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THE LEGAL AND ECONOMIC HISTORY OF THE JEWS

VOLUME IX

EDITOR

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AMERICAN JEWISH HISTORY
THE TASK AND THE CHALLENGE

By Anita Libman Lebeson
Winnetka, Illinois

Task and Challenge

THE TIME has come to turn the spotlight upon the history of Jews in America. It is a tale worth telling. For the history of our people on this hemisphere need not be forgotten lore. Its romance, excitement, adventure are challenging and ripe for a chronicler. Its implications are significant. It is part and parcel of American history.

History is, in the larger sense, narrative grounded in research but motivated by a search for meaning, for explanation of present-day phenomena in the terms of the forces that brought them about. The writing of history has been appropriately called "an act of faith." The historian is a little like the prophet Ezekiel. He prophesies upon dead bones and they come to life.

The Jewish immigrant to American shores from the days of the expulsion of Jews from Spain to the days of their expulsion from Germany, came trailing a heritage and carrying a great culture. Often stripped of all material possessions, he arrived here with what skills he had learned in his native land. No government sponsored Jewish early colonization. No rich landholding companies enticed the Jewish immigrant with promises of rich land and good jobs. From the start, Jewish immigrants were on their own. They challenged the wilderness. They fought for the ramparts. They died on every battle-field. Jewish entrepeneurs bought land, traded with the Indians, helped to develop the hinterland, built ships and sailed them, helped tie the distant parts of the

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world together. The accelerated pace of immigration brought its problems. The four distinct waves of Jewish immigrants which inundated our Eastern seaboard had characteristics that were unique. History makes strange bedfellows. But the earlier occupants were always reluctant to make room for the new.

The historian who writes the history of so old and yet so vital a people as the Jews, must bring to his task more than the Olympian detachment of the scholar. He must probe deep into the hearts and minds of these immigrants. He must study their cultural setting and their cultural heritage. He must distinguish between what Jews brought to their new homes from what they borrowed from their Christian neighbors. The facts which tell the saga of Jews in America are in themselves arresting and fascinating. The creative synthesis, the explanation must be left to the reader. The historian painstakingly gathers the fagots. The reader kindles the flame. The historian performs the oblation. Its acceptance rests with his readers.

The story of Jews in America holds up a mirror large enough to show not only the Jew, but also his social and economic environment. It discovers not only the role of the Jews in the drama of American history, but also of the other *dramatis personae* in the cast. For among his neighbors, the Jew is many-faceted.

The history of Jews in America bristles with the excitement of adventure; the romance of pioneering; the pathos of living Robinson Crusoe lives in the midst of alien cultures. It challenges the imagination with the stories of the building of synagogues by the scattered remnants of Israel. It records the growth of social movements, of the labor movement, of social and fraternal organizations. The historian seeks to discover both unity and continuity. Suddenly the record of Jews in America comes alive. Then the miracle occurs. The reader is imbued with the historian's ardor and is caught up in the inexorable tide of history which is bigger than both the writer and the reader, which is timeless and awe-inspiring, which is a part of a process that goes on forever.

COMMEMORATIVE MEDAL
Upon the 250th Anniversary of Jewish Settlement in the United States,
by ISIDORE KONTI

The ancients said that all human history was a record of struggle: of man's struggle against nature, man's struggle against his fellow-man, man's struggle against himself. The history of Jews in America is the record of this threefold pattern. Perhaps the bitterest struggle of all has been the one the Jew has been fighting with himself, searching, weighing and measuring his own worth, questioning, sometimes trying to hide and escape, looking for surcease from strife and finding only more strife. Some Jews in their frantic efforts at escaping from themselves, have aped the ways of their neighbors, have turned their backs on the riches of the spirit which are their rightful heritage, have forgotten the folklore and tradition which are the garments which Jews wore in the past with dignity and with honor. The modern Jew, alas, often wears his Judaism like a hair shirt—and is angry because his garment irritates his skin.

The most cherished possession which Jews brought with them was the very thing which other Jews so lightly throw away. For if one takes away the Old Testament influence from the annals of early American history, one robs it of its spice and flavor. The very texture and life-blood of the early covenants by which the founders of this nation lived, the strength of their philosophies, the meat of their sermons, the sinews of their early educational systems, were founded on Jewish thought.

Cultural Approach

There are many new types of histories now being written stressing some one aspect of man's struggle with his environment, his fellow-man, his own nature. Historians have emphasized the purely narrative, the philosophical, the scientific, the biographical, the economic, the organic, the social aspects of the human drama as being predominant. If the present writer may be said to have a bias it is for the *cultural approach* to history. The historical process is highly selective, for it is obvious that not *all* the facts can ever be recorded, even if they could be encompassed by one historian. Objectivity is only relative. The recognition of a personal bias is

vital. So is the disciplined schooling in the orthodox methods of historical research. The cultural approach to history accepts, as well, some of the newer tools which the anthropologist and sociologist have perfected. Its discipline sees in human society, be it primitive or highly civilized, repetitive patterns—patterns which encompass the family, group life, institutions, ideologies. Society is a *continuum,* a river swelling in volume, always in motion. The individual is studied against the larger frame of references, against the background of his social climate. The cultural approach enriches the writing of history, for the record of any segment of society then becomes a pattern of the larger whole. Thus the history of one minority group in America may well become the key to the enigma of other component groups and the study of antisemitism may well become the study of the anatomy of prejudice. The "forgotten man" of history, the little fellow whose deeds have been unhonored and unsung, holds the center of the stage. The floodlight of inquiry is thrown upon him. For he is the culture-bearer of his group, the important unit of the cultural whole. His ideas and concepts are of moment; his habits of work and play are of vital importance; his beliefs and practices are the tools of the historian concerned with the writing of cultural history.

If all this were not reason enough for adding to the chronicle of Jews in America, there is still another trend to be noted,—a new trend in the field of American historiography. There have been many fine new additions to the growing library of works on American history in the past decade. Many of these works, written by great scholars of undisputed reputation and high purpose, omit completely all references to Jewish participation in the building of America. It is as if the hand that writes on the wall grows limp when it comes to the Jewish contribution. In volume after volume, the name of the Jew is conspicuous by its absence. One cannot say this is by design. These are men of integrity and sound scholarship. Yet by some strange feat the record of the Jew has been expunged. His past performances are consigned to the limbo

of things forgotten. His heroes are without honor—unsung, unremembered.

The Jew is a character who might never have been—the ghost in Hamlet, the faint voice heard off stage, the figure without substance forever destined to live in a land of shadow, to wander unnoticed in a forgotten world.

The Quakers and Shakers, the Oneida Community, the followers of the frailest prophets and most evanescent ideologies may be found in these new books. The achievements of the Jew are lost in a vacuum. It may be that the fault lies with the Jews themselves. Perhaps their scholars, so busy pursuing other gods, have forgotten Jerusalem and its influence. Perhaps the facts are scattered and they are hard to assemble.

Thus we ring up the curtain. We invite the audience to consider with us the unfolding drama whose plot began long ago and far away. And whether we see the Jew as the eternal wanderer or the proud pilgrim depends on what we have ourselves brought with us to the pageant we view. For the barren,—a small tale. For the rich in heart,—a noble drama.

Pilgrim People

"Birds of passage," Thompson called them referring to the Jews of medieval Europe.[1] But whether they were birds of passage or footsore pilgrims seeking refuge, the fact remains that Jews were cast by the fates to perform a migratory role in history. Their mobility was largely *horizontal.* For the normal, ladder-elevation from the lower to the upper classes, *vertical* mobility, was not for them. A few by virtue of luck or genius might secure royal or noble patronage. They were the exception. Plodding over the face of Europe, wearily following foot trails or the ruts of wooden carts,— these men were not empty-handed. Tossed on bobbing caravels which hugged the shore fearing to lose sight of familiar

[1] James W. Thompson, *The Middle Ages,* 300-1500, two vols., (New York, 1931), II, 734.

land marks, these men were not beggars. For what they had seen in one land, they could describe in another. The gifts they carried from land to land were gifts of the mind. The silks and spices and frankincense which they transported with them were the beginnings of great commercial enterprises.[2] Yawning stalls in the market place welcomed them. The nobility and clergy needed the goods they brought. The carrier was spurned. The merchandise was not. But East was connected with West—inexorably. And the Jew performed the connection.

To be spurned was not enough. They were elbowed aside, clothing marked with symbolic emblems "the better to see them." Church and society were hostile to the Jewish people. Contempt and calumny, hatred and derision, segregation and persecution, reached their height in a device for discovering and punishing heretics whose instrument was the Inquisition. A simple suspicion, a gossipy remark, a hint of "witchcraft," a touch of doubt was enough to send men and women to the rack and the *auto-da-fé*. It was but a short step from life to death.

Like a giant snuffer the Holy Office extinguished hope and life itself and proud names were only a memory and gallant hearts were ashes. . . .

Since their cherished land was lost to them, Jews had always dreamed of Zion. Their poets had lavished their finest talents saluting the land which was once their own—a land which they had never renounced in their hearts. But fantasy and day-dream vanish in the torture-chamber. Bitter reality blew its cold breath dispelling rosy mirages. Somewhere a land must be found, an island, a slice of continent, a corner where the driven, the unwanted could find refuge. Where could they turn, these Jews and crypto-Jews? Where under the vast dome of heaven was such a place? Some men turned to the stars, became astrologers, foretold the future by means of horoscopes, trying to look around the corner of time. Others turned to geography seeking to dispel the fog which

[2] *Ibid.*

blanketed much of the world around them. Surely in the unknown, undiscovered places sanctuary could be found.

Over the drawing-boards of great Jewish cosmographers huge shadows were cast—shadows of coming events, of new continents, of green islands. They pointed the way. Columbus, Vasco da Gama, Cabral leaned heavily on their skills. The age of discovery had begun.

The close and intimate collaboration of Columbus and the Jews is an old story. Much has been written on this subject—and it is far from exhausted. The moot question of Columbus's own derivation is also not to be resolved here. But the important fact is that upon his voyage and upon every voyage that was planned and undertaken at this time, the fond hopes and the fervent prayers of the unwanted Jews of Europe were lavished. As the space between the pit and the pendulum narrowed, these victims of fanaticism yearned for a solution to the immediate problem,—a new and more permanent abode. That abode was found in the New World. America was waiting. And so were the driven Jews. Never was timing more opportune.

Jews went as passengers, as translators, as ships' surgeons, as expert geographers. They were in every crew. For *degradados,* men with a record as relapsed Jews, were impressed as seamen. They came in such relatively large numbers, they were so quick to throw off their enforced status as crypto-Jews, that the Inquisition lost no time in setting up branch offices on the western shores of the Atlantic. Business in *conversos* was booming. The Holy Office was swamped. The "inquisitors of the Indies" even appealed for papal help, as early as 1537. In South America, in the West Indies, in Mexico, there is a long and blood-stained record of early pioneering by Jews, pioneering which culminated in martyrdom. How dearly won was every inch of American soil, paid for by the blood of martyrs, sanctified by the ashes from many an *auto-da-fé!*

But the tide could not be stemmed. Jews came in ever-growing numbers. Nor did they come empty-handed. They brought many a wanted skill. They launched many an agri-

cultural and industrial enterprise. "Urban Jews with a genius for trade made possible the industrialization of sugar-cane agriculture in Brazil," writes Gilberto Freyre, the foremost authority on Brazilian history in 1945 in discussing the earliest contributions to the New World by Sephardic Jews.

Each man brought to his new home not only the skill of his hands and the gifts of his mind. He brougt his culture, his religious beliefs, his total heritage. Each gave to the new land according to his measure. Europe and the New World formed a cultural unit and except for the physical setting, life on both sides of the Atlantic presented similar patterns. The cruel, the depraved, the sadistic elements sought out the same victims. So subterfuge alternated with open profession of faith. Again and again Judaism was driven underground in the New World. Again and again it sprang to life. The flag that waved over a colony made all the difference. How else did the Jews thrive under Dutch domination and bleed under the Spaniard? History is not reticent and the record is there for all to read.

When the Jews were expelled from Brazil in 1654 after a century and a half of residence there, they again took to their ships and scattered. But a handful of these refugees turned up in New Amsterdam. For was not the Dutch flag the symbol of their best hope? These immigrants were "healthy but poor" and Peter Stuyvesant was loathe to accept them. But the Jews of Holland were not without friends. They had made a notable contribution to the land and to its economic and cultural life. So from Holland came orders to accept these poor pilgrims. Nor did the newcomers fail to fight for their rights. In 1657 Jews were admitted to citizenship. Jews continued to come to New Amsterdam and to other seaboard colonies. And whether they came as isolated travelers like Robinson Crusoe seeking a landfall, or whether they came in groups or in family units, specific patterns of acculturation may be noted.

For the already established settlers, no matter how recent were the members of the host culture, looked upon all newcomers as aliens. Their practices, lay and religious, were al-

ready in operation. Those who professed an unlike or alien culture were in the minority. The majority group had a home base, a government which protected them, which issued charters and grants patent. The children of the well-to-do were sent back "home" to school, returned confirmed in the familiar usages, in the customs and rites which were so dear to their parents. There was a trans-Atlantic unity of discourse. But the emigré, the refugee, the exile, lacked such integrating ties. His passage to America was a one-way ticket. He was on his own in a very real sense. This may account in some measure for the indefatigable energy, for the inexhaustible fund of enthusiasm, for the herculean undertakings of Jewish immigrants. Here were men and women who never cast a regretful, backward glance over their shoulders at the homes they had been forced to abandon.

The seaboard colonies received them and under the English as under the Dutch the Inquisition did not pursue them. When the *Abigail* docked in Virginia in 1621, Elias Legardo disembarked, the first known Jew of that colony. He was soon followed by others. Some of these men and women were destined for perpetual anonymity. Others of the early settlers managed to leave a record of their deeds in a lawsuit, a claim, a will, a shingle announcing the practice of a profession or of a trade. Such a man, for instance, was "ye Jew doctor," Jacob Lumbroso who was a "barber-chirurgeon" in Maryland in 1656 and later. In 1658, fifteen Jewish families arrived in Newport, Rhode Island, from Holland. They were soon joined by others who swelled existing settlements along the seaboard.

What manner of folk were they, those early Jewish settlers? Among Jewish freemen of 1687 we find three chandlers, a butcher, a peruke-maker, a brazier, a cordwainer, a vendue-master, a saddler, a watchmaker, a retailer. Here is an occupational diversity as would insure a welcome. For were not skilled hands needed to transform the wilderness?

They lost no time in establishing a religious community, although worship was privately conducted at first. In a little house on Mill Street, in New York, they assembled for ser-

vices as early as 1682. Before that they used their homes for synagogues. In 1685, they petitioned for the right to conduct their religious services publicly. By 1700, a parcel of land was identified as being near the "Jews synagogue." The two most famous seaboard congregations were located in New York and in Newport, the latter having just been designated a national shrine.

> The weary ones, the sad, the suffering, all found their comfort in the holy place. . . .

Thus did Emma Lazarus salute these early Jewish pilgrims. Here Longfellow found inspiration in *The Jewish Cemetery at Newport.* Here Ezra Stiles came to know Rabbi Carigal, here too he studied Hebrew, and to his diary we are indebted for descriptions of these early citizens of Newport.

Scattered they might have been, yet they were kinsmen, tied to each other by a thousand bonds. When the little brick edifice of the congregation *Shearith Israel* was being built, did not the "kinsmen" of Curaçao collect "264 pieces of eight?" And did not contributions come in from Jamaica, from Barbados, from London? The synagogue was the clearing house for their communal affairs, for the administration of charity, for the education of the young, for the celebration of the *rites of passage,* those milestones in a man's life which mark his induction into the religious fraternity,—all the periods of transition of his life. Here the widow and the orphan and the itinerant beggar awaited their disposition. Here the members met on the eve of the Revolution to consider the emergency and to take a stand against the British.

Besides being an agency which served to integrate the Jew, to identify his interests with those of his fellow-Americans, the synagogue, from a sociological point of view, served as an institution which isolated, which prevented intermarriage and assimilation, which zealously sought to limit free movement from one group to another. All modification of traditional behavior, all lapses from religious observances were forbidden. Conformity was strictly enforced. Yet this rigid practice was not one-sided. For while retarding the process of acculturation, it yet safeguarded its members from isola-

tion. The synagogue furnished religious fellowship. Around it there grew up a social life based on the festivals and holidays, the feasts and the fasts, the celebrations and the rites of mourning. It preserved the traditional folkways and upheld the *mores,* it kept alive the language and the history of Israel. It made possible the harmonious adjustment to cultural pluralism. Yet it did more than that. For the individual it furnished a place and a situation where he could be himself, free of inner conflicts, of the need to weigh and to balance, to imitate, to conform. Here was a true sanctuary of the spirit. For here the Jew could find others who were like himself. Here he could expand and glow in the presence of like-minded co-religionists. Here he could enjoy the blessings of "consciousness of kind." So refreshed and stimulated he could face the greater community, bolstered by the knowledge that he was not alone, that he "belonged," that there were those who would rejoice with him and those who would grieve with him like kinsmen. The therapy of "belonging," of making common cause, of sharing, of like-mindedness, was the magnet which drew men to the synagogue. Perhaps the "sanity" of the early pioneers, their boundless energies, the great accomplishments were due in some measure to this fraternal community life. There were singularly few "neurotics" when there was communal authority and group solidarity, when there was fellowship and group *rapport.* And curiously, the more they cherished their own folkways and *mores,* the freer they seemed to feel as individuals, the greater were the gifts they brought to America. "The tendency to assume that American culture is the culture of the old American, Anglo-Saxon group is perpetuated by the fact that historical studies and history textbooks continue to be written primarily from the standpoint of the Anglo-Saxon myth."[3] Need we recapitulate the details of the permeation of New England life by the spirit and the letter of the Old Testament?

In such a summary sketch as this, when brevity must wait on haste, we can simply furnish a tourist's guide to the

[3] Caroline F. Ware, ed., *The Cultural Approach to History.* (Papers edited for the American Historical Association), (New York, 1940), p. 87.

reader, hoping that in the leisurely journey he will find the charm and flavor, the romance and the excitement, the drama and the challenge of which Jewish life in America partakes. For the historian who undertakes such a bird's eye view of history is like the old prospector who with his divining rod pointed out the mineral wealth under foot. The sinking of the mine shafts he left to other hands.

Pioneers

Soon the seaboard alone did not suffice. Along the arterial rivers, through virgin forests, over mountain passes, intrepid men and women, too, answered the call of green and verdant lands. Like others, Jews bought vast tracts of land. Like others, they engaged in trade with the Indians. Soon bateaux laden with merchandise were making regular calls on the outposts in the wilderness. Did an ox-train of eleven families reach Easton, Pennsylvania? Meyer and Rachel Hart were of the first group. When Lancaster became the hub of activity, we find that Joseph Simon was there even before the town was laid out. And soon after there followed Dr. Isaac Cohen from Hamburg, Germany, "to practice physic and the art of healing."

They had no time for qualms, these busy pioneers. Not for them the Hamlet query "to be or not to be." Life was real and energies abundant and there was no time to be lost on introspection, on doubt, on neurotic uncertainties. So the first two Jews to be naturalized in Lancaster rolled up their sleeves, worked hard, and were sworn in as citizens, on the Old Testament. There is an honor roll of early Jewish pioneers which every American should know. Names like Gratz, Levy, Franks, Etting, Simon, Salomon—and a host of others. We have letters and papers and inventories and wills. Out of these we weave the lives and loves, the sorrows and the adventures, the heroism and the human frailties, and the challenge of the early pioneering days. But never boredom. That universal disease of our present age did not trouble our protagonists. Ennui and satiety, indifference and with-

drawal from life, were not for them. Whatever fate dished out to them, they took in their stride. It was the will of Providence, it was chance, it was in the cards. It was their life.

