jewish history.

All these features presented in a systematic way would help to clarify the special position of Jewish art. It should be emphasized, however, that it is more a question of regrouping and putting the accents in a different way which would allow a better closeup of the actual monuments and lead to a sharper discrimination.

Such an approach would also have prevented the author from making overstatements. He overrates greatly the influence of synagogue building on the development of early church building. In fact, the relation is nothing more or less than the development of both from the same root, namely, the Roman basilica. But both are utterly different as far as their purpose is concerned: the synagogue always was and has remained an assembly hall for the reading of the Law and for prayer; the church was from the very beginning the place of a ritual act of sacrificial character. For this reason, in spite of some superficial similarities, both types developed quite differently. It is therefore misleading to state: "Those who have seen the square of St. Peter's in Rome with its colonnades and two fountains will realize that all is derived from the forecourt of the synagoue or, to go further back, from the Temple of Jerusalem". If such a descent must be established, why not go back then to the Egyptian temple? In fact, the baroque of St. Peter's naturally goes back to the old St. Peter's in some very general features of the lay-out (basilica plus colonnaded court in front). But old St. Peter's is decidedly different in the more important features of the ground-plan and elevation from any synagogue of the earlier period known to us. Moreover, the courtyards of synagogues are generally joining one of the longitudinal sides. The plan of Beth Alpha, the only plan represented, looks indeed like that of a church but belongs to the sixth century; and the courtyard in front, as well as the large protruding apse, are most probably influenced by early Christian churches.

With regard to book illustration, the assertion that in Christianity as well as in Mohammedanism "the wish to adequately adorn these sacred scriptures was probably inherited from the Jews" must likewise be considered an overstatement. It seems somewhat paradoxical to derive Christian book illustration from Jewish models, for it is known that the illustration of the Torah was prohibited. The one mentioned example of a Torah written in gold letters in Alexandria does not mean anything

in the development of book illumination. Judging from some of the preserved mural paintings or mosaics, there is a possibility that Jewish illustrated pentateuchs might once have existed. But still we do not have any positive proof. In contrast to this uncertainty, we have some well illustrated classical manuscripts (and we know that there existed many more) which in fact are the main source for the development of Christian book illustration. Throughout the centuries Jewish book illustration remained sparse compared with the innumerable examples of Christian illuminated manuscripts. Here again Landsberger is inclined to overrate the artistic quality. Even one of the richest manuscripts preserved, the Darmstadt Haggadah, does not reach the level of any of the great French, Flemish, or Italian manuscripts of the period. Here, as always in Jewish art, the content is of greater importance than the form. No chapter on Jewish book illustration should omit an extensive iconographical analysis; it is characteristic that the best work has been done in the ornamentation of initials or initial words or even in a mere monumental script,—a fact also stressed by Landsberger. The word was always more important than the picture.

In concluding these remarks on the essence of Jewish art and on how to group and present the material, this writer would like to emphasize once more that the book under review contains much valuable information and many enlightening remarks on individual subjects and specific points. The fact that here and there additions and corrections could be made does not weigh heavily. This is understandable in a book which comprises such a vast field as the realm of Jewish art. The discussion on Jewish artists, based on the author's own special studies, is particularly rewarding. In the chapters on the modern period the author had to make his own choice, and in general he has covered the most important names. As far as modern architecture is concerned, some more of the important European buildings of Jewish use should be represented. The synagogue of Hamburg is certainly well chosen, but there are other fine examples by which the picture of this important period could be enriched. The educational value of the book could be increased by adding some of the rare and outstanding specimens of modern ritual objects such as those made by Rudolf Koch for Dr. S. Guggenheim and the synagogue in Offenbach on-the-Main, in about 1920. On the whole the illustrations are carefully and well selected and the outer appearance of the book is very fine. It is to be hoped that there will be a second edition which perhaps will include some of the changes proposed in this review.

BOOK REVIEWS

Middle Ages

THE HEREM HAYYISHUB: A CONTRIBUTION TO THE MEDIEVAL ECONOMIC HISTORY OF THE JEWS. By *L. Rabinowitz.* Edward Goldston. London, 1945. Pp. 184.

THE medieval Jewish community formed an exclusive association, a city within a city, legally and economically leaning on the surrounding political entity, but endowed with important privileges of self-government. One of its basic rights was that to admit new members or to deny admittance to newcomers. It was an old prerogative of the Jewish communities to enforce the recognition of their right of admittance by inflicting the penalty of *Herem,* that is, excommunication, upon a transgressor. Thereby, whoever attempted to settle in a Jewish community without obtaining special permission or by circumventing this requirement, could be barred from any social intercourse and from all business relations with the legitimate members of the community.

The history of this institution, called *Herem Hayyishub,* its legal significance in Jewish law as well as under Jewry-law, its similarity to the Guild Merchant, and its economic function are studied in the learned monograph under review. The right to prevent the settling of newcomers in an established community is traced back by the author to its talmudic origin. His opposition to medieval Jewish authors, who insist that the *Herem Hayyishub* is an extra-talmudic ordinance with no talmudic authority, is based on the interpretation of a disputed passage in *Baba Bathra,* 21 a, evidencing town restrictions in the Babylonian Talmud. Its interpretation may be of interest to talmudists. By presenting the development of the *Herem Hayyishub* in the Middle Ages the author opened up an entirely new chapter for the history of legal institutions and economic life.

From the twelfth century onward, economic conditions and Jewry legislation in the medieval cities provided the basis for the adoption of trade restrictions by Jewish communities. By that time the Jews had been displaced from their earlier position of international wholesale merchants and, through the exclusion from the guilds, were forced into moneylending, peddling, and second-hand trading. Thereby their economic opportunities were confined to narrow fields. This fact as well as the financial obligations and responsibilities imposed on the medieval Jewish communities caused the individual members and the

corporate communal bodies as such to be on their guard against unwelcome new settlers. Hence, the *Herem Hayyishub* was widely practiced in Germany, Northern France, Italy, England, and Eastern Europe. But there were countries, such as Provence, Spain, Turkey, and Greece where it was not accepted. In the first-mentioned group it was developed into an important sort of trade protection, while in the last-mentioned the willingness to share in the communal responsibilities and in taxation carried with it the full and unrestricted right of residence and trade. In Germany the practice of the *Herem Hayyishub* lasted until late in the eighteenth century, as is evidenced by an interesting responsum of Rabbi David Oppenheim of Prague addressed to the Jewish community of Halle on-the-Saale.