They fought too, as they lived, with courage. In 1776 a Jewish soldier insists "that it is inconsistent with his religious profession to perform military duty on Friday nights, it being part of the Jewish Sabbath. . . . " He is excused subject "to the performance of his full tour of duty on other nights." There was Reuben Etting who had enlisted in Baltimore as soon as the news of Lexington had reached him. He was captured by the British and given only pork to eat. He starved except for the bits of food given him by his fellow-prisoners and died soon after he was exchanged. There was Francis Salvador, hero of the Revolution, who died in one of its first battles.

Jewish ship-owners signed the Non-Importation Resolutions, turned their ships over to the cause of the Revolution, cooperated with the patriots in every way. But few Tories are found among them.

There were soldiers in the ranks and officers. There were financiers and go-betweens. Women smuggled supplies and food to captured patriots. Men gave freely of their blood and of their possessions. That is the Jewish record in the Revolutionary War and in every conflict this nation has been engaged in since. "Some must spill there blud and others there ink," wrote Captain Mordecai Myers in 1813. "I expect to be amongst the former. . . . " He saved two hundred American soldiers and marines off Sackett's Harbor. He was prophetic as to his own role too. He was severely wounded in the battle of Chrysler's Farm. Commodore Uriah P. Levy rose to eminence in the Navy at this time. In the Texan War of Independence there are Jewish records of heroism far exceeding the call of duty. There were thousands of Jews on both sides of the War between the States. Forgotten names they are, but need they be and should they be? A young soldier wounded seven times and promoted on the battlefield. A young lieutenant killed while rallying his company, the

colors of his regiment falling from his lifeless hands. Leopold Karpeles, color sergeant of the 59th Infantry Regiment was awarded the Congressional Medal of Honor for saving a part of the Union Army during the disastrous retreat of the Battle of the Wilderness. A sixteen-year-old boy, Benjamin P. Levy, saved the steamer *Express* when attacked by a Confederate gunboat. Private David Obranski, heroic veteran of Shiloh and Vicksburg—these are some of the other winners of the Congressional Medal of Honor. Where are their statues? Where are the green parks and the memorials they deserve? Were these vain sacrifices—or does the Anglo-Saxon myth operate even here? And what of Jonathan Phineas Horwitz, physician, Civil War Chief of the United States Bureau of Medicine and Surgery who was responsible for initiating the Naval hospital in Philadelphia and who discharged his duties during the Civil War with such skill that he was commended by a unanmous vote of Congress? And so the story goes. From private to general, from cabin boy to admiral—the record stirs one's pulses and swells one's heart with pride. The two World Wars—what a legacy Jews left! From little Sam Dreben, "the fighting Jew" of the last war, to the nineteen-year-old private of the 743rd Tank Battalion in this war, who like Paul Revere rode alone at night through the snow-banked passes of the Ardennes to round up his regiment during the Battle of the Bulge,—to be cited posthumously for valor,—it is a legacy for all Americans to cherish, to remember and to tell again and again.

Immigrants

So Jews were pilgrims. They were pioneers. They were soldiers. Let us now consider the Jews as immigrants. For like all other non-Indian Americans, they were adopted children of the Western hemisphere. There are two reasons for migration, said Ogburn, noted sociologist: push and pull. For a man to migrate it is necessary for him to be booted out, forced out, eased out of his old home. It is also necessary for him to have a magnet, a dream, a hope, a promise in the new

land. That the Jews were told "to stand not upon the manner of their leaving but go at once" is a matter of common knowledge. For them the push motive operated as an irresistible force. Who then can have the better claim to the role of immigrant? But they were not cajoled and enticed and seduced with blandishments and glittering promises on the pull end of the ledger. Non-Jews came here under government sponsorship and royal patronage with armies going on ahead and with treaties preceding them and grants of land awaiting them. Later they were enticed by handbills describing in glowing terms the terrestrial paradise which awaited the newcomer. Steamship companies brought them here almost forcibly, so man-hungry were the fields of America. When factory wheels began to turn, workers were needed to operate the machines. The welcome mat was unrolled and each calloused hand was eagerly clasped.

What of the Jews? Whether they came singly or in groups the reception committee was absent at the piers.

The Inquisition and the edicts of expulsion sent the Jews of Spain and Portugal to the New World. But even from the earliest times there were Ashkenazim among these immigrants. Germany and Poland disgorged them so willingly. The revolutions of 1848 saw the Jews of Europe embark for America in ever-increasing numbers. "As soon as I reached the University at eight o'clock in the morning," writes a medical student of that year, "I beheld the true face of the Revolution."[4] Having looked at the Revolution at so close a range, many liberals, Jews and Christians, regretfully concluded that for them the solution was emigration. Statistics tell only a part of the story,—"the net result of the mass data may be determined by the decisive behavior of a relatively small element of the whole."[5]

In 1847 it was estimated that German Jews in the United States and Canada numbered 50,000. The succeeding years swelled their numbers and increased their influence. In Vien-

[4] Josephine C. Goldmark, *Pilgrims of '48.* (New Haven, 1930), p. 38.

[5] J. C. Malin, "Local Historical Studies and Population Problems," in Ware, *op. cit.*, p. 300.

na, a Jewish journal often published articles encouraging emigration. Committees of Jews were organized to espouse the cause. Some of the leaders themselves undertook to lead the exodus.

These men were adaptable. Many of them became itinerant peddlers. The farthest outposts knew them. Their wares were eagerly awaited. What housewife on an isolated farm was not glad to buy a bit of calico, a package of needles, a spool of thread? And even if the English the peddler spoke was guttural and broken, still he brought news of other communities and distant neighbors. But to be purveyors of merchandise from an ox-cart was not for these men. They wanted above all else, a permanent home. So little stores mushroomed over the land. Many of our greatest mercantile establishments today evolved along this pattern. Little Jewish communities grew up and soon there were new temples and new synagogues being built. Soon philanthropic and fraternal organizations were formed. So a pattern for social and communal life was established. Twelve German Jews banded together into the *Bundes-Brüder,* later *B'nai B'rith,* in 1843. On the eve of the Civil War, in 1859, the Board of Delegates of American Israelites was formed,—a concerted effort on the part of American Jewry to affirm its inherent rights, an affirmation, too, of the ties of kinship which united European and American Jews.

Life and Strife

The pages of the *Occident,* of the *Asmoneon* are our "footprints on the sands of time."

What manner of folk were these? What did they read and think about? What meetings did they attend? Let us consider them now as we hold up a mirror to their society. Let us see them as they once were. Let us turn the clock back to 1843. Slowly it ticks away the hours of an entire generation, until 1869.

It is more than one hundred years ago—and yet the words we read could have been written yesterday, today. In

the first number of the first volume, one Julius Stein, "a native of Germany" reaches the conclusion that for Jews there is no hope in Germany. This exactly one hundred years before the Nazis. He suggests that they found a colony in one of the western territories of the United States where land is cheap and plentiful. Agriculture must be the core of their economy. Are there not "some rich and noble-minded Jews" to help launch such a project, he asks? He envisages a Jewish State as part of the Union where Judaism can be practiced "in all its dignity, its glory and greatness. . . ." How good would such a life be, how wholesome for the youth of Jewry! But dissenting voices rose up at once.

So many timely subjects are covered in the pages of these journals that clamor for our attention. We hurry through the pages of history like the rich and pompous through a market place and thin, pale, hands grasp our garments, pleading for notice. Here is M. N. Noah who proposes to establish a "Hebrew College" at Poughkeepsie. Here is an account of the Fifth Anniversary examination of a Jewish Sunday-School in Philadelphia. . . .

Synagogues are built and consecrated. Religious and lay schools are established. The lack of unity of feeling in synagogues is deplored. Too many Jews follow Mammon, are deaf to God. The "lovers of ancient usages" have their inning in print. And how far shall friendship with Christians be practiced, is asked in all seriousness. Yet Macaulay's famous essay finds room in the crowded *Occident,* and other Christian writers are reviewed. The growing importance of women is frequently noted, in education, in synagogue activities, in the wider community.

Often the freedom of Jews in America is contrasted with a corresponding growth of laxity on the part of American Jews,—their "indifference is one of supineness," lacking conviction. There is "a rage of newness," and men forsake the old and tried. Where will it all lead? Could our rabbis be at fault? Are they as carefully indoctrinated as Christian clergymen, as wisely chosen, as thoroughly prepared? Jewish

writers, gifted and touched with the flame of genius languish unknown, unread. Where does the fault lie? So they attempt, in 1845, a Jewish library in "cheap pocket form." Cheap religious tracts are urged. In 1845, we learn, American Jewry is headed for "a great downfall." The remedy?

1. The establishment of a competent ecclesiastical authority.
2. The establishment of lay and religious schools.
3. The promotion of harmony and "a concert of action" among all Jews of the western hemisphere.

In November 1845, the American Jewish Publication Society is born in Philadelphia. It is an occasion for rejoicing. It proves successful beside the New York Benevolent Society which is already twenty-five years in existence. At this time the religious waters are stirred up by the controversy over Reform which is due for a long and acrimonius bout. Reform has been a resting place for the rich and mighty, a yielding to wealth and influence. Let it admit "the silent working of reason" to aid religion. Problems are brewing. All is far from serene in the ranks of American Israel. But Grace Aguilar communes with *Nature,* salutes *Hope* and *Memory,* plays upon the minor key of *Sabbath Thoughts* and faces *The Hour of Death* in the pages of the *Occident.* We are still far from the irrepressible conflict, still untroubled by the slavery issue.

The months follow fast in each others steps, the years tumble over each other rapidly. The pages of the calendar are flicked by a quick hand. We skip a decade.

Does the face of history always wear the same expression? Does time stand still? Or are people essentially unchanged and unchanging. Reform is here again with all its thorns. People still deplore, decry, bewail, bemoan, laxity of observance.

There is still no unity in Israel in June of 1856. The people who back Reform are complacent and consider themselves intellectual giants and men without fault. The very word "Reform" is hateful to most Jews, so smug are its advocates. They bow before the wealthy, and turn their backs on the unimportant masses. Yet all is not serene in Ortho-

doxy. Young people hear the melifluous tones of Hebrew—but do they know what the chants mean? Does the heart share in the prayer or is only lip-service rendered? Does the Talith cover earnest prayer or does it cloak misunderstanding? Do people stay away from services because they strike an "alien" note?

Other questions arise to ruffle the waters of Israel in America. On January 14, 1856, a letter is addressed to the Chief Rabbi of London asking his opinion about post mortems. In April, the Reverend Dr. Adler obliges with his opinion. Post mortems are out, except for certain listed exceptions. But the subject is not closed. Doctors of the New York Jews' Hospital feel that "reason and humanity" are on the other side. Philanthropy grows in prominence. Fuel societies and orphanages and assistance groups and other philanthropies sprung up. There is need for organization, for order or the Jewish poor will be mingled with "the masses of paupers and rabble. . . ." But alas the "ladies" who enjoy their good works refuse to be regimented and to let go—and the men gnash their teeth and write letters to the editor.

In 1857 the slavery question rears up its head and both sides are thrashed out. The controversy becomes acrimonious, so "Prayers and Meditations for Every Situation and Occasion in Life" are offered to the reader. Hester Rothschild of London has prepared "a collection of devotional exercises" and they receive the editorial accolade. Can these "exercises" still the nagging voice of conscience? Caution, caution, is the watchword of the Jewish Press. Tread softly, respect the other fellows' opinion, be careful not to dispute too much, avoid censure, recrimination. The very pleas are indicative of strife. Questions are not settled by sidestepping the moral issue. Absolution and release from a sense of guilt are dearly bought. Jews are troubled. Their collective consciences like throbbing toothaches give them no peace. So again they consider the poor in their midst a much safer topic. In the last

month of 1858, they come out boldly for "the reduction of distance between the rich and the poor" and other palliatives. Let there be quality as well as quantity in the practice of charity, bold spirits plead.

But this is a mere pirouette on the edge of a precipice. The war rings in harsh reality. In 1861, the Jewish press faces the issue. The American flag is in trouble, writes one observer, and Jewish hearts are rent,—on both sides.

"The Eternal is the Lord of War" we read—for has he not sanctioned the use of force on certain occasions? Through war he purifies the world. There is an argument tailored to fit every emergency and the facile pen of the rationalizer is never at a loss for words. Slavery is debated, and found to be a sin like blasphemy. It must end.

The war goes on and the young dead of all states and all religions stare with unseeing eyes at madness let loose upon the world. Jews clamor against the exclusion of Jewish clergymen from the chaplaincy. If they can fight can they not give solace, like their Christian neighbors? Finally the Board of Delegates of New York chooses Rabbi Arnold Fischel "to look after sick and wounded Israelites in the Federal Army." Later Lincoln appointed Rabbi Jacob Frankel as the Jewish chaplain for Union hospitals. In 1864, the editor of the *Occident* while affirming that "we take no pleasure in war" yet clamors for accurate statistics about Jews in military service. In 1865, he can look upon "The Civil War and Intolerance" with editorial objectivity.

In 1865, we note a moving tribute to Lincoln. The year also marks the recognition of many years' service of Rebecca Gratz. In August of that year the three Jewish chaplains are mustered out with praise and commendations.

The Jewish community girds its loins for the post-war problems of peace and reconstruction. Jewish hospitals are urged. Tolerance is preached. The widening of the prin-

ciples of philanthropy is advocated. The need for a Rabbinical College is stressed again and again. Once more the situation of "the poor in Palestine" needs to be considered.

In 1868, Isaac Leeser, the sounding board of American Jewry for a generation, puts down his pen for the last time and a chapter in American Jewish history came to its end.

Internal affairs were never the sole concern of American Jews. What happened in other parts of the world to their co-religionists found a listening ear and a ready response here. As early as 1840 Secretary of State Forsyth instructed our representative abroad to intervene in behalf of Jewish victims in the Damascus affair. Ten years later President Fillmore took issue with Switzerland for attempting to negotiate a treaty with the United States whose benefits were to be extended to Christians only. It took a generation to accomplish the removal of such disabilities against Jews as practiced by Switzerland. But disabilities were not the only hurdle. The dance of death had begun in Europe. Roumania led the sacrificial rites. By 1872, pogroms were perpetrated against many Jewish communities there. Christmas was solemnized that year by a document issued by Pope Pius IX denouncing Jews as enemies of Christ and a detriment to the Christian state. This papal attack lent prestige to the cause of Jew-baiting and spread the practice like a plague over the pock-marked face of Europe. Germany, Austria, Russia, France had their lunatic fringe ready to pillage, to rape, to kill. Pogroms alternated with oppressive, restrictive measures. Outright murder alternated with plot and intrigue as in the case of Captain Alfred Dreyfus in France.

Throughout the return of the Dark Ages to Europe our State Department maintained a vigorous policy of determined, courageous championship of the cause of the oppressed Jews. The debt which Jews the world over owe to the heads of our State Department has not been sufficiently realized until this day. Some of the noblest prose ever written in be-

half of human rights is that which our statesmen like Hamilton Fish (of Grant's cabinet), Thomas F. Bayard, John Hay uttered in championing Jewish rights.

Many of our Presidents made this cause their own. Fillmore, Cleveland, Theodore Roosevelt, Woodrow Wilson, Franklin D. Roosevelt—names to be cherished and enshrined.

New Immigrants

Barely had the German Jew settled down and lost his foreign accent when this new tide of Jewish migrants inundated these shores. But the German Jews were not prepared for their East European brethren. Charity at long range was one thing. Accepting fellow-Jews from Eastern Europe as friends and neighbors was quite another. There was a sharp cleavage between the two groups.

"The pedigree of honey does not concern the bee; a clover, any time, to him is aristocracy,"—wrote Emily Dickinson.

But alas, not so to the Jews. German Jews had themselves smarted under the scorn of their Sephardic predecessors. Now they were more than ready to pay back old scores. Having just tasted in America security and the democratic way of life, they sat down to the enjoyment of their mercantile enterprises. Having achieved a measure of ease and coziness, having introduced reforms into their religious observances, so that they minimized rather than accented differences between themselves and their neighbors,—to be asked to make room for East European Jews, with their outlandish garments and their garbled German which they called Yiddish, with their strange customs acquired from centuries of living closely together with Slav peasants, with their insistence on religious orthodoxy and their emphasis on strange culture patterns—well, that was asking a great deal. A poor relation is never popular. But one who minimizes his poverty and stresses his folklore and his legends, his wonder-working rabbis

and his learned and pious ancestors, can hardly be acceptable to the prosperous merchant. The Jew of Russia and of Poland had lived in a cultural coccoon, had evolved within that protective shelter an insularity and an imperviousness to the world of non-Jews which was the very opposite of what the German Jew strove to achieve. The world of Sholem Aleichem and the world of Moses Mendelssohn did not mix well. Political oppression and persecution had further bred a kind of radical ideology in the East European which was anathema to the respectable middle-class gentry.

There was furthermore a tendency on the part of the newer immigrants to concentration in large cities, thus emphasizing rather than diluting the problem. Between 1881 and 1914, two million Jews landed in America. They were for the most part destitute. They had known persecution, squalor, political imprisonment, discrimination. The majority were artisans, at home at the tailor's or cobbler's bench. Some were university students spouting nihilism and other dangerous ideologies. The clothing industry found not only skilled hands for its machines but trained leaders among these immigrants. The periodical press in America began to reflect the social problems created by this mass transplanting of populations from Eastern Europe to North America. Sentimental and kindly-disposed social workers defended them. "Know-nothing" Americans belittled them. "America First" was more than an empty slogan.

Ideological differences were not the only problem. Urbanization, compression into slum areas, meant that the children of these immigrants were growing up with crime and filth and cruel, grinding poverty as their earliest memories. Out of the sweepings of the new-world slums there emerged curiously enough, men of vision and women of talent. In the dank, damp basements where the whir of the sewing machine was their lullaby, artists and musicians, poets and playwrights whose names are emblazened in bright lights

from Broadway to Hollywood, grew up. Within these crowded streets an anti-toxin had developed which immunized the generation growing up on Henry Street and Maxwell Street and—miracle of miracles—somehow they were safe! Was that curative, self-healing serum in their home life which periodically sealed itself off from poverty and indignity and degradation and returned in its Sabbath and festival observances to the dignity and beauty of ancient days? Whether in allegiance to socialistic principles and to the belief in the solidarity of labor, they evolved a new way of life which gave them a protective mechanism, is also a matter of speculation. Whether in the overcrowded and unsanitary and badly run Hebrew Schools there was also challenge and inspiration and fraternity—is an enigma, too. But something creative and wonderful was at work in the ghettos of America. Many a flame was lit there which will long continue to burn.

There was nothing static in the ranks of the immigrant. A powerful leaven was always at work spurring him on. What were their goals? Basically all human goals are alike. They have been stated and restated by every sociologist since Sumner. Self-maintenance, self-perpetuation, self-gratification, that is Sumner's way of putting it. Security, adventure, recognition and response,—that is the boiled down formula of Thomas' four wishes. After the primary needs are met, after food and clothing and shelter are provided,—imagination takes a hand. From the days of the lullaby softly crooned by his mother, the individual is conditioned to an ever-expanding variety of ambitions. For the little Jewish child, education came high on his list of wants. Parents denied themselves the essentials in order to secure for their children all the advantages which growing up in a democracy confer. Nor was public school education the end-all of the program. The child's public school curriculum was supplemented by the *cheder*, and by the private Hebrew tutor. Few were the children who grew up without some smattering of musical knowledge. The pale anemic, little boy or girl was regimented,

required to practice, to attend religious schools, to contract all the frills which were considered so important in the dim and distant days which their parents had once known, in the winding streets of Vilna and the brick-paved roads of Odessa. The child of the immigrant knew the patter of the street, the slang of the baseball diamond, the wit and humor of another land as well. The slum was the meeting place for the folklore and legend, the wit and the wisdom of the old world and the new.

Just as the immigrant's world was dynamic, so also was it highly mobile. The dank basements and the cold water flats housed successive waves of immigrants. The population moved out in huge concentric circles away from congested areas into the cleaner and brighter and more spacious quarters of the outlying districts. Often the old ties remained. The membership in the old Landsmanshaft was maintained as a matter of sentiment or from a sense of loyalty. The fraternal groups, the Workmen's Alliance, the synagogue membership, these ties were not always completely severed. But as the process of dilution was continued, as the distance from the old culture areas was increased, there was in evidence a slackening of old group patterns. For with horizontal mobility there was also associated vertical mobility.[6]

As economic pressures lifted, old habits gave way to new. Goals became more specific and more clearly defined. Prosperity was not enough. What was wanted was *status*. Educational goals were defined in more worldly terms. The professions beckoned. Jews entered colleges and universities in greater numbers. The academic world was confronted by a "problem." The magazines and periodicals of America became forums where the merits of Jews as students were openly debated. The young Jew of America squirmed in the spotlight. He was not so prepared as his forbears had been, to be the helpless pawn. Sociological bigwigs began to talk of the

[6] Sorokin made a notable contribution to sociology by his analysis of the types of social mobility.

problem of "social distance," of social aversions, of conflict, of the "marginal man"—who was caught in the whirlpool of two cultures and was being dizzily whirled about, at home in neither the old nor the new.

The Russian Jews had moved to the better neighborhoods and themselves managed to achieve a measure of economic stability when the next wave of migrants hit our shores. Refugees from Hitler were allowed to find shelter here in pitifully small numbers. At the apex were immortals like Einstein and at the base were ordinary folk, the white-collar workers, the artisans and petty traders. This time it was the Russian Jews who were already established, who served as hosts. With a devotion and a single-heartedness which they themselves had not known they opened their hearts and their homes to the newest migrants. The coming of the war further reduced the number of Jewish immigrants to the United States. In the year ending on June 30, 1943, only 4,705 Jewish immigrants were admitted to this country. But whether on a large scale or on a small the problem of immigration is reduced, in the final analysis, to its smallest possible unit—the individual. It is what this individual does with himself in his new environment that constitutes the crux of the problem.

Acculturation and Anti-Alienism

When the seasoned gardener transplants a tree, he tries to keep the ball of earth intact about its roots. For thus he protects the tree from the shock of transplanting and makes sure to safeguard the roots from injury. But no such caution is exercised in the transplanting of human beings. Ruthlessly torn from one cultural setting, they are set down in the new without preparation. The process of adjustment tries men's souls and sears men's hearts. To the pangs of sorrow at leaving loved ones behind, there are added the keen anxieties and dark fears with which the unbridled imagination clothes the new and untried. Essentially this process is universal and not

limited to any one group. It involves the crossing of social as well as national boundaries. It involves the impact of a new culture upon an individual conditioned by an old culture. The earliest days of all immigrants show that whether by choice or by design, they seek out their own nationals. Their earliest days are largely spent in urban centers where "little Italy" and "little Mexico" and "little China" receive them.

This pressure of newcomers upon heavily settled urban communities creates the need for further movement. So gradually the more prosperous, the more acclimated, the more economically secure, move out to make room for the new arrivals. The process is continuous.

Within the area of first residence are found the greatest similarities to the old world communities. Here churches cling to non-English sermons. Parochial schools keep alive the language and customs. Here restaurants continue to serve old world food and stores to transact business in the language of their customers. Here non-English newspapers are published and the movies are either imported or have non-English subtitles. Upon these immigrant-American societies, however, a host of Americanizing influences is let loose. The immigrant, despite his resistance to change, despite his cultural inertia, despite the new ties he has developed in the area of first residence,—hears many siren voices which lure him from his insularity. Employment is often found outside this area. Language needs are met and mastered in the night schools. Contacts with relatives and friends who have moved to other neighborhoods are so many magnets. Children bring English into the home. Continued residence in America brings confidence and courage. Acquisition of status comes with citizenship. The right to vote brings added importance as well as the blandishments of ward-heelers and politicians. So the forces of acculturation attack isolation. The process of Americanization is at work.

To the student of American Jewish history it is impor-

tant to keep in mind that the process described is applicable to all immigrant groups. For much that is usually ascribed to antisemitism is really anti-alienism. Terms of derision and disapproval are found in current use which are specifically directed against other immigrant groups. If this fact were thoroughly grasped, life would be much easier for the Jewish boy and girl. "Social distance" tests devised by Bogardus show varying degrees of aversion, suspicion, hostility, which is felt for all immigrant groups. The social gaucheries, the highly-seasoned foods, the peasant costumes are the badges of difference. The secure, entrenched American, views with alarm, suspicion, laughter, any deviation from the accepted norms of behavior. The immigrant is outnumbered. The member of a minority group feels insecure. Insecurity breeds neuroses. It is a vicious circle built on misunderstanding and ignorance of American history. For was there not always hostility, covert or overt? Did not the original settlers, our American Indians, view with alarm and suspicion those other older immigrants?

So that "organized antisemitism in America" is part and parcel of anti-alienism in America.[7] The first manifestation of this feeling in America was in the Alien and Sedition Acts of 1798—long before there was a Jewish "problem" in America. The Catholic immigrant has known the bitter winds of dislike and prejudice. The Irish, the Italian, the Pole, the Mexican has felt the rigors of "social distance." Toward the close of the nineteenth century, the alien-baiter found another target,—the Jew. The Anglo-Saxon myth followers joined forces with the Aryan worshippers. The restrictive immigration laws of 1921 and 1924 were the result.

There were many reasons for the growth of antisemitism in the United States,—most of them tainted with the bar sinister. For are not forgeries and lies akin to bastardy?

[7] Donald S. Strong, *Organized Anti-Semitism in America: The Rise of Group Prejudice During the Decade* 1930-1940 (Washington, 1941).

Forgeries like the *Protocols of the Elders of Zion* were widely circulated. Smear-campaigns such as Henry Ford's *Dearborn Independent* and other hate-fomenting sheets were generously subsidized and freely circulated. The Ku Klux Klan took a new lease on life. The melifluous fulminations of Father Coughlin filled the air. The depression tore into our economic life with the impact of a tornado. And in Germany Hitler started a conspiracy against the world and wrote a book which was published in this country by Houghton-Mifflin and Company.

In 1880, about one half of one percent of the total American population was Jewish. In 1937, there were not quite five million Jews in America.[8] The target had grown bigger. Hate spawned in beer-cellars and basements,—hate wearing military uniforms and black shirts and brown,—showed its ugly face to the world, bared its fangs, shouted over countless radios. Evil was let loose upon the world.

The strong of heart in America could take it. The weak were mowed down by the hot blasts of hate. Those who were fortified by fellowship or by faith or by knowledge of history held up their heads. For truth prevails in the end. But the men and women whose ties to Jews and Judaism were tenuous, whose sense of personal insecurity made them but frail vessels,—these were cast down and desolate indeed.

Escapism

In the early days of Jewish settlement in the Western hemisphere, we sometimes met the Jew as a *marrano*. That means that for a time, under duress, he had accepted nominal conversion. But always within him like the perpetual flame burning before the arc, he cherished his faith and his Jewish allegiance. At the first opportunity the marrano reaffirmed his faith. In his heart he never left the synagogue. Often

[8] H. S. Linfield, "The Jewish Population in the United States," *American Jewish Yearbook*, 1943-1944 (Philadelphia, 1944).

the enforced conversion and the life of subterfuge which was so abhorrent to the Jew, relit within him a religious fervor which was all the more intense for the temporary separation. But modern conditions have bred another aberration—the escapee. The escapee is a convert of convenience, like the one who contracts matrimony for reasons of financial or social preferment. Escapism was a phenomenon much in evidence in Europe. "Enlightenment," close association with Christians, rigid university quotas, intermarriage, and many other causes,—all helped decimate the ranks of Jewry. Heinrich Heine, the Disraeli and Marx families, the descendants of Moses Mendelssohn—these and many more had bowed their heads to baptismal waters.

American escapism has a different origin. It cannot be ascribed to force or to governmental discrimination. It is a problem which demands recognition. For in recent years we have come to face the fact that to isolate a problem is to take the first step in solving it. Escapism in America occurs largely in areas where culture patterns are in conflict. The individual is caught between an upper and nether millstone. On the one hand is the pressure of paternal and religious ties. On the other are the pressures exerted by the neighborhood. The hostilities felt are found to be insupportable. The weak escape.

Psychologically, escapism rests on the denial of self. The escapee is a person who cannot bear his own image. He is plunged into gloom when he contemplates his own profile. He cringes when he hears a foreign accent. He is mortified at the sight of a foreign gesture or an unaccustomed mannerism. The escapee tries to shake off his parents' folkways and *mores*, to turn his back on religious and traditional practices. Escapism which is a denial of self takes the following forms:

1. Aping of manners and customs of non-Jews.

2. Taking over the outward observances and the calendar rhythms of the majority. Judaism rests on certain peri-

odic reorientations based on the lunar calendar which occur at the changing seasons. Many of these periodic festivals are still agricultural in nature, dating back to our pastoral days. To the old religious holidays certain secular days have been added which do not violate the spirit of Judaism,—Thanksgiving, Memorial Day, Labor Day. But the escapee outherods Herod in the pre-Christmas shopping spree, in the Easter Fashion parade. Generations of Jewish children in America have grown up believing in the department-store Santa-Claus. Annually thousands of visitors are attracted by the display of lights and decorated trees in front of Jewish homes.

3. Geographical mobility is related to escapism. When a neighborhood becomes Jewish it ceases to be fashionable. Thus vertical mobility is associated with distance from Jewish neighborhoods.

4. Making outward changes in appearance to secure conformity—bobbed noses and bleached hair.

5. Bowing to the Anglo-Saxon myth by anglicizing names, creating a situation where "the Cabots don't speak to the Lodges for the Cabots speak Yiddish, by God."

Escapism is a disease. The bedrock of psychic health is the affirmation of self. No creative accomplishment is ever chalked up against the man who considers himself morbidly unfit. A healthy self-esteem is a prelude to achievement. No two individuals are ever alike. It is impossible to make a carbon copy of another. Imitation, self-effacement, slavish aping of the manners of others hampers the creative spirit. It is an unattainable goal, impossible of complete realization. The marrano knew that he was adopting a temporary measure to save his life. He had a passionate loyalty to his faith and his people. To them he erected an altar in his heart. He lost no time in renewing his faith, in throwing off all subterfuge. His experience intensified his yearning for a return to his people. The escapist, like the negro who "passes" serves no cause. Not even his own.

The escapee is unable to cope with the universal phenomenon of xenophobia. For it is true that the individual prefers those who resemble him to those who are unlike. Giddings recognized this tendency to "consciousness of kind." This sense of "togetherness" was expressed by the Ancient Mariner with nostalgia—"to walk together to the church and all together pray." The escapee denies himself the sustaining comfort of "consciousness of kind." He seeks to repudiate folkways and *mores* which were a long time in the making. He attempts to overleap cultural hurdles. He forgets that richness of character rests on infinite-valued orientation, on the breadth and width of contact. He jeopardizes his successful integration into society by running away from himself. For the umbilical cord of culture may never be severed. Only the outward escape may be made good. Who can run away from memory? Who can forget his past?

The very thing most sought after and most prized eludes the escapee. For it is the integrated and articulate Jew who has the acceptance, the approval, the neighborly warmth and the respect and the allegiance of his Christian neighbors. The escapee whines that he is a social outcast. Henrietta Szold is adored by men and women of three faiths. Lillian Wald and Ben Hecht are acclaimed by the very audience whom the escapee would most cultivate. The seeker is ignored. The man who is "easy" with himself because he likes his "looking-glass self" is the man the whole world delights to honor.

At best the tangled threads of history are hard to separate. Even in a leisurely narrative restricted neither in time nor space, it is difficult to weave an orderly tale. Primarily the historian is motivated by the desire to set down facts in chronological or logical order. But there are so many "facts." The process of selection becomes a stern reality, a rigid, inflexible discipline. Yet history is more than narrative—it is a search for causality. It s a synthesis. It holds a three-dimensional mirror up to the present. It seeks an explanation of present problems. It even demands a prognosis. For the stu-

dent of history, like the heroine in the fairy tale who demanded the truth of her mirror, makes demands requiring objectivity, correct proportion, prophecy. The historian becomes the link between the past and the future.

Conclusion

So we see in the history of Jews in America repetitive patterns. We see successive waves of migrants. First the Sephardic Jews who came from the Iberian peninsula. Then a thin trickle of Jews from other points of Europe. The revolutions of 1848 bring a new kind of migrant,—the Jew of Central Europe. This is followed in the eighties by a host of immigrants from Poland and Russia. But these are merely the surface facts—as related to the actual situation as the thin puffing of smoke is indicative of the seething, boiling, molten earth within the bowels of the volcano.

We note occupational diversity. We note geographic scattering. Seaboard settlements developed in the earliest days. The steady march westward followed the river arteries. Commerce flowed along these channels as blood carries sustenance to various parts of the body. We note the persistence of certain bonds,—religious, cultural, economic, on both sides of the Atlantic. The vast Atlantic may roll between Amsterdam and New Amsterdam. But kinsmen find a way of nourishing and maintaining the bond and sustaining the relationship. The umbilical cord between Europe and America is never cut. Pitirim Sorokin is correct in his insistence on "Euro-American culture, identical on both continents in all its essential traits."[9]

And so we leave them—the Jews in America. Sephardim and Ashkenazim, the proud and the rich, the poor and the lowly. They often came empty-handed. But they were rich in spirit, custodians of an ancient and time-honored way of life. Of the toil of their hands and of their talents and brains,

[9] P. A. Sorokin, "Socio-Cultural Trends in Euro-American Culture During the Last Hundred Years," in *A Century of Social Thought: A Series of Lectures Delivered at Duke University* (Durham, 1939), p. 99.

they gave without stint and without measure. Love and abiding loyalty to the land of their adoption they poured freely on the altar of America. And ,who can say that the gifts they brought, the lives they sacrificed on the battle field, the contributions they made to the arts, to science, to medicine, to industry did not compensate for the homes they found and the dear privileges of citizenship in a democracy? Who would subtract the Gratz family, Haym Salomon, Emma Lazarus, Irving Berlin, Benjamin Cardozo, Louis D. Brandeis, Sidney Hillman or Albert Einstein? No loyal American who loves his country.

INTERNATIONAL PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

By Kurt Stillschweig
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I

Human Rights and Public Opinion

UP to the middle of the nineteenth century, Jews in one country, in general, paid little attention to the fate of their brethren in other countries. The Jew in France or England knew scarecly anything about antisemitism in Germany, and the German Jews were little interested in the Jewish situation in Rumania or Russia. This attitude changed only after the Damascus affair of 1840 had aroused the attention of the entire world. It created in the Jews of all parts of the globe a feeling of international solidarity. In 1860, the Alliance Israélite Universelle was founded, and one of its aims was "to lend effective aid to those suffering because of the fact that they are Jews." Soon similar organizations were established in other countries. But they only stirred antisemitic imagination. The enemies of the Jews saw in them the tools of a mystical Jewish super-state. When, in 1933, for instance, the world expressed its indignation over the first anti-Jewish measures taken by the Hitler government, German propaganda declared that this was effected by an atrocity campaign organized by the Jewish "World Government." To this the British Secretary of State for the Home Department replied that it would be a "profound mistake" to assume that that abhorrence was "instigated by members of the Jewish community. On the contrary it is a spontaneous and inevitable expression of the attachment which we all feel towards the principle of racial toleration."[1]

[1] *Parliamentary Debates, House of Commons*, London, April 13, 1933.

The Jews, on the other hand, were often sceptical concerning world opinion and the utterances of foreign governments or international bodies made in their favor; for it was not unusual to find political motives rather than true humanity hidden behind such expressions. Moreover, the Jews had long experienced that "winning a case against their own government was often a Pyrrhic victory at best."[2] It is, therefore, understandable that the opinion among Rumanian Jewry was divided when the Congress of Berlin prepared provisions for the protection of religious minorities in the Balkan states in 1878. The Hungarian Jews protested repeatedly against the League of Nation's handling of the Hungarian *numerus clausus* from 1921 to 1925. In 1926, the Jewish National Assembly of Turkey surrendered the minority rights granted to the Jews under the Treaty of Lausanne. More such examples could be cited.

Nevertheless, the world often took a stand against Jewish persecutions even when the victims were afraid of unfavorable reactions. The idea that it should be the right and duty of all Christians to protest against the oppression of any ethnic minority has often been the subject of discussion. When, in 1882, a protest meeting against the Russian persecutions was held in London, the Archbishop of Westminster received great acclaim for his declaration that "all Christian men would instantly acquire the right to speak out loud if any ethnic group should be oppressed."[3] Again, in 1890, he wrote: "It would seem to me that if such were the sufferings of any nation, even in Central Africa, we should be not only justified but called on to intervene."[4] In a protest meeting against German antisemitism held in Zürich in 1935, the Bishop of St. Gallen declared: "Again and again we must raise our voices against the persecution of any people."[5]

[2] Jacob Robinson, *Were the Minorities Treaties a Failure?* (New York, 1943), p. 248.

[3] *Reports . . . . concerning the Treatment of the Jews in Russia* (London, 1933), p. 15 of reprint.

[4] *Ibidem*, p. 42 f.

[5] *Stellungnahme gegen Rassenverfolgung* (Bezirksvereinigung Zürich für den Völkerbund), (no date given, [1935]), p. 27.

During the past one hundred years, the Christian world has voiced protests not only against the persecution of Jews but also of Protestants, Catholics, Armenians, Poles, Ukrainians, Greeks, and Bulgarians. Principles of law were referred to, of which the Archbishop of Westminster said in 1882: "There are laws broader than any Russian legislation, laws which are equally binding in London, in St. Petersburg, and in Moscow, the laws of Humanity, of Nature, and of God, which are the foundations of all other laws."[6]

International protection enjoyed by Jews and derived from these laws has three weak points. First, public opinion does not always react favorably. In 1894, for example, an officer of the French General Staff suffered injustice only because he was a Jew; the Dreyfus Affair held the world in suspense for more than a decade. Between 1939 and 1945, six million innocent human beings were murdered only because they were Jews; "the world looked on indifferently."[7] Second, when a group is persecuted, a unanimous public opinion is usually formed only in those countries where there is a special interest in that particular group. When, for instance, Germans in Poland or Czechoslovakia were actually or allegedly discriminated against, public opinion in Germany was thrown into a state of hysterical excitement; or, when Indians in South Africa were oppressed, "public opinion in India was widely and spontaneously concerned. . . ."[8] As for the Jews, they have no co-national state where their cause could be taken up in public discussion. The third weak point of protection based on public opinion is the absence of any force of compulsion. Whether or not a state wants to give in to the demands of public opinion is left entirely to its own discretion. Small states were sometimes compelled, for economic or political reasons, to submit to the demands of the world, while great powers could afford to ignore or disdain cynically

[6] See *supra*, n. 3.

[7] Chaim Weizmann, according to *Aufbau-Reconstruction*, New York, December 13, 1946.

[8] *Journal of the United Nations* (New York, 1946), No. 44, Supplement No. 1, 6 A/C; 1, 6/9, p. 26 (November 28, 1946).

the opinion of other countries and even give vent to their rage at the reaction abroad by inflicting still greater sufferings on the persecuted group.

II

Humanitarian Intervention

Public opinion merely establishes moral or ethical principles. But are these rules embodied in the Law of Nations? This question leads us to the foundations of International Law. Two conceptions are opposed to one another.