There is no coherent account of the *Herem Hayyishub* in the codes of Jewish law. The numerous references to it are scattered throughout the whole range of medieval Jewish literature, written in "a particularly inaccessible medieval rabbinic Hebrew." The non-Jewish sources on the subject, mainly medieval town laws, are likewise scattered. A considerable number of interesting instances from both groups of sources was brought together through the diligent and painstaking researches of Doctor Rabinowitz, to whom medieval Jewish history is already indebted for several specimens of fine scholarship. The present study completed "in the unacademic atmosphere of active military service"[1] clearly reveals how important, necessary, and fruitful the study of Jewish together with non-Jewish sources is for the elucidation of medieval Jewish institutions. The book is a valuable contribution to the medieval legal and economic history of the Jews.

Jewish Institute of Religion GUIDO KISCH

[1] It can be surmised that this fact alone accounts for the numerous printing mistakes in the bibliographical references.

תולדות היהודים במצרים וסוריה תחת שלטון הממלוכים, כרך ראשון, הוצאת מוסד הרב קוק, ירושלים, תש"ד.

A HISTORY OF THE JEWS IN EGYPT AND SYRIA UNDER THE MAMELUK DYNASTY. Vol. I. *By Eli Strauss.* Rav Kook Foundation. Jerusalem, 1944., IV+XXIII+377 pp.

THE history of Egyptian Jewry in the second semi-millennium of the Middle Ages represents one of the important chapters in the general historical panorama of medieval Jewish life and thought. There are several reasons for this fact. Egypt was fortunate in escaping the full impact of the two great medieval waves of mass murder and pillage—the Crusades and the Mongol invasion—with their concomitant wholesale destruction of property and productive activity and the appalling

depopulation of the lands in their path. The natural wealth of Egypt, the great productivity of her soil, and her favorable geographical position as a central depot of international commerce resulted in a comparatively higher standard of living for the population in general, and the Jewish community of sober and energetic individuals in particular. Even centuries of cruel misgovernment and shortsighted economic policy could not destroy that country altogether. Lastly, the scholarly and literary activity of Egyptian Jewry, at that time already vigorous and flourishing, was given an added mighty impetus by the contribution made to it by the greatest Jewish mind of the Middle Ages—Maimonides. Still more fortunately, the tradition established by Maimonides was ably and worthily upheld for many years after his death by his lineal descendants who served as political and spiritual leaders to Egyptian Jewry and made their influence felt in neighboring lands as well.

They had no easy task. The growing influence at the Egyptian court of the praetorian guard recruited from imported Turkish slaves (in Arabic *mamluk*, plural *mamalik*) in 1250 resulted in the establishment of a new dynasty of rulers holding sway in Egypt up to the Turkish conquest in 1517. It was a military dictatorship pure and simple, with reigning sovereigns often mere puppets manipulated behind the scenes by rival Mamluk generals who were devoid of any moral principle or sense of duty beyond their own rapacity and lust for power. Their only redeeming feature, military skill and prowess, enabled them to beat back successfully both the Frankish and the Mongol invaders. But their civil administration did not concern itself in any consistent and sincere manner with the welfare of the country and its population. The inevitable result was the progressive decay and enfeeblement of the Egyptian commonwealth which eventually made it easy prey for Turkish (and later French and British) imperialism. The history of Egyptian Jewry under Mamluk rule is consequently also a tale of the progressive decline and pauperization of a once flourishing and spiritually rich community, struggling in vain against overwhelming and hopeless odds.

Strauss's pioneering recital of this chapter of Jewish history, the first volume of which has now come off the press, is essentially a revised form of his doctoral dissertation presented to the faculty of the Hebrew University at Jerusalem. This fact alone ought to be a sufficient guarantee for the quality of his performance, for in the few years of its existence the University has placed itself on a par with the Scandinavian seats of learning with regard to the standard of scholarship required of those who are admitted to its *summos honores*. His work grows in stature even further when one considers the difficulties involved in its preparation. The paucity of source-material on this period is nothing short of tragic. Of the only known Hebrew chronicle, the *Dibre Yosef* of Joseph Sambari (composed, to be sure, as late as the seventeenth century), only the

extracts published by Neubauer in his *Medieval Jewish Chronicles* are available at present, and even there the text requires considerable improvement.[1] Of rabbinic responsa the only known collection is that of Joshua ben Abraham Maimuni, which contains scarcely any historical material. Some data are given in the *Kaftor wa-perah* of Eshtori ha-Parhi, in the Travelogue of Benjamin of Tudela, and in the *Tahkemoni* of al-Harizi. The Cairo Genizah material, so rich in pre-Mamluk documents, has so far produced comparatively but few pieces dating from the time of the Mamluk dynasty. For the rest, Strauss had to wade through the vast Arabic literature of the period, which naturally deals overwhelmingly with Muhammadan affairs and touches upon the "people of the tribute" (*ahl al-dhimma,* the Jews and Christians) only *en passant.* It was not only a laborious task, but also an extremely difficult one, for very often it is impossible to state with certainty whether the events recounted in a particular passage as affecting the *dhimmi's* did or did not in fact involve Jews as well. The tendentiousness of these Arab works, whose authors were mostly Muslim theologians professionally hostile to all "unbelievers", is self-evident, and it obviously does not make the work of the modern historian any easier.