The first reverts to ideas which were evolved during the sixteenth and seventeenth centuries. When absolutism reigned in Europe, the state philosophy attempted to increase the power of the sovereign. The doctrines of Jean Bodin, in particular, were intended to make the French crown independent of Emperor and Pope. They resulted in the principle, "*L'état c'est moi.*" When sovereign and state were no longer identical in the constitutional monarchies, the powers of the sovereign were attributed to the state. Consequently, the state was looked upon as the highest of all social phenomena and was even compared with God. The *summa potestas* of the state, sovereignty, is not subordinate to the "Laws of Humanity" to which public opinion takes recourse. It is up to the state to determine whether or not it will create or apply just law ("gerechtes Recht"). It is within the state's own province as to whether or not it will treat its nationals humanely. Interference by other states is not permissible.

In France, Belgium, and other countries, prominent lawyers, such as Rougier, Arntz, Bluntschli, and Lapradelle opposed this conception. According to their idea, humanity rather than the State was regarded as the highest value on earth. The Archbishop of Westminster had held this view. Humanity, however, is no longer simply an ethical or moral claim, but an essential part of the binding Law of Nations. The Sovereignty is limited by humanity.[9]

9 " . . . quelques respectables qui soient les droits de souveraineté et d'indépendance des Etats, il y a quelque chose de plus respectable encore . . . c'est le droit de l'humanité ou de la société humaine." Arntz, quoted by Rollin-

Such a vague formulation could perhaps satisfy ethics or morals, but by no means international law. The Law of Nations had to define clearly the extent of the *droit humain.* It had to stipulate precisely what a state is permitted to do and what the *droit humain* forbids. Thereby, the first difficulty was encountered. It appeared that nothing but general formulations could be achieved. Arntz, for example, declared that no state was permitted to commit " . . . des excès d'injustice et de cruauté qui blessent profondément nos moeurs et notre civilisation."[10] Rougier demanded that every state had to grant to its subjects as a minimum, the *droit à la vie,* the *droit à la liberté,* and the *droit à la légalité.*[11] But such formulae only bypassed the issue without defining it. Expressions such as "injustice," "cruelty," "civilization" did not clarify it any more than did the term "humanity." Concerning the extent of inhumanity, it was impossible to lay down a hard and fast rule that would justify intervention according to the Law of Nations.[12]

Another difficulty arose over the question, What is to be done if a state offends the *droit humain?* The others must intervene, read the reply. But who are the others? Any one state, or a Great Power only, or all Great Powers together? No one state could have the right to play the part of an international policeman. Should Rumania perhaps have the right to intervene on behalf of the Ukrainians in Poland? Consequently, only a Great Power was justified in intervening. Which one was to be called upon? From the viewpoint of international law all Great Powers were equal. Should all of them thus jointly intervene? But they were scarcely suited to act as a collective body since they were rivals among themselves. It would, therefore, seem most unlikely that a Great Power would intervene solely from unselfish motives, for al-

Jacquemyns, *Revue de droit international et de législation comparée,* VIII (1876), p. 675.

[10] Arntz, *loc. cit.*

[11] Rougier, *Revue générale de droit international public,* XVII (1910), p. 517 ff.

[12] L. Oppenheim, *International Law,* I, 2nd edition (London, 1912), p. 195.

most every one of them was prompted by egotistic considerations.

Hence, the theory of humanitarian intervention left many doubts and uncertainties. International practice presented no clearer picture. This is evidenced by the instances of humanitarian intervention on behalf of Jewry.

Not every case described by the term "intervention" is considered a case of "intervention" according to the Law of Nations. In 1867, Napoleon informed Prince Carol of Rumania that public opinion in France was aroused by the persecutions of Jews in his land. In 1878, the American Consulate in Tangier reported on "unofficial friendly offices on behalf of the Israelites," which they had addressed to the government of Morocco.[13] In 1944, the Swedish King advised Admiral Horthy to treat the Jews humanely in Hungary. In all these and some other cases one can speak only of "intercessions," that is, of recommendations or friendly advice. "Intervention" is "dictatorial interference by a state in the affairs of another state. . . . It is enforcement" or an open or hidden threat of enforcement.[14] It may be difficult in every individual case to draw the line between intercession and intervention, but it is usually possible.

Of course, cases of genuine humanitarian intervention on behalf of the Jews are known in history, but they are infrequent. One calls to mind the numerous protests against Jewish persecution which the European powers addressed to the Rumanian government. These instances of intervention, however, were not based on the *droit humain* but rather involved special treaties, such as the Paris Convention of 1856 or the Treaty of Berlin of 1878. A genuine example of a humanitarian intervention is the well-known American note of July 17, 1902 on behalf of the Rumanian Jews. This note was certainly not based on special agreements because the United States was not among the signatories of the Paris Con-

[13] Cyrus Adler and A. M. Margalith, *With Firmness in the Right: American Diplomatic Action Affecting Jews*, 1840-1945 (New York, 1946), p. 24.

[14] Oppenheim *op cit.*, p. 188; K. Strupp, *Grundzüge des positiven Völkerrechts* (Bonn-Cologne, 1932), p. 98.

vention or the Treaty of Berlin. The note was directed against the anti-Jewish policy of the Rumanian government and contained the following passage:[15]

> This government cannot be a tacit party to such an international wrong. It is constrained to protest . . . . not alone because it has unimpeachable ground to remonstrate against the resultant injury to itself, but in the name of Humanity.

With its anti-Jewish policy, Rumania had offended "the principles of international law." These words clearly indicate a reference to the *droit humain.* To be sure, similar considerations induced the United States Government to make the "most vigorous representations possible to the highest authorities" of the Vichy Government on the deportations of Jews.[16]

Much more frequent, however, are the cases in which intervention did not take place, even though evidence of the violation of humanitarian principles was at hand. In 1858, a Jewish child was kidnapped from its parents in the Papal States and was baptized. The Papal authorities refused to return the child to its parents. President James Buchanan was approached by American Jews to intervene at the Vatican. The answer given, however, was that "It is the settled policy of the United States to abstain from all interference . . . . as they expect the other nations to abstain from all interference in the internal affairs of our country."[17] This official attitude was certainly influenced by the Monroe Doctrine. The same attitude can be found outside the United States also. In 1882, British Prime Minister Gladstone definitely declined to intervene with the Tsar's government on behalf of the Russian Jews. He declared that the treatment of the Jews in Russia was an internal Russian affair. But during that same period, Russia frequently intervened for the "protection of Christians" in Turkey. In 1905, representatives of the Viennese Jews drew the attention of the Austrian Minister of Foreign Affairs to the Russian intervention and to the pogrom of Kishineff, demanding his action in behalf of Russian Jewry.

[15] Adler-Margalith, *op. cit.*, p. 121.

[16] Adler-Margalith, p. 407.

[17] Adler-Margalith, p. XXVII.

His reply was as follows: "I surely do not need to tell you that Russia is a different matter."[18] Most unfortunate of all was the fact that no humanitarian intervention was undertaken in the case of the National-Socialist persecutions of German Jews. It is true that James G. McDonald, the High Commissioner for Refugees, in his historic letter of resignation of 1935, summoned the members of the League of Nations to make a "determined appeal to the German Government in the name of . . . . the principles of the public law of Europe." But this appeal was unsuccessful. Sir Neill Malcolm, McDonald's successor, declared that he was prepared to deal only with persons who had "already emigrated and that he had nothing whatsoever to do with the internal political conditions of Germany."[19] After the November, 1938, pogroms, Sir Samuel Hoare stated in the House of Commons in the name of the British Government that the Jewish situation in Germany "forces itself . . . upon the attention of other countries"—but solely for the reason that thousands of refugees "destitute and penniless" sought admission into other countries. The humanitarian aspect of the problem, however, was passed over by him with these words: "I am opposed to all attempts to intervene in the domestic affairs of other countries. . ."[20] The reasons for this attitude were given later in an official British White Book: " . . . . as long as there was the slightest prospect of reaching any settlement with the German Government it would have been wrong to do anything to embitter relations between the two countries."[21]

There is not the slightest doubt that President Roosevelt had compassion as no other statesman did for the sufferings of the Jews. In 1933, however, he declared to Mr. Dodd, the American Ambassador in Berlin, that the American Government could do nothing officially on behalf of the Jews. In 1935, he commented on the renewed persecutions of the Jews

[18] Sigmund Mayer, *Ein jüdischer Kaufmann*, 1831-1911: *Lebenserinnerungen* (Leipzig, 1911), p. 344.

[19] *Central Vereins Zeitung* (Berlin, 1936), No. 8.

[20] *Parliamentary Debates, House of Commons*, London, November 21, 1938.

[21] *Papers Concerning the Treatment of German Nationals in Germany*, Cmd. 6120 (London, 1939), p. 4.

of Germany to the effect that "in our individual lives we can never be indifferent," but added: "It is true that policies that may be pursued under flags other than our own are beyond our jurisdiction."[22] In 1938, Ecuador expelled European Jewish immigrants. Thereupon Secretary of State Cordell Hull instructed the American Legation at Quito that "any action should be avoided which might be interpreted as intervention in the internal affairs of Ecuador. . . ."[23] Many more examples could be quoted.

From all this it is clear that "intervention is de facto a matter of policy . . . Since intervention is not compulsory, but is solely at the discretion of the state concerned, it is for that reason alone a matter of policy."[24] Therefore, humanitarian intervention did not provide effective protection against the persecution of Jews or other minorities. The victims obviously had no influence on the intervention. As a rule, humanitarian intervention was not resorted to in the case of Great Powers but only in the case of small states. Great Powers like Tsarist Russia or National-Socialist Germany considered anti-Jewish laws, expulsion, expropriation, and extermination of Jews as an internal affair. Strangely enough, they intervened with other states—Russia with Turkey for the protection of Christians, Germany with Poland and with Czechoslovakia for the protection of Germans. The governments of small states sometimes claimed that the discrimination against "their" Jews belonged within their domestic jurisdiction. Humanitarian intervention with such states was of no avail as the American note to Rumania proved.

All this notwithstanding, the positive Law of Nations contains abundant stipulations for the protection of individuals. Commercial treaties, agreements concerning copyright, navigation, customs, postal service indirectly protect private interests. Anti-slavery acts, treaties on the suppression of forced labor, rules concerning the position of foreign-

[22] Adler-Margalith, p. 370.

[23] Hugo Marx, *The Case of the German Jews vs. Germany* (New York, 1944), p. 51.

[24] Oppenheim, *International Law*, p. 195.

ers, etc., defend fundamental freedoms. Thus it is self-evident that the stipulated Law of Nations also contains treaties for the protection of human beings who are in special danger in their native land because of faith, race, or language.

III

Minorities Treaties

From the sixteenth century up to the present, efforts have been made to protect religious, racial, or linguistic minorities by means of international treaties. Such agreements were frequently made "when a state was created or when large accessions of territory were made to an established state." As a rule, when accepted into the family of nations or permitted to expand its boundaries, a state had to comply "with certain principles of government in the form of a binding international convention."[25]

This procedure received its "most explicit sanction" at the Congress of Berlin in 1878 and, later, at the Paris Peace Conference in 1919.

At the Congress of Berlin, the European powers were resolved to recognize the independence of Serbia, Montenegro, and Rumania. During the negotiations, the French delegate, Mr. Waddington, declared that any state which "claims to enter the European family on the same basis as other states must first recognize the principles which are the basis of social organization in all states of Europe."[26] In 1878, religious tolerance was considered one of these principles. Consequently, the Treaty of Berlin imposed upon the Balkan states the obligation to grant freedom of religion and equal civil and political rights to all, including religious minorities. Thereby, the extent of the *droit humain* and the treatment of religious minorities was defined. This resulted in the granting of equality to the Jews in some of the Balkan states. Rumania, however, succeded in frustrating these provisions. There were

[25] Clémenceau in his letter to Paderewski in 1919; H. W. V. Temperley, *A History of the Peace Conference of Paris,* V (London, 1921), p. 432 ff.

[26] Clémenceau referred to this remark in 1919; see preceding note.

several weak points in the Treaty of Berlin. First, it contained provisions merely in favor of religious minorities, while it did not protect national groups as far as they did not coincide with religious minorities. Second, there was no sanction for infractions of the treaty. Intervention by the signatory powers alone could be resorted to and this was of little effect. Third, the Treaty of Berlin imposed duties only on the Balkan states. Russian Jewry, living under similar conditions, was not protected.

The Paris Peace Conference of 1919 tried to avoid these shortcomings. To a certain degree it was successful. Special minorities treaties were signed with Poland, Czechoslovakia, Yugoslavia, and Rumania. In the peace treaties with Austria and Bulgaria certain articles were inserted for the protection of minorities. Similar conventions and declarations before the Council of the League of Nations followed.[27] In spite of some differences, all these provisions had a common basis. The minorities rights granted in the Treaty of Berlin were to be applied not only to religious but also to "racial" and "linguistic" minorities. Moreover, ethnic minorities were given certain national rights with regard, for example, to the educational system, free use of language, etc. The states bound by minorities treaties had to place the minorities provisions "under the guaranty of the League of Nations."[28] This was designed to do away with the deficiencies of the intervention system. It was hoped that, in case of infractions of minorities stipulations, the League of Nations, with its "collective and impersonal character," would be able to intervene with less partiality than a single Great Power. Finally, not only were the minorities of the Balkan states protected, but also those of other European countries, namely, Poland, Czechoslovakia, Yugoslavia, Rumania, Greece, Austria, Bulgaria, Hungary, Turkey, Albania, Estonia, Latvia, and Lithuania.

In comparison with the humanitarian intervention and

[27] For details and sources, see K. Stillschweig, *Die Juden Osteuropas in den Minderheitenverträgen* (Berlin, 1936), p. 37.

[28] Polish Minorities Treaty, Article 12.

the Treaty of Berlin, the minorities treaties must be regarded as indicating considerable progress. Nevertheless, the expectations of their authors were not realized.[29] This was due primarily to the fact that these treaties were dependent on the League of Nations. When this institution broke down, it inevitably caused the breakdown of the minorities treaties. Apart from this, there were other factors, too, which contributed to the failure of the minorities treaties. The provisions dealing with the various minorities rights were vague and elastic in their formulation. Furthermore, the guaranty of the League of Nations showed considerable imperfection.[30] Nor were the minorities in a position to appeal to the League when their rights were infringed upon. They had only the "faculté," the "pure and simple" possibility of appealing to the Council of the League. The Council was not under strict obligation to consider their petitions. Consequently, the minorities were often compelled to look for a state which was prepared to interest itself in their case. The German minorities appealed to Germany and the Hungarians to Hungary. Some of the minorities, especially the Jews, had no state to act as the natural champion of their rights. When a state took up the case of a minority, it was often led by selfish motives. Thus, the political element, which made humanitarian intervention almost useless, was not eliminated.

However, all these weak points would not have caused the failure of the minorities treaties, if an additional factor had not contributed to it. As early as 1919, the states bound by minorities treaties had protested against their obligations because other states with minorities, such as Germany, France, Italy, and Denmark, were still exempt. The western powers pointed to the fact that the minorities' problem resulted from special conditions which were prevalent only in Eastern Europe. The Eastern European countries did not agree with this point of view. The seed of discontent was thus trans-

[29] Cf. Robinson, *Were the Minorities Treaties a Failure?* (New York, 1943).

[30] Cf. Stillschweig, *op. cit.*, p. 177ff.

ferred from Paris to Geneva in the period after the First World War.

There were two possible solutions. The first was based on the fact that no time limit whatsoever was included in most of the minorities treaties. Theoretically, the obligations of the East European states were indefinite. This situation was pointed out in 1925 in the Council of the League by a Brazilian, Mr. Mello Franco. He set forth the theory that every country was a large melting pot in which the different ethnic groups should gradually be fused into one "complete unity." This should also apply to Europe.[31] His view, in other words, entailed the idea of compulsory assimilation and, consequently, was bound to reverse the minority system. It was violently attacked in almost all quarters, particularly by the minorities themselves. After a wavering stand, the Council of the League, too, finally in 1929 rejected Franco's suggestion. The Permanent Court of International Justice also took a position against this thesis.[32] Thus the attempt to remove the discontent of the East European countries by a gradual expiration of the minorities treaties proved impracticable.

After the First World War, an attempt was made in Geneva to introduce a general minorities convention. The eastern European states as well as the western powers declared that the humane treatment of minorities was a matter of course. The opinions differed only as to whether this fact should be confirmed generally in the form of definite treaties and made subject to international control.

The first step towards a generalization of the minority system was made by the Baltic governments soon after World War I. Similar attempts by other eastern states followed and were supported "in the name of humanity" especially by Sweden, Holland, and Ireland. The generalization of the minorities protection was also favored by certain prominent

[31] *League of Nations, Official Journal* (=O.J.), 1926, No. 2, p. 142.

[32] Cf. Stillschweig, p. 49 ff.

scientific and political organizations. England, France and Italy, however, refused to be bound by minorities treaties. They were supported by the Central and South American members of the League. As a reason for this stand, the argument of 1919 was repeated: that there existed no minority problem in the West and that a general minorities convention would only tend to create minorities in the West, which hitherto had not existed.[33]

The only positive result of these discussions was a resolution passed by the League on September 21, 1922, in which the "hope" was expressed that the states "which are not bound by any legal obligation . . . . with respect to minorities . . . . nevertheless" would treat their minorities humanely.[34]

But the attitude of the western powers caused a number of negative consequences also. First, it affected the application of the existing treaties. The vagueness and elasticity of their provisions gave rise to the possibility that they would be most illiberally interpreted. Moreover, all proposals for improvement met with the opposition of the East European states. They argued: first, generalization, and then reformation. The result was a complete stagnation of the minorities system, with the sufferers, of course, the minorities. Finally, on September 13, 1934, Colonel Beck, the Polish minister, declared in Geneva that "pending the introduction of a general and uniform system for the protection of minorities," Poland would refuse from then on to recognize any control whatsoever on the part of the League of Nations in matters concerning minorities.[35] This was obviously a violation of international law,—international delinquency,—which met with strong opposition. At that time, however, the League had ceased to be an organ for the protection of minorities.

The fate of the Jews in Hitler Germany clearly proved that acute minorities problems could also arise in countries

[33] Cf. Robinson, p. 175 ff., 240 ff.

[34] *O.J.*, Spec. Supplement, no. 9 (1922), p. 35 f.: see also, Stillschweig, p. 38 ff.

[35] *O.J.*, September 13, 1934, p. 2.

which were not bound by minorities treaties. Owing to the fact that in 1919 Germany had not signed any minorities treaty, the League of Nations could do nothing in the case of the German Jews but repeat the above-mentioned resolution of September 21, 1922. The manner in which Germany fulfilled the "hope" of the League is well known. It is true that a generalization of the minorities system would not have changed the fate of German Jewry; but it should not be forgotten that even a regime like that of National-Socialist Germany had to respect the German-Polish convention, which protected the German Jews of Upper Silesia, as a "racial minority," until 1937.

IV

Human Rights and Fundamental Freedoms in the United Nations Charter

After the Second World War, the status of the problem of the European minorities underwent a great change. Poland and Czechoslovakia expelled their German minorities. The Hungarian minority as well will have to leave Czechoslovakia, in which country there is no longer any Ukrainian minority either, on account of the cession of the Carpatho-Ukraine to Russia. Fluctuations within the populations are also taking place in other East European states. In general, the tendency to convert multi-national states into national states by the exchange or assimilation of minorities prevails. The Jews, too, are subjected to the demand for assimilation in Rumania as well Czechoslovakia. Even such a liberal statesman as President Beneš declared that the Jews must either assimilate or emigrate. Thus it is doubtful whether a system of minorities rights similar to that of 1919 will be revived.

International protection is developing along other lines. Nazism gave the world a terrible lesson. It trampled on the most elementary human rights and ignored all the fundamental freedoms of racial minorities. Nor did it refrain from persecuting for one reason or another members of its own

national majority. In combatting Nazism, the Allies were also bound to revive respect for human rights in general.

This aim found expression in the war proclamations of the United Nations. President Roosevelt's message to Congress of January 6, 1941 demanded for the first time that the "four freedoms" should be internationally guaranteed to all human beings. The Atlantic Charter of August 14, 1941 reiterated this concept by stating that a peace should be established according to which "all the men in all the lands may live out their lives in freedom from fear and want." The United Nations in their Declaration of January 1, 1942 defined as one of their war aims "to preserve human rights and justice in their own lands as well as in other lands." The Teheran Declaration of December 1, 1943 condemned "tyranny and slavery, oppression and intolerance." All these proclamations were, however, only political programs.

The Dumbarton Oaks Conference made the first attempt to convert these programs into international law. From August 21 to October 7, 1944, the Conference drew up proposals for the Charter of the United Nations Organization. In Chapter IX of these proposals, a proviso was inserted according to which "the organization should facilitate solutions of international economic, social and other humanitarian problems and promote respect for human rights and fundamental freedoms." During the San Francisco Conference (April 25 to June 26, 1945), the Charter of the United Nations was signed in its final form. In it, Human Rights were given "more emphasis" and were more fully defined than in the Dumbarton Oaks proposals.[36] Its preamble stated that the "peoples of the United Nations have decided . . . . to reaffirm faith in fundamental human rights." In Article 1, paragraph 3, the principle is expressed that one of the "purposes of the United Nations" is "to achieve international cooperation . . . . in promoting and encouraging respect for

[36] *Report to the President on Results of the San Francisco Conference by the Chairman of the United States Delegation*, Department of State, Publication 2349, Conference Series 71, June 26, 1945 (=Report), p. 38.

human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." In a number of other stipulations (Article 13, 55, 62, and 68), details are given as to how this "international cooperation" is to be achieved, but there is no definition of "human rights and fundamental freedoms."

The stipulations regarding human rights are very flexible and open, therefore, to conflicting interpretations. Two basic questions arise:

1. What are the obligations of the individual member of the UN concerning human rights?

2. What functions have the UN and its organs in regard to human rights?

(1) The duties of the members are bound up with the structure of the UN. The UN is " not a super-state" but is "based on the principle of the sovereign equality of all its members" (Art. 2, par. 1).[37] Thus, in Art. 2, par. 7 of the Charter it is stated:

> Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state. . . .

This clause is very flexible and open to restrictive and extensive interpretation. It may be explained in the spirit of the traditional conception of the Law of Nations, but other standards may be applied as well. The official American interpretation is along the lines of the Law of Nations. It states that, without Art. 2, par. 7, one might have supposed that the UN "could interfere directly in the . . . social structure . . . . of the member states. Such a possibility is now definitely excluded.[38] According to the American interpretation, the pledges of the member states are limited "to taking joint and separate action in cooperation with the organization" (Arts. 55, 56). In the negative sense, this would mean that the American interpretation does not consider the mem-

[37] *A Commentary on the Charter of the United Nations . . . Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty*, Cmd. 6666 (London, 1945), (=Cmd. 6666), p. 18

[38] Report, p. 44; cf. also H. Finer, *The United Nations Economic and Social Council* (Boston, 1946), p. 59.

bers as obliged to take human rights into account at all in their national law or their administration. It is left to their own discretion as to whether or not or to what extent they will do so. It is a question of morals, which, from the viewpoint of international law, lies "essentially within the domestic jurisdiction" of the indvidual state. The same conclusions were reached by a recent writer. He regrets, however, that "the Charter formally restricts the activities of UNO to a greater degree than required by its purpose and the principles on which it and its activities are based."[39]

It is not surprising, therefore, that a less formal conception rather than a restrictive interpretation of the Charter has more often been adopted. The Anglo-Jewish Association, for instance, has pointed to the experience of recent years, namely, that discrimination by a state against its own nationals may lead to migration which would result in population and economic problems on an international scale. Furthermore, discrimination within a state may "only be the prelude to aggression outside." Such measures, therefore, should not be considered as internal policy.[40]

This controversy, touching upon the most fundamental problems in the domain of the Law of Nations, provoked a discussion within the UN. The treatment of the Indian population in South Africa was at issue. These Indians are nationals of the Union of South Africa. According to the Indian Government, they are exposed to discriminatory practices in South Africa, in particular, to laws which aim "to segregate Indians into particular areas, for residence and for ownership and occupation of fixed property."[41] The Indian Delegation to the UN appealed, therefore, to the General Assembly, demanding "that the Union Government revise their general policy and their legislative and administrative

[39] Jacob Robinson, *Human Rights and Fundamental Freedoms in the Charter of the United Nations* (New York, 1946) (=Robinson, Human Rights), p. 57.

[40] *The Future of European Jewry*, published by the Anglo-Jewish Association (London, s.a. [1946]), p. 50.

[41] United Nations, General Assembly, Doc. A/149 (October 21, 1946).

measures affecting Asiatics in South Africa, so as to bring them into conformity with the principles and purposes of the Charter. . . ."[42] The South African Delegation denied any infringement of "elementary human rights," objected to considering a "recommendation by the General Assembly" as "intervention" under Art. 2, par. 7, and stressed the point that the treatment of Indians was "essentially within the domestic jurisdiction of the Union of South Africa." Finally, the request was made that in this matter "an advisory opinion be sought from the International Court of Justice."[43] The question was discussed in the Joint First and Sixth Committees and in the General Assembly.[44] The arguments, which cannot be treated here in detail, yielded ideas similar to those analysed previously in the critique of public opinion on and the legal doctrine of the *droit humain.* Public opinion championed these ideas on moral grounds. The doctrine of the *droit humain,* however, found no support in international law. Has this changed since San Francisco? Has the Charter given birth to a new Law of Nations? The UN did not answer this question and was not obliged to do so. She had only to settle the Indian-South African dispute. This was done by a "middle-of-the-way" solution. The General Assembly came to the decision that it was "of the opinion that the treatment of Indians should be in conformity with . . . . the relevant provisions of the Charter."[45]

In spite of its cautious wording, this decision is of fundamental importance. It is based on the assumption that the

[42] Docs. A/C-1/67, A/C-6/79 (November 20, 1946).

[43] Docs. A/C 1 and 6/8 (November 26, 1946). During a visit in Belgium in October 1946, Field-Marshal Smuts addressed the Belgian parliament and declared: Every limitation of the "national sovereignty and self-determination" by the UN would be dangerous. "Busy people having no idea of Africa would come to tell how the Congo would have to be administered. The minorities would bring forth their complaints and demands, even though they would cause difficulties to their governments. Ideologists could use UN as a platform for publicity and propaganda;" *Dagens Nyheter,* Stockholm, October 13, 1946.

[44] Cf. *Journal of the United Nations* (=Journal), No. 40, Supplement, Nos. 1&6-A/C 1-6/1, p. 15; No. 46, Supplement, Nos. 1&6-A/C. 1&6/13, p. 50; No. 54, Supplement, A-A/P.V./50, p. 354, 366; Venezuela; *Journal,* No. 44: Supplement, No. 1&6-A/C. 1&6/9, pp. 26, 30 f.; No. 54, p. 368.

[45] Doc. A/C-1 and 6/12.

Charter contains provisions with which the treatment of a particular group should not be at variance, and thereby binds the member states to a definite attitude towards their own nationals. This was voted on as an "important question" under Art. 18, par. 3, and adopted with over a two thirds majority.[46]

(2) As to the competence of the organs of the UN with regard to carrying out the provisions on human rights, a comparison with that of the League of Nations and its relationship to the minorities treaties is obvious.

The Council of the League had the right to take appropriate measures against "any infraction or any danger of infraction" of the minorities stipulations (Art. 12, of the Polish Minorities Treaty). The Security Council of the UN, which corresponds to the Council of the League, can take action only when an infraction of the provisions on human rights has reached such a state that it constitutes a "threat to the peace, breach of the peace, or act of aggression" (Art. 39). It rests with the Council to determine what constitutes such a threat. When minorities treaties were violated, the Council of the League of Nations could not carry out an enforcement procedure. This does not apply to the Security Council. The Security Council is able to act with full power. It can confine itself to recommendations but it can also call upon the members of the UN for a "complete or partial interruption of economic relations and of . . . . means of communication, and the severance of diplomatic relations" with the state violating the provisions on human rights (Art. 41). It can even command military operations "by air, sea, or land forces of members of the United Nations" (Art. 42).

[46] Journal, No. 55: Supplement, A-A/P.V./52, p. 404.

[47] In the opinion of the American Jewish Committee, "any infringement of human rights constitutes a threat to the peace of the world;" cf. *Toward Peace and Equity: Recommendations of the American Jewish Committee* (New York, February, 1946), p. 19. This interpretation is not in conformity with Article 39. It was therefore abandoned in a later publication; cf. *Human Rights in the Peace Treaties: Proposals of the American Jewish Committee* (New York, April, 1946), p. 5; cf. Robinson, *Human Rights*, p. 15.

The other organs of the UN have no coercive power. The General Assembly is a "deliberative body," which has to "consider and discuss,"[48] "initiate studies and make recommendations."[49] A state may use its own discretion as to whether or not it is willing to follow these recommendations.[50] But, as the official British commentary rightly emphasizes, the Assembly can "become a great instrument for the formulation of world opinion, which it would be perilous for any state to ignore.[51] From this point of view, the fact that the Assembly, on November 19, 1946, unanimously adopted the following resolution is of great importance:[52]

> The General Assembly of the United Nations declares that it is in the higher interests of humanity to put an immediate end to religious and so-called racial persecutions and discriminations, and calls on the governments and responsible authorities to conform both to the letter and to the spirit of the Charter of the United Nations, and to take the most prompt and energetic steps to that end.

The economic and Social Council, responsible to the Assembly, and the Commission on Human Rights, set up by the Economic and Social Council in accordance with Art. 68, have functions similar to those of the General Assembly. The task of that Council is to make "recommendations for the purpose of promoting respect for, and observance of, human rights" (Art. 62). The Commission on Human Rights will have "the opportunity to work out an international Bill of Rights. . . ."[53] Advisory opinions may be offered by the International Court of Justice, to which, however, individuals or minority groups cannot appeal.[54]

The Secretary-General of the League of Nations had two main functions to fulfil with reference to the minorities treaties. He had to receive petitions regarding the protection of minorities and investigate their "receivability;" and he was charged with "the duty of collecting information concerning

[48] *Report*, p. 55 f.
[49] Article 13.
[50] Cf. Robinson, *Human Rights*, p. 71.
[51] Cmd. 6666, p. 17.
[52] The *Committee Reporter* (of the American Jewish Committee) III, No. 12.
[53] *Report*, p. 118.
[54] *Statute of the Internationl Court of Justice*, Article 34.

the manner in which the Minorities Treaties are carried out. . . ."[55] The Secretary-General of the UN has similar functions. According to Art. 99, he has to "bring to the attention of the Security Council any matter which, in his opinion, may threaten the maintenance of international peace and security."

A complete picture of the protection of Fundamental Freedoms can be obtained only in connection with a discussion of the problems relating to the International Bill of Human Rights. They will be the subject of a second article which will also discuss the peace treaties with the former German satellites as far as they contain references to the protection of human rights.

[55] Cf. Stillschweig, pp. 175, 182 ff.; cf. Robinson, *Human Rights*, p. 92.

THE "RITUAL-MURDER" TRIAL OF POLNA

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The Facts of the Case

ON April 1, 1899, the eve of Easter, the nineteen year old Agnes Hruza, daughter of a *domkář* (*Häusler,* cotter) was found slain in a forest near the road leading from the small Czech town of Polna in Bohemia to the village of Klein-Weznitz, home of the victim. The body exhibited a large cut across the throat. Though vestiges pointed to the guilt of a brother of the victim, the time of the crime and the nature of the wound soon gave rise in the superstitious and antisemitic populace to the rumor of a Jewish "ritual murder." Suspicion fell upon the twenty-two year old cobbler, or rather idler, Leopold Hilsner, a weak-minded Jew of the lowest stratum of the proletariat. He was known to have often strolled through the woods. On April 5 the local police sergeant arbitrarily arrested Hilsner. Heavy excesses of the mob against the Jewish population broke out immediately. On April 6 the local court confirmed the arrest under the pressure of "public opinion" to which it referred in its decree.

Soon afterwards another and even more questionable step was taken by the higher court, the *Krajský Soud* (*Kreisgericht*) of Kutá Hora (Kuttenberg), when it directed the Polna local court to query its two medical experts whether it was true that a surprisingly small quantity of blood had been found at the place where the dead body was discovered—a question conforming to the ritual murder tale according to which the blood is drawn from the body and carried away for ritual purposes. The two experts had already testified on

April 1, immediately upon their examination of the body and the place of the crime, and supplementarily on April 6. On these two occasions they had said nothing about paucity of blood. Now, on April 19, upon the suggestive question of the court, they testified that in relation to the quality of the wound, too little blood had been found on the spot. No wonder that public excitement and riots grew frantically, spreading over all Czech sections of Austria.

Still there was no colorable reason for Hilsner's arrest, until on April 24, one carter, Cink, appeared in court to testify that on March 29, soon after 5 o'clock—that is, shortly after the presumable time of the crime—he had seen in Polna Hilsner and two other Jewish youths "running" in the direction from the place of the crime. Similar sworn statements by other persons followed, especially after the communities of Polna and Klein-Wesnitz had publicly offered rewards for the detection and conviction of the culprit. The climax was reached when a Polna plumber, Pešák, in August 1899 suddenly emerged to testify that on March 29, again shortly after 5 o'clock, walking along a certain highway, he had seen at a distance of about 700 meters (more than 2000 feet), Hilsner, and not far from him two unknown men, standing at the edge of the forest near the spot where the body was later discovered. Though Pešák's testimony teemed with absurdities, he became the chief witness of the public prosecutor.

The trial which took place before a jury in Kutná Hora from the 12th to the 16th of September 1899 under worldwide tense attention was dominated by the theory of ritual-murder and became the scene of heavy excesses. Hilsner was declared guilty and sentenced to die. However, the Austrian Supreme Court in Vienna, upon appeal by Hilsner's counsel, requested the medical faculty of the Czech university in Prague to appraise the opinion of the Polna medical experts. The faculty declared this opinion to be erroneous. According to the faculty, their conclusion that there was insufficient blood on the spot, had no foundation. The faculty suggested that the crime may have been of a sexual character. There-

upon the Supreme Court, setting aside the Kutná Hora verdict, remanded the case to the court of Pisek where it was again tried from October 29 to November 14, 1900 before another jury.

In the new trial the public prosecutor, rejecting unequivocally the theory of ritual murder, sought the motivation of Hilsner's alleged crime in the sexual field—a hopeless enterprise because Hilsner was sexually normal, had never shown any propensity for sexual excesses or for cruelty, and had never had any relation whatsoever with the victim. The improbability of the official sexual-murder theory tended only to make the jury all the more inclined to accept the theory of a ritual murder, an inclination fomented by outside agitation and by two Czech attorneys, well-known antisemitic politicians who, as "defendants" of the victim's next of kin, were admitted by the court as parties to the trial. The prosecutor's witnesses were allowed to give full vent to the prejudice and hatred in open court. The prosecutor himself contributed to the rampant frenzy by charging Hilsner also with the murder of one Maria Klima who on July 17, 1898 had disappeared from a village near Polna and whose alleged skeleton had been discovered three months later in a forest. This accusation was mainly based on superficial similarities of the conditions in which the two bodies were found. Hilsner was again sentenced to death, now on two counts.

His counsel, Dr. Auředníček, publicly declared that after the rendition of the verdict, the presiding judge, deeply perturbed, had said to him: "Doctor, today an innocent man has been sentenced." A somewhat exaggerated text of this utterance, published in a Vienna newspaper, met with an official dementi, but not so the declaration of Dr. Auřednícek, a Czech advocate of high reputation. Presence of official doubts was indicated by the fact that the death sentence, mandatory under the law for murder, was commuted to life imprisonment in a penitentiary. Only in 1917, following the ascension

[1] Hermann L. Strack, *Das Blut im Glauben und Aberglauben der Menschheit* (eighth ed., Munich, 1900), p. 164, gives an extract of the pleadings of one of the two attorneys, Dr. Baxa.

of Emperor Charles to the Austrian throne was Hilsner pardoned after an imprisonment of almost eighteen years. In order to preclude a favorable interpretation of this act of grace, an ordinary murderer of the burglar type was simultaneously pardoned.

In the penitentiary Hilsner's mind had greatly deteriorated. Because of the world-wide attention paid to his trial, he considered himself an important person. His main desire was to wear a derby. When he was denied an audience by President Masaryk whose noble intervention in the Hilsner case will presently be discussed, Hilsner complained about the President's ingratitude since he, Hilsner, had made him famous. The utterances suggest the harmless quality of his feeble-mindedness. He died in 1928.[2]

An Austrian Dreyfus Affair

By an act of unwitting self-criticism, the public prosecutor in Kutná Hora called the Hilsner case the Austrian Dreyfus affair, and in fact, the parallels are numerous. Also the Hilsner case had its Zola, in no less a man than the later first President of the Czechoslovak Republic, Thomas G. Masaryk, who at the time of the Hilsner trial was a professor of sociology at the Czech university of Prague. He publicly protested in 1899 the injustice of the Kutná Hora trial[3] and, defying the demonstrations of his students and the threats and excesses of the mob,[4] in 1900 raised his voice again in the defense of justice.[5] Other persons who took a stand against the verdicts of the Kutná Hora and Pisek juries include Dr. Krall von Krallenberg, retired president of an Austrian Ap-

[2] On the latest phase of Hilsner's life, see Egon Erwin Kisch, "Zum Tode Leopold Hilsners," *Berliner Montagspost* of January 16, 1928, no. 3. E. E. Kisch, a noted journalist, took a deep interest in Hilsner's fate and knew him personally.—The above summary of the Hilsner case is condensed from the author's book which will be cited later.

[3] T. G. Masaryk, *Die Notwendigkeit der Revision des Polnaer Pronzesses* (Vienna, 1899).

[4] Even the grave of Masaryk's father was desecrated.

[5] Masaryk, *Die Bedeutung der Revision des Polnaer Prozesses für den Ritualmordglauben* (Berlin, 1900).

pellate Court,[6] Max Burckhard, director of the imperial *Hofburg Theatre,*[7] and the Rev. William H. Hechler, at the time of the trial chaplain of the English Embassy in Vienna.[8]

To the Austrian Jews the ambiguous Pisek judgment was a permanent offence and menace. In this predicament, persons close to the Austrian-Israelite Union in Vienna together with Dr. Auřednícek decided in 1904 to approach the leading criminologist of the day, Professor Franz von Liszt, an Austrian by birth and at that time Professor of criminal law at the University of Berlin. Professor von Liszt had just published reports of experiments carried out in his Seminar, on observation by witnesses. The experiments, followed with interest far beyond Germany, had shown wide divergence of observations of the same event, especially under emotional conditions. Since Hilsner had been sentenced on the basis of utterly dubious testimonies, a new way had apparently opened for attacking the judgment. Hence the Viennese group turned to Professor von Liszt with the request that he examine the Hilsner case from the standpoint of "criminological psychology." On the proposal of von Liszt who had to decline in view of other obligations, the present writer, for several years a member of von Liszt's Seminar, was entrusted with the study.[9] The material was pretty complete. The official stenographic records of the Kutná Hora and Pisek trials alone filled several thousand pages in script. Besides, there were available copies of the prosecutor's indictments, of the opinion of the medical experts and of the court files made up under the Austrian system of judicial preparatory inquisition (*Voruntersuchung*). A trip to Polna and Vienna proved necessary to investigate the scene of the crime and the general background of the proceedings. It was also possible to gather reliable material on other "ritual-murder"

[6] "Der Hilsner-Process," *Neue Freie Presse* (Vienna) of February 11, 1906. The author gives his name there as Dr. Krall.