The present first volume of Strauss's work covers the first half of the Mamluk rule in Egypt, the reign of the so-called Maritime (*Bahri*) dynasty in the years 1250-1382. After a detailed bibliographical introduction on the sources used, the author gives a general sketch of the political and economic make-up of the Mamluk state. He outlines the history of Egyptian and Syrian Jewry in the period immediately preceding the establishment of the Mamluks as rulers over Egypt and, for a time, over Syria as well. He then proceeds to deal with the main subject, paying equal attention to the political events, the economic situation of the Jews in Egypt and Syria, and to their participation in the manual trades, commerce, the liberal professions, and government service. Sizable chapters are also devoted to Jewish literary and cultural activities. They include detailed essays on David and Joshua Maimuni; Tanhum Yerushalmi and his son, the poet Joseph; the great pharmacologist Abu al-Mina (Abraham) al-Kuhin al-Attar and several (no less than 23) eminent physicians and surgeons. The Karaite poet Moses ben Samuel of Damascus, who left to posterity a picturesque description of his enforced pilgrimage to the holy cities of Mecca and Medina is portrayed, too. Highly interesting chapters are assigned to the social relations between Jews and Muslims; to the participation of Jews in the

[1] It may be pertinent to note that a critical edition of the complete text of Sambari's chronicle was prepared several years ago by a Yale graduate, Dr. Philip Grossman. It is a sad commentary on the tribulations of present-day Jewish scholarship that Dr. Grossman has not yet been able to find a publisher for his work.

general cultural life of the land; and to Muslim ideas on Jews and Judaism.

To expect perfection from a work of such pioneering character and wide scope would be utterly unreasonable. Most, if not all, of the inevitable minor slips and inconsistencies have already been pointed out by Neustadt in his painstaking analysis of Strauss's work in *Kiryath Sefer*, XXII (1945), pp. 21-26. The only material criticism (if criticism is the right word at all) which this reviewer has to offer is that in summing up the results of his investigation the author seems not quite able to rid himself completely of the generally prevalent notion that with all the unending persecution and degradation inflicted on Jewry under Muslim rule in Egypt (and elsewhere as well), somehow things were not so bad as they were in medieval Europe, because the Muslim ecclesiastical and secular authorities would not resort to as extreme measures as did their European *confrères*. Yet Strauss is too thorough and conscientious an historian not to recognize that the ingredients of the brew were exactly the same in both cases: the same absolute conviction in the minds of the clergy that they had a divine mandate to hound unto death, *ad maiorem Dei gloriam*, anyone who persisted in worshipping the same one and only God in a manner different from its own; the same utterly immoral make-up of the secular rulers who disposed of the life and property of their subjects, and their Jewish subjects in particular, to fit their personal desires and gains alone; and finally the same thoughtless attitude on the part of the masses who accepted as truth the dictates of ecclesiastical or royal propaganda, regardless of whether this was in agreement with the true teachings of the Gospels or the Koran. Even the external minutiae were the same in the East and in the West: the ghetto, the Jewish badge of shame, the periodical pogroms, and the ridiculous slanders upon the human dignity and decency of Jewish men and women. If it is true (no one has as yet compiled any exact statistics) that proportionately fewer Jewish men have been assassinated and fewer Jewish women have been ravished during the Middle Ages in the lands under the rule of the Crescent than were in those under the authority of the Cross, the reason lies surely not in any greater degree of tolerance in the outlook of the Muslim clergy, or in any deeper sense of humanity in the minds of Muslim sultans. The cause is rather simply that the general corruption and decay prevalent under Muslim rule[2] made even

[2] This is not meant to deny the Muslim contribution to medieval science and civilization; the point to remember, however, is that a lion's share in this contribution belongs either to non-Muslims (Jews and Christians) or to men who paid but lip-service to official Islam; that it was made not with the encouragement of the Muslim clergy, but often against their bitter opposition; and that Muslim rulers who fostered such scientific and literary development were at best lukewarm Muslims, and at worst openly contemptuous of clerical advice.

the persecution of Jews less efficient in the East than it was in the West. The necessity of recognizing this fact has in our days ceased to be a matter of purely academic interest. It has become a vital point both for the present and future destiny of Jewry as a whole.

It is to be hoped that the final volume of Strauss's work will include the all-important indices, not only of personal and geographical names, but also of subjects, so that his work might be easily used to the fullest extent as a basic reference-tool. The author should also discard his misleading and wholly unwarranted system of transliteration from Arabic into Hebrew letters; for over a thousand years Arabic-speaking Jews have consistently used a most excellent system of transliteration, familiar both to them and to Western students of Judeo-Arabic literature. There seems to be no good and sufficient reason why it should now be discarded in favor of an inferior one. In this reviewer's opinion another, also typographical, improvement would be a more generous subdivision of the text into properly headed sub-chapters and paragraphs, so that the reader might find it easier to locate the particular section that he may wish to consult; the table of contents should also be expanded accordingly.

In the meantime, students of Judeo-Arabic political and literary history will await with pleasant anticipation the appearance of the second volume of Strauss's work. They will also hope and pray that it may be only the first of a long series of capital contributions in this neglected field from this able and learned author.

Yale University LEON NEMOY

EDUCATION

תולדות החנוך בישראל בדורות האחרונים, כרך ראשון — באירופה משנת 1789—1914. הוצאת „עונן" על יד ההסתדרות העברית באמריקה, ניו־יורק, תש"ה.

HISTORY OF JEWISH EDUCATION IN MODERN TIMES. Volume I: 1789-1914. By *Zevi Scharfstein*. New York, 1945. pp. 406, with illustrations.

A school system which is at all worthy of its name reflects in its curriculum and institutions the dynamic aspirations as well as the spiritual conflicts of the community within which it functions. Schools may for a while resist the impress of the new ideas and ideals which disturb the old order. But unless an idea succeeds in embodying itself in one form or another in the school system, its influence upon the group is superficial and transient. The history of a people's educational system must of necessity, therefore, devote a goodly portion of its contents to

a discussion of those goals and purposes which for some period of time made a perceptible impression upon substantial portions of the people. Scharfstein's *History of Education Among the Jews in Modern Times*, is such a history. It contains considerable and significant information of a statistical nature regarding the number and types of school, school population, teachers, salaries, school financing and related matters. However, the author's primary concern is to indicate the effect which the multitude of conflicting social political, religious, and philosophic currents of thought abroad during the eighteenth and nineteenth centuries had upon the school systems of the various European Jewish communities.

The volume covers only a part of the area indicated by the title. A brief introductory chapter is devoted to Jewish education in the past, with special emphasis on the role of the *cheder* (elementary school). One of its paragraphs, which summarizes the difficulties experienced by the young child during the early stages of his Talmud studies, is of truly classical quality and will probably be much quoted. The main body of the book deals with the period between 1789 and 1914. Only the countries on the European continent, exclusive of the Balkans, Belgium and Switzerland, are studied. Education among the Jews in the English speaking world, in the whole of the Western hemisphere, in Palestine, North Africa, the Orient, and between 1914 and 1939 in Europe, are all to be treated in a second volume. It is a very ambitious program that the author has set for himself, but we can hope that he will complete it, for he has been an indefatigable worker in all areas of Hebrew education. As a writer of Hebrew texts for students in the Jewish elementary and high schools, as the author of texts for our Teacher's Institutes on the methods of teaching Hebrew and Bible, as a historian of Jewish Education in such volumes as the one before us, and his volumes on the cheder and on Jewish education in Palestine, as the compiler of a Hebrew thesaurus of synonyms and antonyms, as a teacher of a whole generation of students at the Jewish Teacher's Institute of the Jewish Theological Seminary of America, and as editor of the Hebrew periodical *Shevilei Hachinuch*, he has made his indelible impress upon Jewish education not alone in this country.

The volume under review is a pioneering work. While there are many monographs written on various aspects of this wide area of research, they are not easily accessible nor do they cover the whole field. The author makes no claims either for "scientific objectivity" or for any long and intensive period of research into hitherto unknown or unpublished sources. Moved by a sense of the urgent need to record at least that which is known to him personally, by virtue of his own wide experience both here and abroad, and that which he could gather from correspondence and conversation with individuals who are happily yet with us after having been principle factors in the Jewish educational activities

in communities abroad, as well as much which he collected from his extensive reading in the field of Jewish education, he ventured forth with marked success upon a task of great importance.

Reading this volume makes one feel rather depressed and discouraged. Chapter after chapter ends with a summary indicating the decline of Jewish education, and the resulting imminent disintegration of the Jewish community. Admittedly all was far from well with Jews and Judaism throughout Europe during the nineteenth century. But to measure the extent of a decline, the position of the starting point must be fixed and the standard of measurement clearly defined. Scharfstein states the latter as follows: "The aim of Jewish education in the Diaspora is the continuation of the existence of the Jewish people, continuation on the basis of the tradition, and development on the basis of contemporary civilization. Jew and man are one." The level from which he starts can only be surmised. But the impression is created that up to 1789 spiritually, if not politically or economically, everything was well with Jews and Judaism in Europe. It was only with the beginning of the Emancipation or rather with the struggle for political emancipation, that everything went wrong. Jewish learning reached its nadir, Jewish piety disappeared, Jewish loyalty became a rare phenomenon. To be sure emancipation, for the brief period of its existence, was not an unadulterated blessing. But neither was it an unadulterated evil, even from a Jewish cultural or spiritual point of view. Scharfstein here and there briefly indicates some of the contributions it made to Jewish life. But one would hardly guess from reading this history of Jewish education that the nineteenth century gave us the significant contributions of the builders of the Science of Judaism, the amazing development of Yiddish literature, and the modern Hebrew renaissance.

Out of the mass of material gathered by the author there emerge some five leading ideas which struggled to dominate the Jewish schools in every Jewish community during the period under discussion.

(1). *The school should be used primarily as a means to prepare the Jews for the privilege of citizenship.* Non-Jews were well-nigh unanimous in their insistence that Jews had to be "re-educated" if they were to be granted citizens' rights. Many an "enlightened" Jew, who may not have concurred in the opinion that re-education must precede emancipation, did, however, feel that the two should be simultaneous or that re-education should at least follow immediately upon emancipation in order fully to vindicate the Jew's new relationship to the state. Different devices were attempted to achieve this re-education. At first the government sought to change the curriculum of the *cheder.* It decreed that the *melamdim* (teachers) were to know the language of the country and use it in their teaching, and that additional subjects such as writing and arithmetic should be taught. But no provision was made to train the

melamdim. The Jewish community, for good reasons, was not interested in cooperating with the government, and the whole project met an early end. The government then invited the Jewish children to come to the government schools attended by non-Jewish children. But Jewish parents refused to expose their children to the taunts of their non-Jewish classmates and to Christian missionizing which was part of the school curriculum. Special schools were then established by the government for Jewish children only and supported by special taxes imposed upon the Jewish community. These also failed to attract Jewish children in substantial numbers. Finally the government schools eliminated their objectionable features, and the Jewish children flocked to them in such large numbers that the *numerus clausus* was invoked on the higher levels in practically all countries, and in others on the lower levels also. But wherever Jewish children found an open door to the general government school, Jewish education was automatically relegated to a position of secondary importance and too often to a position of no importance.

(2). *The Jewish community was conceived primarily as a religious communion or a "church". Hence the Jewish school was to supply its pupils only with the necessary religious education. All other education the Jewish child was to receive in the general school together with all other children.* This supplementary religious education the Jewish child was to receive either in the government school during hours specifically set aside for that purpose and taught by a Jewish religious teacher, or in schools under Jewish supervision meeting on Sunday morning or on weekday afternoons and evenings. Both of these plans produced meagre results. The amount of time given to Jewish education in these programs was usually inadequate for effective work. But more harmful was the fact that the Jewish community did not provide well trained and educationally equipped teachers. The hours the Jewish child spent upon his Jewish education were thus very poorly used and often the low calibre of the teaching personal was a contributing factor in turning the pupil against his Jewish heritage. This phase of European Jewry's experience surely holds a warning for American Jewish education which should not be disregarded.

(3). *The study of the Torah is the most important duty of every Jew*. Therefore, every Jewish child must give his primary attention to Torah. He must receive all of his education under Jewish auspices in schools which will claim all of his day. If his time is to be divided between Jewish and non-Jewish studies, the division should be on the basis of the unquestioned supremacy of the former. This approach had the allegiance of only a small minority of the Jewish communities of Central and Western Europe. But in Eastern Europe where the government elementary school did not require or permit attendance by all children, the majority of the Jewish children continued to get their education in

schools under Jewish auspices. The most effective opposition to the Jewishly disintegrating forces of the emancipation period was offered by the *yeshivoth* whose growth during the nineteenth century attained phenomenal proportions. Unfortunately none of these *yeshivoth* incorporated non-Jewish subjects into its curriculum. Where some slight variation from the exclusive pre-occupation with the Talmud was permitted, it was done most hesitatingly and inadequately. Hence while the *yeshivoth* undoubtedly produced learned and loyal Jews, they did not produce the hoped for synthesis of Judaism and modernity.