[7] "Leopold Hilsner," *Neue Freie Presse* of December 23, 1906. Burckhard was a jurist by training.

[8] On Hechler, see Elbogen, *A Century of Jewish Life* (Philadelphia, 1944), p. 280. Hechler frequently conferred with the present writer on the Hilsner case.

[9] The Seminar was open to post-graduates.

trials of the nineteenth century. The latter material showed a striking resemblance between types of witness and testimony in trials so widely spread over space and time. For instance, almost invariably some witnesses would claim to have listened on the street, or in a railway car, or in a courtyard to Jews discussing the ritual-murder plan in mysterious phraseology. The inexplicably late appearance of such witnesses was another typical phenomenon. The significance of the material was not confined to ritual murder trials, but shed some light on the psychology of witnesses in sensational trials generally.[10] Professor von Liszt wrote a preface to the book which appeared in 1906 under the title, *Der Polnaer Ritualmordprocess: Eine kriminal-psychologische Untersuchung* (The Ritual Murder Trial of Polna: A Study in Criminological Psychology). A second edition was published in the same year.[11]

Discussion in Parliament and Press

Referring to the results of my investigation, a liberal group in the Austrian House of Representatives, interpellating the Minister of Justice, asked him to take the proper steps for a re-trial (*Wiederaufnahme*) of the Hilsner case, which the Supreme Court had power to order on a motion by the Attorney General (*Generalprokurator*).[12] This parliamentary action was soon countered by an interpellation on the part of the rabidly antisemitic Christian-Socialist party which demanded satisfaction for the Austrian judges allegedly offended by my book and to stop the "Rummel" (slang for fuss) demanding a re-trial of the Hilsner case.[13] The argument of the interpellation was of the type with which the world became later familiar through Goebbels. It included under the

[10] This point was later developed by Sello, a renowned Berlin criminal attorney, in his work, *Die Irrtümer der Strafjustiz und ihre Folgen* (1911).

[11] In addition, one may consult Paul-Schiff, *Der Process Hilsner; Aktenauszug* (Vienna, 1908), where the more important trial documents are reproduced. A copy is found in Harvard Library.

[12] Interpellation Straucher and Associates of February 13, 1906, *Haus der Abgeordneten* (Austrian *Reichsrat*), XVIIth Session, p. 34128.

[13] Interpellation Sturm and Associates, March 9, 1906, *ibid.*, p. 34941.

protection of immunity, such assertions as that I had misused Professor von Liszt's name, that my inquiry was based upon proven falsifications, etc. This gave Professor von Liszt an opportunity to re-affirm publicly, by way of an interview, his support of my investigation.[14] Moreover, the liberals made another interpellation in favor of the re-trial.[15] As was the rule in the Austrian parliament the Government did not answer the interpellations. Nevertheless that of the Christian-Socialists was effective in a way. It served notice upon the Government that the powerful, if not dominant, Christian-Socialist party was utterly opposed to a re-trial. The liberals were powerless in Austrian politics. This explains to a large extent the policy followed by the Government.

Outside Parliament, public reaction to the new literary and parliamentary discussion of the Hilsner case was limited, in Austria as well as in Germany, to some articles in the liberal and in the Viennese antisemitic press. The organs close to officialdom remained silent. For instance, when the noted Berlin historian, Professor Hans Delbrück, was asked to have my book—which after all, was prefaced by his illustrious colleague, von Liszt—reviewed in his distingushed monthly, *Preussische Jahrbücher,* he demurred on the ground that the subject would not interest the readers. In order to fully appraise Professor Delbrück's refusal one must know that the *Preussische Jahrbücher* was not the organ of the Prussian ultra-reactionaries, but of the "free-conservatives" who, while strictly monarchists and nationalists, boasted of their liberalism in cultural matters. A number of legal and medical organs, however, did publish reviews.[16] While recognizing

[14] *Neue Freie Presse* of March 13, 1906. Besides, I sent to the House a protest refuting the assertion of the Sturm Interpellation. By resolution of the House, the protest was incorporated in the official Records, *supra* n. 12, at p. 35991.

[15] Interpellation Ofner and Associates, January 28, 1907 *ibid,* p. 42711.

[16] Cf. *Deutsche Juristen-Zeitung,* XII, 1267 (Appellate Judge Dr. Kloss); *Recht,* XII, 122 (Professor Allfeld); *Gruchots Beiträge,* 1908, 185 (Dr. Delbrück, member of the Reich Department of Justice); *Archiv für Strafrecht,* 1907, 466 (Dr. Schneickert, criminologist in the service of the Prussian Government); *Juristische Blätter* (Vienna), XXXV, 151 (Professor Lohsing); *Schweizerische*

the objectivity of the inquiry made, none went deeper into the subject. The conclusion by German juridical reviewers was not so much the necessity of a re-trial as the necessity of abolishing the trial by jury.

Biased Scientists

In sensational trials with a political and especially an antisemitic background it is one of the most perturbing phenomena that experts, even of high reputation, sometimes allow their judgment to be distorted, perhaps subconsciously, by prejudice and outside agitation. The most notorious example is probably the testimony of the celebrated graphologist Bertillon in the Dreyfus case who testified that the famous "bordereau," actually written by Major Esterhazy, was written by Dreyfus. In Polna as well as in Konitz, the locality of another well-known "ritual-murder" case, local physicians in their capacity as judicial experts supported the ritual murder accusation by a distorting interpretation of the facts. These physcians were men without renown or authority. But in the Hilsner affair an outstanding scientist, Professor Hans Gross of the University of Graz (Austria), gave support to the disgraceful accusation against Hilsner by devising a so-called scientific, actually however wholly unfounded and misleading theory. It was the young science of psychology that was so discredited in this case. Professor Gross voiced his ideas only subsequent to the trial on which they thus had no bearing. Their significance was of a political character, because of the political implications of the trial and the peculiar nature of Professor Gross' theory. Besides, an analysis of that theory is worth while as a contribution to the psychology of experts in sensational law cases.

A conspicuous weakness of the death sentence inflicted upon Hilsner in Pisek was the entire lack of motivation for

Zeitschrift für Rechtspflege, XIX, 114 (Professor Stoos, Bern); *Monatsschrift für Kriminalpsychologie*, IV, 2 (Professor Aschaffenburg); *Deutsche Arzte-Zeitung*, 1907, 424 (Professor Pfister, Freiburg); *Vierteljahrsschrift für gerichtliche Medizin*, 1907, 342 (Marx).

his alleged crime, since the ritual-murder hypothesis had been officially rejected and Hilsner's personality and antecedents did not furnish the least support to the hypothesis of sexual murder. In this dilemma, Professor Gross made an attempt to supply the lacking motivation in two articles on "Psychopathic Superstition" which appeared in a criminological periodical edited by him.[17] Pieces of Agnes Hruza's garments —some cut off—had been found in three different directions from the dead body, one nearby, others six to thirty metres away. Similarly, pieces of garment were discovered five and forty-five steps from the body of Maria Klima, Hilsner's alleged other victim. This "dispersal" of garments seemed rationally inexplicable to Gross. Strange superstitions on the part of the slayer might have been at work, he suggested. Persons of a psychopathic nature "or in dire poverty or of a very low moral state" fall easily prey to superstition. If, therefore, a person suspected of murder is superstitious, the "hypothesis is permissible" that this person may have murdered under the impulse of superstition. In the analysis of the slayings of Hruza and Klima, Gross is not explicit with regard to the kind of superstition he has in mind; still in the discussion of an allegedly similar case (case Tirsch), he points to "blood superstition," namely "the superstition that parts of the human body are useful for various purposes." Hence, Hilsner's crime could well be explained if one only assumed that he was driven by blood superstition—of course not "ritual" blood superstition. Evidently we are confronted with a scientific version of popular prejudice and party agitation. This is made even clearer by the fact that among Gross' few instances there appears the notorious Konitz (Ernst Winter) case which had been denounced by the antisemitic press as one of Jewish ritual murder and which had given rise to savage anti-Jewish riots.

As indicated above, Gross was a scholar of wide, in fact international renown.[18] He was the founder and editor of the

[17] *Archiv für Kriminalanthropologie und Kriminalistik,* IX (1902). p. 259 and XII (1903). p. 334.

first criminological review, the founder of the first criminological museum, and the author of the *Handbuch für Untersuchungsrichter,* a compendium of criminology, which went through six editions; an English adaptation was published in 1907.[19] Nevertheless, his articles on psychopathic superstition were nothing but a concoction of almost unbelievable mistakes.

"Psychopathic Superstition"

At the outset, the title psychopathic superstition was misleading.[20] Dire poverty and low moral standing are different from psychopathic conditions. Moreover, dispersal of clothing is criminologically different from dispersal of parts of the body. Not only, therefore, is Gross' psychopathic superstition utterly ill-defined, embracing the most disparate sets of facts, but he adduces for his theory, apart from the Hruza and Klima cases, altogether no more than four instances. Two of them (Tirsch [1864] and Maier [1894]) had long been characterized, for excellent reasons, as sexual murders in the psychiatric literature which in part was unknown to Gross. The third murder (Hofer, 1878) was committed by an apparently insane person and exhibited likewise a very strong indication of pathological sexuality. In the Tirsch case the perpetrator, who was probably insane, had strangled women who refused cohabitation; he severed the breasts, sexual organs and the plaits of one of his victims, and took all this together with the clothes into his home. Here he ate the parts of the body. It is inconceivable how Gross could fail to recognize the sexual character of the crime. In spaced letters

[18] See obituary in *Journal of the American Institute of Criminal Law and Criminology,* VI (1916), p. 641.

[19] *Criminal Investigation,* by J. Collier Adams (third ed., London, 1934). According to the Preface of the sixth edition of the German original the latter has been translated into almost all languages of civilized nations. This seems to be an exaggeration.

[20] The following is condensed from the article cited *infra,* n. 27.

he emphasized the cutting and removal of the plaits—apparently unaware that this is one of the most common symptoms of psychopathic sexuality.

Gross' fourth instance, the Konitz case, had developed in two phases. The eighteen year old Ernst Winter had been murdered in Konitz on March 12, 1900. During March and April parts of his body were discovered on various days and at various places, mostly in ponds or other waters. Parts of his clothing were found on three occasions in January 1901. The whole situation was then re-examined. Particularly, extensive opinions were given by medical authorities, in the last resort on January 15, 1902 by the highest available in Prussia, the Royal Scientific Deputation for Medical Matters.[21] Its conclusion was that the victim had probably been strangled after cohabitation or an attempt at cohabitation. There was a cut across the throat, but it was executed in all probability after the victim's death. There was nothing in the opinion to justify the hypothesis that blood had been drawn from the body. The medical authorities were not concerned with the implications of the removal of clothing and the parts of the body, but there was no riddle in that. Probably the dismemberment and dispersal or submersion were done in order to conceal the crime and eventually to confuse the investigators. Gross wrote on the subject—his articles appeared in August 1902 and August 1903 and again in 1908[22]—without any knowledge of the second phase of the Konitz case and especially without knowledge of the opinions of the medical

[21] Königliche Wissenschaftliche Deputation für das Medizinalwesen. On September 7, 1901 the Medizinal-Collegium der Provinz Westpreussen had given an opinion virtually to the same effect. The full text of the medical testimonies and opinions of the case is found in *Die Gutachten der Sachverständigen über den Konitzer Mord*, ed. by Centralverein Deutscher Staatsbürger Jüdischen Glaubens (June, 1906). Of course, the sensational discoveries of January 1901 and the conclusions of the medical authorities had long before become publicly known.

[22] The article of 1902 was then incorporated without change in Gross' *Gesammelte Kriminalistische Aufsätze*, II, (1908). Meanwhile Gross had been informed of the facts also by my article, cited *infra*, n. 27.

authorities which contradicted his assumption that death had been caused through the cutting of the throat.[22] Nor did he indicate the sources from which he drew his knowledge of the first phase.[23] Nevertheless he indulged in the insinuation that the Prussian authorities apparently had not taken "and would not take" the necessary steps.[24]

Pro and Contra Psychopathic Superstition

In my book I briefly rebutted Gross' theory, announcing that I would discuss it elsewhere in greater detail.[25] Thereupon I received a letter from Gross warning me against such an undertaking, a suggestion which I rejected.[26] The article entitled "Psychopathic Superstition" appeared at the end of 1906 or in the beginning of 1907 in the leading scientific periodical in the field, which was founded and edited by Professor von Liszt.[27] Several months later, on April 29, 1907, Gross published in his *Archiv* a review of the second edition of my book without mentioning my criticism of his theories or his correspondence with me.[28] The review was an attempt to misrepresent my work as an arbitrary slander against the Austrian judiciary.[29] Nowhere did Gross try to refute the facts set forth in my inquiry nor did he advance new material or arguments in support of his theory.

[23] In the article of 1902 he refers merely to his *Archiv*, vol. IV, 363 and VI, 216. He reviews there two semi-political pamphlets about the Konitz case which he himself declares as lacking any value.

[24] This he had done in the review, *Archiv*, VI, 216, which appeared on February 26, 1901.

[25] *Supra*, n. 24, at p. 210 n. 119.

[26] To this correspondence I referred in the article, *infra*, n. 32, at p. 852.

[27] "Der psychopathische Aberglaube," *Zeitschrift für die gesamte Strafrechtswissenschaft*, XXVII, (1906), p. 350 ff.

[28] *Archiv*, XXVI, p. 366.

[29] In his preface to my book von Liszt had stated: "What the author has achieved, is not a biased study, but a sober, strictly scientific inquiry which everywhere rests on the official documents." Similarly Professor Stoos (*supra*, n. 16): "The author refrains from sensationalism and proceeds on the basis of the official documents" (*aktenmässig*).

However, an attempt at refuting my article was undertaken in 1909 by Dr. Hellwig in an essay, "Blood Murder and Superstitions, Facts and Hypotheses" published in the same journal where my article had appeared.[30] Dr. Hellwig, a Prussian junior judge (*Gerichtsassessor*), who after World War I became presiding judge of a criminal court (*Landgerichtsdirector*), was a specialist on superstition, mainly in the manner of a collector, gathering his material, often without the necessary discrimination, from a wide range of general newspapers, magazines, pamphlets, etc. He was a regular contributor to Gross' *Archiv*. In his article he stated that Gross had gone over it closely and made some comments upon it.[31] The core of the article is a lengthy list and analysis of murders or slayings which in Hellwig's opinion were committed under the influence of superstition. The instances were largely taken indiscriminately from inferior newspapers or pamphlets. Moreover, he did not see that slayings by insane persons cannot be considered simply as motivated by superstition even if elements of superstition occur in the hallucinations or *post factum* "explanations" of the insane person. In any case, in an appraisal of Gross' theory, the general question of the occurrence of murders out of superstition was of minor importance. The interpretation of the dispersal of clothing "or" of parts of the body was crucial. In this respect Hellwig was evasive. He left it undecided whether the Tirsch case and Gross' other instances sustained the latter's theory. Somewhat naively Hellwig remarked merely that he had not yet published his whole material, and that each day might bring surprises regarding superstition. Nevertheless he mentioned a rumor that in the Konitz case the official detectives (*Kriminalkommissare*) had been influenced by the theory that in the case of a typical dismemberment of the body Jews could never be the perpetrators and that this "mistake" had "per-

[30] *Zeitschrift für die gesamte Strafrechtswissenschaft*, XXX (1909/10), p. 149 ff.

[31] "Professor Gross hatte die Güte, den Aufsatz genau durchzusehen und mit einigen Bemerkungen zu versehen."

haps" misled the authorities. His authorities for this astounding statement were an article of an antisemitic newspaper and an obscure antisemitic pamphlet. Regarding the Polna case Hellwig refrained from any comment.

Despite the weakness of Hellwig's reasoning an answer was necessary especially since new material on the whole issue had become known. Utilizing information received from various psychiatric quarters, I widened the inquiry considerably in a paper "On Murders out of Superstition" which appeared in 1910.[32] The article described, on the basis of authentic material, a number of cases where parts of the victim's body had been dispersed in order to hide it or under the impact of insane bestiality without the motive of superstition ever being considered. The faultiness and irresponsibility of Gross' and Hellwig's utterances regarding the Konitz and Polna cases were shown in greater detail.

This article caused Hellwig to reconsider his position. It took him several years to reach a decision, but the result was worth while. In 1913 he published in a conservative-nationalist weekly, *Der Grenzbote,* an article, "Ritual Murder and Blood Superstition," which was virtually a reversal of his former attitude.[33] Condemning antisemitic press agitation and approvingly citing all of my three publications in point, he showed, discussing one case after the other, the entire lack of foundation of the ritual-murder accusation against Jews, explaining that accusation from the persistent blood superstition of the populace. His controversy with me was not even hinted at. He maintained that actual murders caused by blood superstition may nevertheless be committed by Christians or by Jews, but this abstract reservation has not much significance in the article. Gross' "pychopathic superstition" was not referred to.

[30] "Ueber Morde aus Aberglauben," *Zeitschrift für die gesamte Strafrechtswissenschaft,* XXX (1909/10), p. 813. The article was commented upon with full approval by Dr. Kalmus, medical officer of the Prague Police Department, in *Ärztliche Sachverständigen-Zeitung,* 1910, p. 329.

Without saying so, Hellwig's article was an unequivocal abandonment of Gross' case by Gross' only defender.

In 1914, Hellwig published under the title of his *Grenzbote* article a a booklet which is not unambiguous. Adorned with a large David's Star and emphasizing the words "ritual murder" and "blood superstition" in large ornamental type, it was published by J. C. C. Burns, a notorious antisemitc agitator and Reichstag deputy. Nevertheless, the substance of Hellwig's article has gone into the booklet. He mentions his controversy with me, but it was all a "misunderstanding." The condemnation of the ritual-murder accusation is even more elaborate in the booklet. Hellwig does not see any vestige of "blood superstition" in the cases of Konitz and Polna. There is no word about Gross' theory, whereas my publications are abundantly cited and excerpted. But the reservation suggested in his essay is now much more in the foreground. Hellwig insists that superstition is strong enough to incite to murder; that this might well occur on the part of a Jew; that there is much superstition among Jews and "blood superstition" is found in pristine semitic religion. These assertions and particularly their emphatic elaboration by Hellwig probably made the manuscript attractive to Mr. Bruns. From the viewpoint of the present study, Hellwig's apparent antisemitic leanings strengthen rather than weaken the significance of his dissociation from Gross in respect to the Hilsner cases as well as to Gross' theory of "psychopathic superstition." There is honesty in his reversal.

Gross was a different type of fighter. Hellwig had announced in his first article that Gross would probably answer my criticism. Gross allowed this to be printed, but no answer came forth.[34] However, in the sixth edition of his *Handbuch*

[33] "Ritualmord und Blutaberglauben," *Der Grenzbote,* LXXII (1913), p. 149 ff.

[34] A particular opportunity was offered to him when he undertook to review in his *Archiv,* XXXIV, 314, Paul-Schiff's extract of official documents of the Polna case, mentioned above. This helpful and perfectly unobjectionable publication aroused Gross' strong indignation. He did not wish, he explained, to be

(1914) he stated briefly that in murder cases one has always to think of the motive of superstition "if no other motive is discoverable" (*sic*) and the body was manipulated in an "inexplicable" way, for instance through dispersal of clothes or of parts of the dead body.[35] His only reference was to his own articles of 1902 and 1903. In a footnote he cited my first article with the comment "the author seems *wahrhaftig* [approximately: one should not believe it] to fear that through the theory of psychopathic superstition I [Gross] might support the idea of Jewish blood superstition and that persecution of Jews might be kindled thereby."[36] The unfair and misleading character of the note, which omits also a mention of Hellwig's various publications on the subject is evident. Still the note indicates by indirection that Gross wished now to keep away from the blood accusation against Jews. However, he did not take a clear position. In fact he avoided a discussion of the subject of "ritual-murder" trials altogether, leaving a gap in the compendium of criminology which his *Handbuch* actually was.