(4). *The National renaissance as reflected in the Zionist movement required that every Jewish child should receive a modern worldy education, preferably but not necessarily under Jewish auspices. But this Jewish education must be Hebraically rather than "religiously" centered.* Every Jewish child was to be taught how to speak, read and write Hebrew, and all of his Jewish education was to be given him through the medium of the Hebrew language. The *cheder metuken* and the *ivrit b'ivrit* method were the most significant contributions made by the Zionist movement to Jewish education up to 1914.

(5). *Jewish children must be taught trades and handicraft.* Jewish education was to concern itself not only with the transmission of a tradition and the inculcation of a faith, but also with the preparation for successful participation in the economic struggle of life. Hence trade schools of all types were repeatedly organized, primarily through the effort of individual philanthropists. But they never reached more than a small minority of the child population.

How all or some of these ideas struggled for supremacy in every Jewish community in Europe is depicted by Scharfstein with a varying degree of thoroughness. He did not organize his material under the themes here indicated. He chose to tell the story of each country separately. To this reviewer such a method appears to be unfortunate. In the first place it leads to a considerable amount of needless repetition. The same phenomena occur repeatedly in different countries. Moreover, the number of countries involved is considerable and the amount of space accorded to some of them becomes, therefore, obviously very inadequate. Thus for example, one page per country is devoted to the history of Jewish education in modern times in such countries as Sweden, Denmark, Finland, Bukowina, Bosnia and Croatia. To be sure these countries, except Bukowina, had small Jewish populations. But one page, no matter how succinctly written can not adequately tell the story of Jewish education even in any fairly active American Jewish congregation.

The author repeatedly directs the reader's attention to the question whether the corroding influence of political emancipation upon Jewish learning, piety and loyalty can be successfully checked. Again and

again he condemns and bemoans the failure of the orthodox community to rise to the need of the hour and to employ modern weapons in its own defense. He ascribes to Zionism and the Hebrew renaissance the greatest share of the credit for whatever successes were achieved in the struggle against the debilitating effects of the emancipation. Yet in terms of actual institutions of learning established and educated Jews produced, the most notable successes, even on the basis of the information presented by Scharfstein, must be attributed to those very orthodox forces which he had previously pronounced hopelessly moribund. He points to Hungary as a land in which the evils of emancipation were most successfully countered because of the *yeshivoth* established throughout the country. "There is no doubt", he writes, "that the courageous champions of orthodoxy preserved in Hungary the fire of our faith and life, . . . saved a portion of the Jewish population and preserved the Jewish way of life." The same is true, in his opinion, of Eastern European Jewry. Indeed, one of the most valuable contributions made by this volume is the history it gives us of some of the greatest *yeshivoth* of Eastern Europe such as Volozhin, Mir, Telse, and others. In contrast to the educational activities of the orthodox community, Zionism in its formal organizational aspects was practically negligible as a builder of educational institutions in the Diaspora. As far back as 1902, teachers appealed to Zionist bodies to assume responsibility for education in the Diaspora without even gaining a respectable hearing. But that Zionism as an ideal had a revolutionary effect upon many aspects of Jewish education is by now universally admitted.

The volume is unfortunately marred by what appears to be careless proof-reading. Many of its dates are wrong. The widespread mistake of identifying the number of children getting a Jewish education *at any one time* with the total number of children getting any Jewish education *at some time in their lives*, is also repeated (p. 103 and p. 177).

There is no doubt however, the volume will be read with great profit by everyone interested in Jewish education. Jewish educators are indebted anew to the author for presenting them with a highly informative and stimulating work. All those concerned with the future of Jewish life in America should study this book carefully because its story has extraordinary and immediate relevance to the present situation. I agree with another reviewer that this work should be translated into English.

Jewish Theological Seminary of America SIMON GREENBERG

American Jewish History

THE RISE OF THE JEWISH COMMUNITY OF NEW YORK 1654-1860. By *Hyman B. Grinstein.* The Jewish Publication Society of America. Philadelphia, 1945. Pp. XII+645; with several illustrations.

TO write the local history of any Jewish community, particularly any American one, is a very difficult task. It involves so many cross currents of events, rapid changes of condition, and such a wide variety of personalities, both internal and external, that it makes extraordinary demands on the expertness of any historian. Our American Jewish communities have never been homogeneous. Changes have sometimes seemed sudden and inexplicable, too often from outside sources. Any American immigrant group, in periods of expansion, or of depression, and especially a Jewish community, has been susceptible to drastic changes in economic and political status. Such urban groups are in a state of constant flux with the passing of pioneers and old-timers and the coming of new personalities, changing of conditions and the infiltration of new influences.

For earlier Jewish generations records and documentary material is scarce and fragmentary. Too generally the history of any American Jewish community is unchartered waters where no predecessor has left maps or even landmarks to guide the navigator.

Hithertofore few trained or competent historians have attempted to plow this field. Mostly such histories as we have had, "The Jews of Philadelphia", "The Jews of Richmond", "The Jews of Iowa", "The Jews of South Carolina", have been the work of enthusiastic, untrained, amateur historians who produced interesting journalese. The one exception has been the recently published history of the Jews of Easton, "Consider the Years", by Rabbi Trachtenberg, which covered a very small community with very exceptional material available for investigation. Now, for the first time, a serious effort is presented from a competent historian, chronicling the history of an important American Jewish community.

Grinstein's "The Rise of the Jewish Community of New York" is an interesting and worth-while book. It is both stimulating and suggestive—a valuable addition to American Judaica. Not only a piece of meritorious scholarship, but it presents, from a modern historical point of view, the first attempt to analyze the development of the Jews of New York as a communal group from 1654 up to the period of the Civil War. It presents painstaking and intelligent research and careful use of much varied and valuable material now made available for the first time.

It has so many merits and is so worthy and meritorious an exemplification of American Jewish historical scholarship that one dislikes to point out shortcomings.

The history is based almost wholly on synagogue records, documents and related references. Everything is written from a synagogue viewpoint. Even in de-ghettoed New York, Grinstein views the life of all its Jews not only as dominated by the synagogue and its affiliated societies, but as if all interests, activities, and life of New York's Jews gyrated in and around its synagogues and within their shadows. True, especially in early New York history, the synagogue was a central and dominating influence in the lives of all Jewish inhabitants, but it never was the alpha and omega of all the lives of all its Jews. It is as if a scientist studied under a microscope a single nest of insects and, disregarding all outside biological learning and everything not directly under his microscope, generalized from his observations of the personal peculiarities he catalogued.

Perhaps the book has been given too broad a title. This study does not treat the rise of the Jewish community of New York, but rather the development of the synagogues in New York City Jewish life. True, Grinstein himself has limited the scope of his book when he described it only as a study of "the inner life of the Jewish community of New York." But how can one study the "inner life" of individuals without regard for the corporeal body which is carrying around the "inner life" and the very materialistic surroundings, conditions and objects with which "the inner life" is bound to be confronted? The "inner life" does not exist in a vacuum. In this world at least it has to deal with human life and human problems in the face of actualities.

For example, even in colonial days Jews enjoyed a social life outside of the synagogue. The Franks family was part of the official Government society circle in the early eighteenth century. In 1742, Phila Franks, daughter of Jacob Franks, a one time President of Congregation Shearith Israel, eloped and married Oliver Delancey, of New York's great and socially prominent Delancey and Van Courtlandt families, and a brother of New York's Chief Justice. This created a furor, both in Jewish and Christian New York circles of the day, and suggests facets of Jewish-Christian social interrelationships not adequately represented by a rehash of synagogue records and which could not help but mould and shape reactions in Jewish ideas and ideals.

The business activities of Jews—fur trading, sugar dealing, shipping,and importing in the colonial period were almost wholly outside of New York synagogue spheres of influence. In 1733 the merchants of New York became aroused over the possible enactment of legislation which later became known as the Sugar Act. This proposed taxation of molasses and sugar imported into America from non-British colonies. How came it that, when a petition to Parliament in protest against such legislation was proposed in behalf of the citizens of New York, Rodrigo

Pacheco, the well-known Jewish merchant, was chosen one of five to sign the petition "in behalf of H. M. Province of New York in America"? Synagogue records give no answer. Grinstein touches no such mundane topics. Yet, food to feed the bodies and funds to support the institutions, and leaders and scholars are basic prerequisites for the development of high spiritual idealism in any community, Jewish or otherwise.

How can one present the "inner life" of a community without presenting the actual literary thinking and output of its writers, dramatists and leading intellectuals? Mordecai M. Noah was more than a synagogue official in the Jewish community. He loomed important in the busy life of the city at large as dramatist, politician, orator, author and newspaper editor. Myers, the Jewish silversmith, was one of the outstanding and recognized masters of his art. Jonah B. Phillips was a sizeable figure as a dramatist in the theatrical circles of the city, as well as later an Assistant District Attorney of New York County. Samuel B. Judah was, to say the least, a controversial literary figure as poet, playwright, libeler, and active lawyer, if one of somewhat dubious and questionable practices. Jacob Hays, the High Constable of New York for more than forty years, was so recognized a personality that he deserves mention in any history of the New York Jewish community other than that of an apostate.

In a later period, the rise of the German Jews in clothing manufacturing was quite as important a factor in Jewish life in New York as synagogue quarrels and politics. In 1831 ready-made clothing manufacturing began in New York as a "native" industry. By 1860 it was important business for New York Jews. Bernheimer Brothers and William Seligman and Co. already ranked amongst the largest manufacturers in the city. As for the lesser Jewish fry in the clothing business, in 1841 L. Maria Child, an eminent Boston blue stocking, visiting New York, remarked, as one of the New York impressions created on her Yankee mind, that "the vending of 'old clo' is a prominent occupation of the Jews." Yet there is no mention of this or any other commerical activities of the New York Jews. How did they make their living? What kind of stores did they keep? What goods were they advertising and selling? This all being outside of the jurisdiction of the synagogue finds no place in this history presented in "The Rise of the Jewish Community of New York".

Neither does it tell of the education which the Jewish boys and girls received in secular schools or colleges except as it touched synagogue relations. Yet, this was an important factor in the over-all development of Jewish life here as elsewhere. Doctors, lawyers, and other Jewish intellectuals began to appear on the scene during this period. For example, Judge Dittenhoefer, son of one of the founders of Emanu-El, graduated from Columbia in 1856, practiced law so successfully as to be appointed

a judge by 1862, and was one of New York's electors to nominate Lincoln in 1864. Simon Sterne, the eminent political economist, lawyer, and authority on railroad law, by 1852 was the lecturer of the Cooper Union course on Political Economy. Emanuel B. Hart, born in New York in 1809, after serving in minor offices was elected to Congress in 1851, and in 1857 was appointed by the President Surveyor of the Port of New York, this appointment being followed by a long, useful, and important public career. These few are mentioned to show one cannot just focus eyes on the synagogue enclosures and give a realistic account of a community.

Assuming that the fault lies in that the title covers too much ground and that the real scope of the book is merely to present the rise of the religious Jewish New York community, still there remains a fundamental defect within that narrower limitation. The religious experiences and development of the Jews of New York and of their Judaism and synagogues were not something special, localized, or isolated experiences, or a course of events peculiarly Jewish confined to this single Jewish community. The period of which Grinstein writes is the period which covers the fall of ecclesiasticism. If one studies, for this period, the Congregational Churches in Boston, the Catholic Church in New Orleans, or Quakerism in Philadelphia, one finds the same parallelism as is here ascribed to the Jews and their synagogues in New York. This period is a period of the rise of materialism, a time of increasing industrialization and secularization of society. The Church as well as the Synagogue in lay life finds new competition with other forces for the devotion, time, loyalties, and attention of the individual. In 1654 the Church everywhere controlled education, literature, art, music, and even politics and government. By 1860 the Protestant Churches in New England, the Catholic Church in old Spanish Colonies, had been and were going through just what the Jewish Synagogue and their constituencies in New York experienced. What Grinstein has found and presented is not a rise and fall of New York synagogues' hold on their followers, or a repudiation of Judaism, but rather merely a phase of the general broadening of life interests of the individual in the modern American world. With increased education, a wider range of experience, and an enlarged freedom of social and economic opportunity, the relationship between synagogue, its rabbi, and the congregants has come to reflect a more modern association than the monopolistic, autocratic, ecclesiastic rule of the past with Jews as well as with Catholics and Protestants in America.