Conclusion

The above mentioned remark in Gross' *Handbuch* was the last emergence of his superstitious-dispersal theory. It has never been revived. In the monumental *Handwörterbuch des Deutschen Aberglaubens* edited by Bächtold-Stäubli[37] neither the dispersal nor the "psychopathic-superstition" theory is given the honor of mention.[38] Nor do they appear in the very

"inundated" with discussions of the Hilsner case; such discussion would only make people "suspicious" that the real purpose is the fight against the Jewish ritual-murder accusation in which, he asserts, no educated person believes.

35 Gross, *Handbuch für Untersuchungsrichter*, II, p. 858.

36 Nothing was said in my article on "persecution."

37 Berlin-Leipzig, 1927 ff.

38 To be punctilious I may mention that Professor Gauss [Tübingen] in Gross' *Archiv*, XXVIII (1907), p. 20, calls an instance of "psychopathic superstition" the slaying, in 1902 by a Slovenic pedlar, of the husband of a woman whom the pedlar believed to be a witch. The slayer was apparently insane, and there was no "dispersal." See my article cited *supra*, n. 32, at p. 824. There was dispersal in a case of 1786, hypothetically mentioned as a possible

complete *Psychological Abstracts,* 1927 to 1944. This history of Gross' doctrine confirms its utter worthlessness. In fact it was nothing but the product of infatuating bias and irresponsible resolve to close his ears to reason. In the light of later experience, this attitude of the German-Austrian professor contrasts conspicuously with the noble and sacrificial fight of the Czech Professor Masaryk conducted for the cause of justice (though there is no reason to praise the Czech people with reference to the Hilsner case). Perhaps there is also some significance in the fact that the new blood-murder teachings came from Graz which was to become before long a hotbed of national-socialism.

The Hilsner case itself was once more resuscitated when the Germans invaded Czechoslovakia. The invaders were quick to found a "Czech-Aryan Cultural Society" which solicited funds for a monument to Agnes Hruza, Hilsner's alleged victim.[39] The outcome is not known. Certainly, no monument was erected.

There is little probability that the Hilsner case will again be misrepresented as evidence of Jewish ritual murder or of Jewish blood superstition. Still it will not be forgotten entirely. For Jewish history the Hilsner trial has a sinister significance. In modern times it is the only one which as the result of ritual-murder agitation has led to the sentencing of an innocent Jew. It will remain a lasting stain on the honor of the Austrian judiciary that Austrian antisemitism was able to accomplish in an Austrian court what thirteen years later in the Beilis affair the powerful Tzarist Government could not attain in a Russian court.

The import of this event reaches far beyond the confines of Jewish history. Though our generation has witnessed the murder of millions, death sentences against innocents by law

instance of "psychopathic superstition" by one Pschidka in Gross' *Archiv,* XLVIII (1912), p. 70. No official documents were available, and no Jew was involved.

[39] New York Times, June 26, 1939 (3:2).

courts devoted to right and justice will always arouse the conscience of men because Justice after all is everybody's concern and cherished hope, and the death sentence is Justice's supreme test. Among those sentences there are not too many which reveal the pernicious influence of political agitation as strikingly as the Hilsner case. In this respect the controversy with Gross is no less significant than the trial itself.

JEWISH EDUCATION IN THE TRANSITION FROM GHETTO TO EMANCIPATION

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I

Naphtali Herz Wessely

NAPHTALI HERZ WESSELY (1725-1805) has secured a place for himself in the history of Jewish education, because his pamphlet, *Words of Peace and Truth,* acted as the catalytic agent which hastened the transformation of that basic educational institution of the Jewish people, namely the *heder.*

Wessely was descended from a family of merchants.[1] His great-grandfather was the only member of the family to have escaped the Chmielnicki massacres of 1648. This ancestor, Joseph Hayyim Reis, after wandering from Poland to Silesia, Central Germany, and Holland, finally settled in Wesel, on the Rhine. Hence the family name Wesel, which later became Wessely.[2] Issakar Ber, Naphtali's father, was a man conversant with the practical affairs of the world —thus continuing a family pattern. His father, Moses, had found favor with the Holstein princes. Having obtained from King Frederick IV of Denmark the status of a privileged Jew he established the first munitions factory in Denmark and became the King's agent in Hamburg.[3] Issakar Ber continued in the royal favor, and his son Naphtali, born in

[1]David Friedrichsfeld, *Zeker Tzaddik* (Amsterdam, 1809).

[2] Cf. Wessely, *Words of Peace and Truth,* (1782) Letter II, p. 28a.

[3] In some biographies mention is erroneously made of Frederick VI. The error was pointed out by Joseph Klausner, *History of Modern Hebrew Literature, I* (Jerusalem, 1930), p. 90.

Hamburg, grew up in an environment which knew how to deal with the powers and rulers.

Naphtali was given the traditional Jewish education of the day. When five years old, he knew how to read and was brought to the *heder*. At the age of six he began the study of Talmud. At the age of ten, however, he came under the influence of the wandering grammarian, Solomon Zalman Hanau, and developed a love of the Hebrew language that was to remain with him all his days. He studied Hebrew grammar and then turned to biblical texts, a feat which represented a striking out into paths shunned by the *heder* of those days. Wessely's aberration went even further. He took up geography because he felt that knowledge would help him in a fuller comprehension of the Bible. For the same reason he became interested in history. The field of secular knowledge intrigued him, and he included a range in his studies that was extraordinary for a Jew of his time. He applied himself to the sciences, mathematics, and is said to have gained proficiency in a number of foreign languages, German, French, Danish and Dutch among them.[4] Nonetheless, he continued diligently his Jewish studies at talmudical academies, and was a favorite pupil of Rabbi Jonathan Eibeschuetz.

While a young man, Wessely, the son of a mercantile family, also became a man of business. The banker of Frederick the Great, Veitel Heine Ephraim, while passing through Copenhagen, where Naphtali's family was then residing, offered young Wessely a position in his Amsterdam branch. Wessely accepted and went to Amsterdam, where he proved himself a capable man of business and an expert in precious stones. The Jewish community of the Dutch capital impressed him deeply, and the knowledge he gained of its educational system, ritual, manners and mores remained with him, even after his return to Copenhagen, and later, when he lived in Berlin.

Business obligations never deterred Wessely from the pursuit of Jewish studies and literary work. His real world

[4] Friedrichsfeld, *l. c.*, p. 2.

was the world of thoughts, ideas, books. His publications reveal a wide range of interests:

Translation of *Hokmat Shelomoh* (Wisdom of Solomon) and the commentary thereon, called *Rua'h Hen* (Berlin, 1778 or 1780);

Lebanon (also called *Gan Na'ul*) and the introduction thereto, called *Mebo Haggan*—a philological work dealing with synonyms (Amsterdam, 1765-1766, two volumes);

Commentary on *Leviticus* in Mendelssohn's *Biur* (Berlin, 1781);

Yen Lebanon—a commentary on *Aboth* (Berlin, 1775);

Imre Shafer—a commentary on the Book of Genesis, Part One (Lyck, 1868);

Dibre Shalom ve-Emet (Words of Peace and Truth) — four letters to the Jewish communities in the lands of Joseph II, containing recommendations for an improved educational system (Berlin, 1782-1785);

Sefer Ha-Middot (or *Musar Haskel*) — a text on ethics (Berlin, 1785);

Gelegenheitsgedichte (miscellaneous poetry) — outstanding among these is the poem on the death of Duke Leopold of Brunswick, who was drowned in the Oder on April 27, 1785 while trying to save some of his soldiers (in *Ha-Meassef*, Tammuz, 1785); and the elegy on the death of his friend, Moses Mendelssohn, entitled *Kol Nehi* (in *Ha-Meassef*, Adar Aleph, 1786).[5]

[5] Moses Mendelssohn had a great influence in shaping the intellectual development of Wessely. When the latter came to Berlin in 1774, Mendelssohn was the leading Jewish figure in that city, enjoying an international reputation as a philosopher and man of letters. Wessely tells us that statesmen and philosophers sojourning in Berlin made it a point to seek out Mendelssohn and spend some time with him; *Words of Peace and Truth*, Letter II, p. 25. According to M. Kayserling, *Moses Mendelssohn* (Leipzig, 1888), p. 305, Mendelssohn and Wessely met in Hamburg in 1761 and, by October 1761, they were friends. This is not correct. True, Mendelssohn knew of Wessely through the latter's younger brother, Moses Wessely, who lived in Hamburg, the city where Fromet Gugenheim, Mendelssohn's bethrothed, also resided. Wessely most certainly knew also of Mendelssohn. But the personal meeting of both must be dated later. In a letter written on October 8, 1761, to Fromet Gugenheim, Mendelssohn sends warm greetings to Naphtali Wessely and on October 16, 1761, he writes: "By the time you receive this letter, Mr. Hartwig Wessely will in all probability already have taken his departure, and I expect him here for the holidays." It is on the basis of this letter that Kayserling assumed Mendelssohn and Wessely met in Berlin in October 1761. A letter from Mendelssohn to Fromet, dated October 24, 1761 clearly shows that this had not been the case. For in it Mendelssohn expressed the hope that an opportunity for such a meeting will present itself, but seems to have no definite occasion in view, at the time of writing this letter: "Reb Herz Wessely) is, I presume, no longer there. However, in your writing to him, please assure him of my friendly regard for him. *I should be truly sorry if the opportunity does not present itself for my making his acquaintance.*" (Italics mine); *Moses Mendelssohn's Gesammelte*

Shire Tif'eret (Songs of Glory) — a national epic poem which is, in some parts, a commentary on the Book of Exodus (Berlin, 1789-1829; Vol. VI, Prague).

The last-named work Wessely undertook at the ripe age of sixty. In his day, *Shire Tif'eret* was considered his *magnum opus*. His reputation as a scholar and man of letters had been a sound one even before its publication; but now he came to be considered the poet laureate of that period. This work served as a model in structure, style, and conception to Hebrew poets for almost a century.

Evaluated from the point of view of the modern historian, however, it is not *Shire Tif'eret* at all which is Wessely's most important work, but rather his *Words of Peace and Truth*. Yet, as much glory as he reaped from the former, so much calumny did the publication of the latter heap upon his head during his lifetime. In fact, the appearance of *Words of Peace and Truth*, early in 1782, raised such a polemic that for years it disturbed the even tenor of Wessely's life. Broken was his formerly quiet, scholarly existence. He was plunged into the very thick of an ideological battle (*Kulturkampf*) for Haskalah ideals in general and for educational reforms specifically. For Wessely this was quite an unexpected turn of events. But viewed from the perspective of over one hundred and fifty years, it is apparent that his criticisms of the educational system of the time as contained in *Words of Peace and Truth* dealt that system a decisive blow and simultaneously opened a new chapter in the evolution of Jewish education.

II

Background for "Words of Peace and Truth"

Jewish education before Wessely was quite uniform, because all Jewish communities, in all regions, agreed on its ultimate aim. This aim was to develop and foster a deep and

Schriften, XVI Berlin, 1929), p. 61—Still another point may be brought to bear on the question of the date of the first meeting between the two friends: Wolf A. Meisel, *Leben und Wirken Wesselys* (Breslau 1841), p. 62, discusses the *initial* impression that they made on each other when Wessely came to Berlin in 1774. This, too, contradicts Kayserling's date.

abiding loyalty to Jewish tradition. Some Sephardic communities (like that of Amsterdam, which Wessely knew and admired) laid emphasis on certain secular subjects and on the study of the vernacular. But on the whole, especially among Ashkenazic Jewry, there were few differences as to method and content, and both were keyed to a single and uniform aim. The curriculum was strictly Jewish. Only in a few rare cases was a smattering of arithmetic included.[6] The Hebrew language and grammar, as well as the Bible, were neglected.[7] Mishna, too, was omitted to a large extent. Talmudic study was the order of the day, and it was taught, in parrot-like fashion, to every child from the earliest age, even though the entire subject, in many instances, was above the child's level of comprehension. Word-for-word translation into Yiddish was the method employed. The *heder* lacked homogeneity, gradation of study, and failed to provide for those children who had neither the capacity nor inclination for Talmud study. Moreover, the Jewish teachers in Germany came, in most cases, from Poland or Lithuania, and had left their families behind. They did not have the right of permanent residence in Germany and the consequence was a constant turnover among them.

Among the rich Jews, tutoring at home was the practice. Moses Medelssohn was at first tutor in the home of the silk manufacturer, Bernhard, and later for eleven years, to Isaac Itzig.[8] Wessely, too, possibly taught for a time in the home of David Friedlaender.[9] But even the tutorial system

[6] A. M. Lifshitz, "The Heder," *Hatekufah*, VII (1920), p. 340.

[7] Joseph Haan of Frankfurt, a seventeenth century rabbi, stated in his *Yosef Ometz* that there were rabbis in his day who had never even seen a text of the Bible; quoted in S. Assaf, *Mekorot le-Toledot ha-Hinnuk be-Yisrael*, I (Tel Aviv, 1925), p. 80.

[8] Mendelssohn's own children were tutored by Herz Homberg, a native of Bohemia and a pupil of R. Ezekiel Landau. Homberg later gained considerable notoriety through his educational reign in Galicia. Cf. M. Balaban, "Herz Homberg in Galizien," *Jahrbuch für jüdische Geschichte und Literatur*, XIX (1916), p. 189 f.

[9] There was a time in Wessely's life when poverty entered his formerly comfortable home. His employer had decided to retire, and Wessely was left without means of sustenance. Then he provided for his family through services in the home of his friend, David Friedlaender, possibly as tutor or bookkeeper.

of the rich had certain drawbacks. According to the Prussian Reglement of 1750, a teacher of boys had to be unmarried and was not allowed to remain in the same community for a period longer than three years. Later on a "*Schutzjude*" could take an unmarried instructor into his home and retain him in the community indefinitely as his domestic. Regulations and restrictions such as these could not but lead to a constant turnover of teachers, and so this system suffered to a large extent from the same ills as the communal *heder*.

It is obvious that the educational system had many glaring shortcomings and was in need of improvement. Wessely was not the first to point this out. From time to time, long before his day, certain criticisms recurred. As early as the sixteenth century a number of rabbis and scholars had expressed dissatisfaction with Jewish education. But the recommendations of Wessely's predecessors had been ignored. Even his own program of educational reform would perhaps have met with the same fate, had not the receptivity of his age aided his task. Moreover, the appearance of *Words of Peace and Truth* was linked with an important historical event.

It was an era when new and tumultuous forces were at work not only in Jewish life, but in the general scene as well: it was the age of the Enlightenment. The philosophy of Voltaire, Rousseau, Diderot, and John Locke meant rationalism, individualism, humanitarianism, cosmopolitanism. Enlightened ("aufgeklärte") rulers strengthened the national state and granted political emancipation to ethnical minorities within their states. The waning of the power of the Church, and the secularization of education accompanied these trends. The first impact of the industrial revolution, the extension of industrial civilization, and the development of democracy made themselves felt.

These ideals of Enlightenment were reflected in a Jewish counterpart movement—the Haskalah. The time was ripe in Jewish life, too, for the operation of new ideas and ideals. First of all, there had penetrated into the ghetto a questioning of the hitherto unchallenged rabbinic leadership. Aside from

the general current of questioning prevalent in the world, a number of events in Jewish history proper had prepared the ground for the diminution of rabbinic authority. The various Messianic movements, the struggle against the Kabbalists, the strife with Hasidism, the bitter and prolonged Emden-Eibeschuetz controversy[10]—these were some of the forces working contrary to rabbinic prestige. They had caused dissension among the rabbis themselves, had alienated the people from them, and had done irreparable damage to the power of rabbinic Judaism in the eighteenth century.

Second in importance in laying the groundwork for Haskalah was the growing resentment of the Jews toward the Kehillah, the organized Jewish community, and its leadership, both the rabbis and lay-leaders, the *parnasim*.[11] A number of social and economic factors which had been working against harmony in the Kehillah for centuries now gained momentum. As a result of the industrial revolution and its concomitant, the rise of capitalism, there emerged, especially since the eighteenth century, a wealthy group of Jewish industrialists in Germany. The German rulers found these affluent Jews very useful in many respects: they filled the regal coffers in exchange for grants of patents of protection; they were also instrumental in the industrial and financial development of the land. But the Jewish masses remained, to say the least, *personae non gratae* to the rulers of the all-too-numerous principalities. These rulers divided the Jews into distinct groups: privileged, protected, tolerated, and rightless Jews. Some of the non-privileged Jews could stay in a community because they were "attached" to the household of a privileged Jew as employees. The others were at the mercy of the Kehillah, which was responsible for them to the government. It was one of its duties to keep the Jewish population below a fixed number. Thus it had the power to expel Jews from its realm. (The Berlin Kehillah considered

[10] It involved outstanding rabbis of Central and Eastern Europe, lasted six years, and greatly undermined the respect of the masses for their rabbinic leaders.

[11] D. B. Weinryb, "Economic and Social Factors in the German Haskalah," *Keneset* (Bialik), (1938) (Hebrew).

seriously to exercise this power with regard to Wessely, in the course of the controversy over *Words of Peace and Truth*). Also, the community was held liable for crimes and misdemeanors of individual Jews. It therefore looked into their conduct and scrutinized their private life, not always without prejudice. The majority without privileges, had thus to depend on the goodwill of the minority of the privileged Jews who formed the Kehillah. A large number of people was controlled by a very small group. This small group even had it within its power to determine the distribution of occupations. They could, and sometimes did, direct and tyrannize the economic activities and destinies of the non-privileged Jews in such a fashion as to further their own interests. Yet, the poor and non-privileged Jews did not dare antagonize their patrons—whether they were the privileged Jews on whose lists they were registered as employees, or the influential Kehillah members who might, if provoked, try to expel them from the community.

Still another important aspect of the economic organization of the Kehillah enters into this picture of tension and dissatisfaction. The Kehillah was responsible to the ruler for the collection of taxes. Its *parnasim* or lay leaders were charged by the government with a fixed sum, which was imposed upon the community as a whole. They, in turn, had the task of distributing the burden of the taxes among the community. They thus exercised the important power of assessment. Sometimes, the latter was retained in the same families for generations and was often used to the advantage of the vested interests of the *parnasim*. If an individual Jew tried to appeal from the decisions of the Kehillah to the government, the government naturally felt itself obliged to back the authority of the *parnasim*. Furthermore, there was an opprobrium attached to any Jew who would make such an attempt. His effort was considered disloyal and harmful to the prestige of the Kehillah and of Jewish unity. Public opinion regarded such an act as an abomination. But, these unjust assessments were a fact, and they bred dissension within the Jewish community. The impoverished masses

bore their wealthy brethren, and specifically the *parnasim*, much ill-will. Such class conflicts are reflected in the Musar literature as early as the sixteenth century. Even the kindly and wise Mendelssohn had some scathing things to say about the haughtiness and selfishness of the wealthy and privileged Jews. Indeed, the poor and non-privileged Jewish masses could not but distrust their communal leadership, in view of such conditions, and they were ready to accept other leaders and other ideals in place of those which had proved unjust and oppressive.