The history of the Jewish community of New York is not an isolated local affair, but is a part of world history—a part of world evolution from medieval conditions and thinking to nineteenth-century living and philosophy. Grinstein fails to perceive that he is not writing merely of immigrant Jewish reorientation and Jewish psychological changes, but

of a segment of American development of human lives and living. After all, the Jews who came to America all were participants in a great adventure and were part of, shared in, and were themselves inoculated with what Professor Turner, in his well-known book "The Frontier in American History", has depicted as our Americanism:

> That coarseness and strength combined with acuteness and inquisitiveness; quick to find expedients; that masterful grasp of material things, lacking in the artistic but powerful to effect great ends; that restless, nervous energy; that dominant individualism, working for good and for evil, and withal that buoyancy and exuberance which comes with freedom—these are traits of the frontier, or traits called out elsewhere because of the existence of the frontier.

It is to be regretted that Grinstein has felt that it was outside the scope of his subject to discuss "general Jewish and Christian activities" and to be unyielding in the least degree to the suggestion of the scholars who have said that there can be no true history except it be part of universal history.

It would be unfair to end a review of this good book on a note of depreciation. It presents many excellencies. It is a storehouse of so much valuable historical material and suggestions that everyone who wants to study American history must turn to its pages. It does ably and sanely present aspects of the cultural, emotional and even psychological changes and reorientation of an immigrant group in its Americanization. To everyone interested in the American Jew, it is a "must" deserving of an honored place on the bookshelf.

Boston, Mass. LEE M. FRIEDMAN

ANTI-SEMITISM

DEN NATIONAL SOCIALISTISKA ANTI-SEMITISMEN (National Socialist Antisemitism). By *Kurt Stillschweig*. Kooperativa Förbundets Bokvörlag. Stockholm, 1946. 63 pp.

THE United States State Department is preparing a twenty-volume documentary history of National-Socialist Germany's crimes against peace and civilization, for the most part based on the material which was used in the Nuremberg war criminals trial. This will, of course, include bulky evidence of Nazi antisemitism and the resulting Jewish persecutions. The causes which make such publications necessary are obvious. They are by no means intended merely for purposes of propaganda but rather for a documentation of historical truth. Generations of historians will have to use and evaluate this important material which

will enable them to write the history of the most formidable war mankind has ever experienced, and of all factors responsible for it.

What is being done among Jewry, the first and foremost victim of Nazi tyranny and beastliness, in order to give an historically documented account to future generations of the greatest tragedy which ever befell the Jewish people? The great Jewish political organizations, some of them maintaining large research institutes with numerous research workers, accumulated important historical material during the war. But it seems, they care very little about the fact that much more material is available and should systematically be collected in Europe. Most of them are hardly concerned about the demands of present and future historians, nor about the necessity of writing history in a scholarly manner. True, they produced some excellent works to satisfy the need of the day or to support their own political aims by appropriate documentation. But, to the best of this reviewer's knowledge, no attention has been given as yet to the need of researches in Jewish history on a large scale and scholarly basis. The only conspicuous exemption is the Yiddish Scientific Institute in New York which, under the able guidance of its research director Dr. Max Weinreich, is anxious to collect historical material concerning Eastern European Jewry and to entrust the writing of the history of the vanished great Jewish centers to able historians. The volume *Hitler's Professors* is an interesting contribution to the history of Nazi antisemitism. The Black Book of Polish Jewry is likewise a commendable undertaking. But elsewhere very little interest is being shown in Jewish historical research.

These reflections about the necessity of scholarly researches on the history of modern antisemitism and the extermination of European Jewry were provoked by the small pamphlet under review, number four of a series published by a Swedish group of culturally interested intellectuals. Kurt Stillschweig, known to the readers of this journal through his several contributions on legal and social problems of European Jewry, presents an excellent account on the history, aims, methods, and achievements of National Socialist antisemitism. Writing in a clear and easily understandable language, the author gives a fine and scholarly account of the entire historical development and its underlying religious, social, economic, and political causes. Most recent statistical data illuminate his description and convincing conclusions. A similarly sound and penetrating analysis is not yet available in English. This pamphlet, which was preceded by another booklet on National Socialist conceptions of law by the same author would well deserve, by means of a translation, to be brought to the attention of American readers, and American-Jewish readers in particular.

Jewish Institute of Religion GUIDO KISCH

Biography

DER BUNTE SPIEGEL: ERINNERUNGEN AUS DEM KUNST-KULTUR-UND GEISTESLEBEN DER JAHRE 1890-1933. By *Max Osborn*. With a letter to the author by Thomas Mann. Verlag Friedrich Krause. New York City, 1945. Pp. 280 with 2 plates and 5 facsimiles.

IN this significant volume Max Osborn, the noted art-critic and widely read author of fascinating books on the history of art, formerly in Berlin, who recently died in New York, presents his memoirs of a long life of literary and social activity. They are descriptive not so much of his own life but of great personalities he met all over Europe in the world of art, music, literature and the theatre. Because of his curiosity, the best gift of a journalist, his varied interests in arts and sciences, and—last but not least—due to his charming and sympathetic personality, he had the good luck of meeting a great number of geniuses. His memoirs are therefore a truly humane document of the highest value.

Half a century ago, Osborn—then a young man—came into contact with Adolph Menzel, the famous painter of Frederick the Great and his time, Hans von Buelow, the renowned conductor of Wagnerian music, and with the outstanding art-historian Hermann Grimm. He met the well-known reformer of the German theatre Otto Brahm and the celebrated actor at the Vienna Burgtheater Joseph Kainz. Osborn had close relations to the foremost painters of the time, among them Israels, Pissaro, Renoir, Liebermann, Lesser Ury, who, with the exception of Renoir, were all Jewish. In his book he succeeded in portraying these artists vividly. By narrating some amusing anecdotes about them he gives us a fine sketch of their character and peculiarities. The mentioned names are merely a selection of those celebrities he had the opportunity to know and to observe in their work. In his introductory letter to the author Thomas Mann rightly remarked: "You have lived a long and rich life, populated with eminent figures, and have experienced it with a conscious mind and sensibility." It is this fact, indeed, which makes this book significant. Had it been published in Germany when that country was still enjoying its high culture and was reputed as a center of arts and sciences, it would certainly have become a bestseller. In America it will reach only the circles still familiar with the German language, and that means a comparatively small and ever decreasing number of readers. Yet, everyone who is interested in the cultural atmosphere of pre-Hitler Germany can derive from these memoirs much information and pleasure. They betray an artistically gifted mind, a fine observer and a clever and amusing writer.

Hebrew Union College FRANZ LANDSBERGER

NECROLOGUE

Reinhold Lewin

1888-1942

IT SEEMS that the long list of noted Jewish historians who became victims of Nazi brutality, by which the German-Jewish community was indiscriminately exterminated, will not come to a close. After a year-long search, this writer received word from the Jewish committee administrating the Jewish community of Breslau that all Jews of that city, with the exception of two couples, in 1942 were deported to Theresienstadt or Poland. Therefore little hope was left that the last spiritual leader of that once great community of old renown still be alive: Rabbi Reinhold Lewin, a Jewish historian of distinction. A letter from the above mentioned committee reads: "Rabbi Dr. Reinhold Lewin, his wife and two children became victims of the Nazi terror. The oldest son was rescued and serves in the British army."

Born in 1888 in Magdeburg, in the Prussian province of Saxony, Lewin graduated from the *Gymnasium* of his hometown and received his rabbinical education and ordination at the Jewish Theological Seminary in Breslau, where such reputed scholars as Israel Lewy, Marcus Brann, Leopold Cohn, and Jacob Freudenthal were his teachers. At the same time he studied philosophy and history at the University of Breslau. He obtained the degree of Doctor of Philosophy in 1911. From 1912 till 1921 Lewin served, first as assistant, later as associate rabbi, in Leipzig. He left this position when he was appointed rabbi of the greatest Jewish community in East-Prussia, in Königsberg. There he remained for seventeen years until he was called to Breslau.

Lewin was not only a successful and greatly esteemed rabbi but also an excellent scholar in Jewish history, who employed the historical sources with thoroughness and a fine sense of discrimination. Gifted with an unusual oratorical and stylistic ability and always shunning superficiality, he knew how to present the results of his researches in an attractive and even fascinating form. He was mainly interested in the late Middle Ages, the Reformation and in the period of Jewish Emancipation. In 1911, the Protestant Theological Faculty of the University of Breslau chose as the subject for its annual prize award the theme: "Luther's Attitude Toward the Jews." Among the works of several anonymous competitors one was selected for its excellence, comprehensiveness and

thoroughgoing research. When the envelopes marked with the mottos of the competitors were opened, Lewin turned out to be the prize winner. His book was published in the series, "Neue Studien zur Geschichte der Theologie und der Kirche", ed. by Bonwetsch and Seeberg, under the title: *Luthers Stellung zu den Juden: Ein Beitrag zur Geschichte der Juden in Deutschland während des Reformationszeitalters* (Berlin, 1911; XVI and 110 pages). The interesting problem of Luther's attitude toward the Jews, particularly the changes it underwent and what caused them, were studied for the first time on the basis of a thorough examination of the reformer's writings and against the historical background. The elucidation of Luther's motives for his final violent Jew-hatred was important not only from a scholarly point of view but also for very practical reasons. For even in pre-war Germany anti-semites were always anxious to bolster up their argumentation with quotations from Luther's works and with references to the founder of the reformed Church. Lewin's book, unfortunately not available in English translation, was immediately recognized as an outstanding contribution to scholarship by Christians as well as by Jews. It remained the standard work on the subject.

Although burdened with many obligations as the rabbi of large and leading congregations, Lewin found always time to devote himself to scholarship, which he considered an important part of a rabbi's duties. His numerous articles in various journals are difficult to survey and cannot be listed because many of the journals are not available in this country. A fine and comprehensive historical essay on King Friedrich Wilhelm II's Jewry legislation appeared in the *Monatsschrift für Geschichte und Wissenschaft des Judentums*, vol. LVII (1913).

In the spring of 1914 Lewin founded a quarterly for Jewish bibliography, *Bibliographischer Vierteljahrsbericht für die jüdische Literatur*, in which he tried to prove that Jewish bibliography need not necessarily be a dry and lifeless accumulation of book titles and a description of page numbers and book format. In his journal every item listed was to receive an impartial, scholarly review in order to inform the readers of the contents and to guide prospective buyers of books. Only one issue was published, however. The promising enterprise fell victim to World War I, in which Lewin participated for four full years as a Jewish chaplain. Several publications originated during the performance of his war duties. Particularly expressive of religious fervor is his brief article, "Gottesdienst und Heimat," published in *Ein Gruss der Feldrabbiner an die jüdischen Kameraden im deutschen Heere* (Berlin, 1915), and his thought-provoking essay "Der Krieg als jüdisches Erlebnis," which appeared in the *Monatsschrift für Geschichte und Wissenschaft des Judentums*, vol. LXIII (1919).

In 1924 Lewin founded the *Königsberger Jüdisches Gemeindeblatt* of which he edited fifteen volumes until its suppression by the Nazis.

In these volumes numerous articles from Lewin's pen are included. The *Königsberger Jüdisches Gemeindeblatt* was outstanding among other such periodicals because of its high literary level and numerous scholarly contributions, mostly on the history of the Jews in East Prussia. Its volumes, which are rare now, will remain a mine of information on Jewish life and work in the largest eastern Jewish community of Germany between the two world wars.

During the fateful years of Nazi tyranny Lewin exhausted his forces, weakened by imprisonment in a concentration camp and by serious illness, in the duties for his community which he tried to sustain and comfort to the very last. Efforts of his friends in America to rescue him, though successful in the beginning, failed in the end because the American consulate in Berlin refused to grant him a visa to the United States. Thus he perished together with his devoted wife and two children for the sanctification of the Holy Name.

GUIDO KISCH

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24 + 635 + LXXXVIII pp. (Hebrew, Latin, Polish and German).

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