At the other pole, the wealthy and privileged Jews also smiled approvingly upon Haskalah ideals. With the rapid progress of commerce and industry, they came in ever closer contact with non-Jews of their economic stratum.They acquired many of their cultural patterns.The growing non-Jewish middle class, which by and large constituted the rising capitalist class, favored the Jew, since unlike the guilds, clergy and nobility—this group had no anti-Jewish tradition. These wealthy Gentiles allowed the wealthy Jews to associate with them, which resulted in a weakening of their ties with Jewish tradition. The rabbis frowned upon this process, yet dared not be very strict. The richer the Jew became, the more he desired to free himself from the grip of the Kehillah. The new capitalist system, by its very nature, required freedom of movement, a necessity for a wealthy Jew in order to carry on his business enterprise on an equal footing with his non-Jewish competitors. Considerations like these made the observance of the mores of his people difficult, and violations of *mitzvoth,* such as Sabbath observance, began to take place on a considerable scale. To this group of wealthy Jews, just as to the downtrodden Jewish masses, release from the grip of the organized Jewish community, the Kehilla, was a definite need.

These few highlights will suffice to show that at the time under consideration, large sections of the Jewish people were in a state of protest and flux. The tempest in the world had swept into the ghetto, and Enlightenment found its counterpart among the Jews in that "*Kulturkampf*" of first

magnitude, known as Haskalah.[12] Wessely's *Words of Peace and Truth,* coming upon this scene, and offering a program of reforms in Jewish education, fell upon fertile soil. The time was rife, not only with new ideas, with reforms in many aspects of life, but also with an awareness of the importance of education. In fact, the entire Enlightenment-Haskalah program was centered in education, and almost tended to see in it a panacea to all problems.[13]

A publication on Jewish education like *Words of Peace and Truth* suggesting some broadening of its aims and some secularization, individualization of instruction, and changes in content and methods, was certain to strike responsive chords at this time—but also to evoke cries of protest from those clinging to a status quo whose foundations had become insecure, namely, the rabbis. Hence the polemic about the work. The entire situation was pointed up still further by the fact that *Words of Peace and Truth* was linked with an important historical event, the issuance of the Edict of Toleration.

Joseph II, who ruled Austria from 1780 until his death in 1790, issued a series of legal documents known as Patents or Edicts of Toleration (January, 1782) with a view to alleviating some of the repressive measures governing the Jews

[12] S. Bernfeld, *Dor Tahapukot* (Warsaw, 1914); F. Lachower, "Maimonides and the Beginning of Haskalah," *Moznaim,* III (1935), p. 539 f. (Hebrew); Ch. N. Schapiro, *History of Modern Hebrew Literature* (Hebrew), (Tel-Aviv, n.d. 1939?); Z. W. Yabez, "Migdal ha-Meah," *Keneset Yisrael,* I, ed. by S. P. Rabinowitz (1886), (Hebrew).

[13] The eighteenth century witnessed great changes in the state of education. The reasons were threefold: the extension of Industrial Civilization; the development of Democracy; and the rise of Nationalism. The last-mentioned factor particularly did much to raise the educational level of the masses. Since the rulers sought to develop a stronger national state through common ties of culture, they turned to education as a means to this end. In Prussia, this interest of the state in education found expression in 1794, in the *Allgemeines Landrecht,* fundamental code of Prussian law, in which schools and universities were defined as state institutions. The educational views of John Locke (1632-1704) and Jean Jacques Rousseau (1712-1788) shaped the educational thinking of that century. Mendelssohn read Locke—in all probability, his famous essay, *Some Thought concerning Education,* as well as Rousseau's *Emile.* Educational reform was one of his favorite topics of conversation. It was part of the *Zeitgeist* to be concerned with education. Mendelssohn's views undoubtedly influenced the shaping of Wessely's views.

of his lands. While personally not free from prejudice against them, he nevertheless felt the strong influence of men like Voltaire and Diderot, who were preaching the principles of humanitarianism. It was under the influence of this school of thought that the Patent of Toleration was promulgated. Some of the shameful restrictions abolished were:

1. The obligation to wear badges or clothes distinguishing Jews from the rest of the population.
2. The restriction against appearing on the streets on Sundays and Catholic festivals before noon.
3. The restriction against visiting public amusement places.
4. The *Leibmaut* or body-tax, paid by Jews upon entering a city.

Henceforth, the Edict specified, the Jews are permitted:

1. To learn trades from Christian craftsmen—but they may not join the guilds and may not be called masters.
2. To master arts, architecture and the fine arts.
3. To engage in commerce and to open factories.
4. To engage in farming—but they may not own the land. They may, however, lease it and must cultivate it themselves.
5. To attend government schools and universities, except the Faculty of Theology.
6. To send their children to the public schools (where they should learn German)—or to set up schools exclusively for them, with German included in the curriculum.

The Edict left some old restrictions in force, and added some new ones. In their bookkeeping, business correspondence, and in legal documents, the Jews had to employ the German language, and not Hebrew or Judaeo-German.[14]

There is no doubt that Joseph was somewhat moved by humanitarian principles when he issued these edicts, but the consensus among historians is that he was interested primarily in making the Jews useful to his state.[15] It is probably for that reason that his edicts sought to afford the Jews more diversified means of participating in the economic life of his lands, and provided them with the opportunity

[14] The Jews were given a period of two to three years to learn the German language.

[15] Graetz, *Geschichte der Juden* XI (Leipzig, 1900); S. Dubnow, *History of the Jews in Russia and Poland* (Philadelphia, 1916); *Weltgeschichte des jüdischen Volkes* (Berlin, 1925-29); A. F. Pribram, *Urkunden und Akten zur Geschichte der Juden in Wien* (Quellen und Forschungen zur Geschichte der Juden in Deutschoesterreich, VIII) (Vienna, 1918).

to practice trades, farming, and the arts. It is likely for the same reason that he enjoined upon them to send their children to the government schools; or as an alternative, permitted them to set up Jewish schools (to be maintained by taxes paid by the Jews), but with German obligatory in the curriculum. Joseph obviously aimed to bind together the heterogeneous groups of his empire by means of common ties of language and culture.

In the provision regarding schools the orthodox Jews saw a threat to their traditional school system and to their way of life. They feared that the obligatory knowledge of German would be an avenue to secular studies, and that these would eventually predominate and lead to the neglect of Jewish subjects. On the other hand, leaders of the Haskalah, Wessely among them, saw in the proposed reforms an important step toward the realization of their ideals, namely, emancipation and a better adjustment to the culture of the country of their residence.[16]

Jewish reaction was by no means uniform throughout Joseph's lands. The Jews of Lombardy had a long tradition of combining Jewish and secular learning, and so found no fault with the proposed school reforms. They opened schools, patterned along the lines laid down by the Edict, in Trieste and elsewhere. In Prague, too, Jewish education was relatively progressive. Besides the traditional subjects, German reading and writing and other secular subjects had been taught even before the Edict was issued.[17] In 1774 the Jewish community of Prague had established a Girls' School. On May 2, 1782, just a few months after the Edict was promulgated, the Jüdische deutsche Schule was opened there. In honor of the

[16] As to the reaction of the Christians to the Patent of Tolerance, a minority of freedom-loving and progressive people welcomed it. Klopstock dedicated an ode to Joseph II on the occasion of the granting of the Patent. But the large majority of non-Jews opposed the Patent, and numerous enemies of the Jews were very articulate about it. Some of the anti-Jewish publications which appeared at this time as a reaction to the Edict are listed in M. Grunwald, *History of the Jews in Vienna* (Philadelphia, 1936), p. 157 f.

[17] L. Singer, "Zur Geschichte der Toleranzpatente in den Sudetenländern," *Jahrbuch der Gesellschaft für Geschichte der Juden in der Czechoslovakischen Republik*, V (1933), p. 231 ff.

occasion, Rabbi Ezekiel Landau composed and read a rhymed prayer in Hebrew. Thus, in some parts of Joseph's empire the Edict was welcomed. But in others, especially among the Jews of Galicia, there were many misgivings and ill forebodings concerning the Patent.[18] They were suspicious of the school reforms, and attributed to them sinister intentions, such as the weakening and disintegration of Jewish life. Many mourned, and public fasts were held.

Wessely simply could not comprehend the consternation with which the Edict of Toleration was greeted in some lands of Joseph's empire. He was a resident of Germany, and not of Galicia. Furthermore, he had a background of Jewish training combined with secular study and, yet, had remained a pious Jew. Lastly, he had been brought up under affluent circumstances in a family that dealt with members of the ruling group and had no distrust of them. Therefore, he welcomed the Edict of Toleration from the very moment of its issuance. He saw in its provisions the fulfilment of some of his most cherished ideals. He composed a poem in praise of Joseph II, the Father of the Edict. To Wessely, the school reforms which the Edict provided were the basis for the emancipation of the Jew, and for his better adjustment to the life of the land in which he lived. He saw no reason for suspicion, and no threat to traditional Judaism.

It was with the intention of allaying hostility to the Edict that Wessely published his letter, *Words of Peace and Truth,* in 1782.[19] Its title page reads: "Words of peace and truth to the congregation of Israel residing in the lands of the domain of the Great Emperor, who loves mankind and gladdens people, His Majesty, Josephus II."

[18] A. Braver, "Yosef hasheni vihude Galizia," *Ha-Shiloah,* XXIII (1910).

[19] The first edition is not dated. Nor is the place of publication given. It seems to have been printed (like the following three letters) at the Press of the Berlin Freyschule. Graetz, l.c., p. 89, dates the publication of the first of the four Letters as March 1782. But it seems that the date of publication set by Zinberg, namely, January 1782, is more accurate, since we know that by March 1782 Rabbi David Tevele was already attacking the contents of the Letter in Lissa. Cf. Israel Zinberg, *History of Jewish Literature,* VII (Vilno, 1936), p. 86, 273. Wessely, in his enthusiasm for the Toleration Edict composed the first Letter of *Words of Peace and Truth* in just a few weeks.

III

"Words of Peace and Truth"

Wessely opens his epistle with the dictum from Proverbs (22:6) "Train up a child in the way he should go, and even when he is old, he will not depart from it." From this he derives two lessons: 1. Educate the child—the optimum time for instruction is the period of childhood; and 2. According to his way—the method of instruction should be adapted to the mental powers of the individual child. Individual differences should be taken into account in the educational process.

A systematic education, says Wessely, is to be differentiated into two departments: Human Knowledge and Divine Law. By Divine Law he understands the teachings as found in the Written and Oral Law. These Divine Laws have been revealed and are binding only upon the Children of Israel. Had they not been revealed to us, the wisest of men would have been unable to discover them.[20] Human Knowledge is altogether different. If it were not written down, the human mind and senses could reconstruct it. This knowledge can be learned from the wise. It encompasses: 1. Social Sciences, which include ethics, good manners or refinement, elegance of diction (a Leitmotif with Wessely), history, geography, the customs of the country and the rules of the kings; 2. Mathematical Sciences, which include arithmetic, geometry, and astronomy; 3. Natural Sciences, which include zoology, botany, chemistry, and medicine.

Human Knowledge should precede—in time only—the knowledge of the Divine Law. For it has been declared that "the knowledge of the way of the world preceded that of the Torah by twenty-six generations; for the Torah was not given until twenty-six generations after Adam. Prior to the giving of the Law, men acted in accordance with the Laws of Man (*Torath ha'adam*), which really are the seven Noahide precepts and their derivatives" (*Leviticus Rabba,* ch. 9). As to one who possesses Human Knowledge, although the wise men of Israel will not benefit from his knowledge of Torah, at least all others will derive benefit from his Human Knowledge. But as to one who has knowledge of the Divine Laws only, and is devoid of Human Knowledge, such a man is useless to all the people. To prove his point, Wessely unhappily quotes from *Leviticus Rabba* (ch. 1): "A scholar who has no knowledge (i.e. Human Knowledge), even a carcass is better than he," and interprets this midrashic statement as follows:

[20] Mendelssohn's influence is recognizable. Although his *Jerusalem* was published only in 1783, the two friends undoubtedly discussed the problem of reforms in Jewish education. In Mendelssohn's *Jerusalem,* the same division occurs; the terminology alone is different ("Moral Law" and "Ceremonial Law").

A Jewish scholar, that is, one proficient in Divine Law and its teachings, but devoid of secular knowledge, that is, of the social sciences and the ways of the world—even a carcass is better than he. For the Torah prohibits the eating of carcass only to the Jews; but a non-Jew may eat of it. Thus, a Jewish scholar who is unfamiliar with secular studies, is of no great worth either to Jew or gentile, because he lowers the honor of the Torah.[21]

The Jews, in days of old, and particularly when they lived in their own land, paid heed to and were proficient in Human Knowledge. Progressive nations now foster it. But in *Galuth* the Jews of Europe, and especially those of Germany and Poland, have deserted it. Wessely grants that many of Germany's and Poland's Jews are men of great understanding. But the trouble lies in the fact that they are ignoring the Teachings of Man. They pay no heed to Hebrew grammar and to elegant diction. They have no sound knowledge of the vernacular. Some are illiterate in the language of the land of their residence.

Wessely extends his criticism further. He claims that the child does not acquire a *systematic* education. Why are even the foundations of religion not transmitted to the children in an orderly fashion, let alone good manners? Some of the children, *after* leaving the *heder,* remedy a few of these deficiencies; not, of course, in the most orderly and useful way but by means of self-instruction, from books and from observing other people.

Wessely regrets this state of education among Jews. His ideal is a happy blending of Human Knowledge and Divine Law, for these two supplement each other. Both are derived from God. Some acquaintance with Human Knowledge is a necessary preparation for an understanding of the Divine Law. But why have the Jews, an intelligent people, ignored this Human Knowledge? The blame is to be laid at the door of the non-Jewish world. The Gentile, through his ill treatment of the Jew, has so oppressed him and depressed the latter's spirit that he has no inclination to occupy himself with the Teachings of Man. In his excitement, Wessely overstates the case, and becomes inaccurate: Since the Jews are surrounded by enemies who constantly plot evil against them and do them harm, there is no point in teaching the Jews the duty of loving their fellow-men, for they will not heed it.[22] Furthermore, the Jews

[21] This statement aroused the anger of the rabbis, especially those of Poland, to whom secular knowledge was alien. Wessely and others are incorrect, however, in attributing the controversy to this sole statement. In the third Letter, 21b, Wessely says: כי מבטן המלות הללו יצא הריב כלו . Shalom Spiegel, "Midrash ha-Nirdafim be'Sifrutenu," *Leshonenu,* VII:1 (1936), points out that this interpretation of Wessely's to "A scholar without knowledge" is already found in his commentary, *Yen Lebanon,* which the rabbis, including Ezekiel Landau and David Tevele, had endorsed.

[22] L. Lewin, "Aus dem Jüdischen Kulturkampfe," *Jahrbuch der Jüdisch-Literarischen Gesellschaft,* XII (1918), p. 167, points out that this statement

are disinclined to learn to speak the vernacular correctly and beautifully (in an effort to find favor with the non-Jews and their rulers), for they are consistently despised and humiliated. Then too, the non-Jewish world has limited their occupations to such an extent that they find no value in acquiring the natural and mathematical sciences. Thus, in the course of time, these knowledges have fallen into disuse and oblivion. Even when some benevolent ruler has ameliorated the condition of the Jews, they have not sought the study of those subjects encompassed by Human Knowledge, for they have grown accustomed to do without them. Furthermore, there are no Hebrew texts on these subjects. The books available are in the vernacular and therefore useless to Jews, who are not conversant with it.

The Jew, troubled by hardships, has not learned good form in speech. This is understandable. But what is remarkable is that the Jewish group survived at all, in spite of most unfavorable conditions. "Yet, in spite of all, there remained with us the customs and manners of civilized men." The divine Torah is responsible for the survival of the Jew. It is the Torah, too, which prevented him from acquiring, as a result of persecution, characteristics such as cruelty and disloyalty to his rulers. On the contrary, the Jew remained loyal to the government and to the country of his residence, prayed for their welfare, and hoped that God would bring about a change for the better in the attitude of the world toward him.[23]

So, this pitiful and degrading situation, this indecent attitude toward the Jews, continues. But, there is a time for everything. Everything is preordained by God. And now, at last, God in His goodness, gave mankind a humanitarian ruler, the great monarch, Joseph II. Wessely glorifies him for he has remembered his Jewish subjects and granted them many privileges. He has ordered the Jews to learn the vernacular. Ethics and good manners they will learn from textbooks to be composed in accordance with the Torah. Secular knowledge, on the other hand, the Jews will acquire from the same texts as do all the other subjects in Joseph's realm. Wessely feels that Joseph is an instrument of God, seeking to do justice and good. He praises him for overcoming, through his reason, deep-seated prejudices against the Jews, which had prevailed for so many generations. May God be with this great King, protect him from all evil, and make him great among the nations.

of Wessely's is historically untrue, and refers to Zunz, *Zur Geschichte und Literatur* (Berlin, 1845), p. 135 f.

[23] Wessely, brought up in an atmosphere of *Hofjuden*, approaches the relationships between Jew and non-Jew in the spirit of his own surroundings. Friedrichsfeld, *l.c.*, p. 1, speaks of Wessely's father, Issakar Ber, as being מהקרובים בהיכל ומהרואים פני המלך והגבירה והשרים היושבים ראשונה במלכות.

Joseph's wise policy toward the Jews should be followed by other rulers, In gratitude to this enlightened monarch, they should pray for him, and carry out the terms of his edict.

Wessely never tires of telling his fellow-Jews that, if they deal with important Gentiles and high officials, they must not fail to learn to speak elegantly, gracefully, and wisely. He (himself a descendant of court-Jews) urges to teach the children the vernacular, so that they can deal effectively in the courts of the rulers.

He also gives reasons for knowing social, natural, and mathematical sciences. They are needed for the proper understanding of Jewish subjects. Many passages of the Bible are wholly meaningless to one not well-versed in ancient history. A knowledge of the latter will help one understand the Conquest of the Land (Palestine), and the peoples the Jews dealt with. It has also a beneficial moral effect. It is conducive to a love and fear of God. By studying ancient history one sees how peoples have deserted Human Knowledge, and therefore were not chosen by God as His people. (Wessely maintains throughout that the Jews are God's Chosen People.) Ancient history will make the Jews see how true and useful the narratives of the Torah are. This same discipline will train them to reason properly and not by false analogy. They will learn to appreciate facts, and will be averse to believing tales and superstitions.[24]

Geography, like history, leads to a better understanding of the Bible. It helps one follow the journeys of Abraham, the boundaries of Palestine, the wanderings of the Jews in the wilderness, and imagine the seas and rivers whose names are mentioned in the Bible. To one devoid of a knowledge of geography, all the names and places referred to in the Bible are confusing and meaningless.

Natural sciences and mathematical sciences also shed light on many laws contained in the Torah.

The gracious monarch ordered the study of these subjects, as well as of religion and ethics. He wants textbooks written which will teach the Jewish children wisdom and morality in accordance with reason. Such texts, Wessely feels, should be prepared by Jews and not by non-Jews. True enough, the Torah and Talmud and other Jewish books are teeming with wisdom, ethics and wordly knowledge, but they are not for beginners. For "they are the works of wise men, for the understanding of which great wisdom and insight are required."

The new textbooks should be written in simple, lucid Hebrew and the author of a text for children should keep in mind the child's level of comprehension. Wessely would like to see uniformity in the teaching of religion and morality. Every religious principle is to be based on

[24] Letter I, chap. 4. Wessely is indeed claiming a great deal for the value of studying ancient history.

a statement from the Torah, and is to be clearly explained by the author of the text. The subjects should be divided and arranged attractively, so as to facilitate the study for the pupil. In all these recommendations, Wessely proves to be a product of his time, the Age of Reason. But he also shows himself faithful to tradition. He says that the author should constantly base his writing on Jewish Law, however, "should, by no means, contradict rationalist principles as enunciated by the wise men and scholars of the Gentiles."

Wessely elaborates on the manner in which this Hebrew text on morality should be written. Grammar should be emphasized, as well as synonyms. Both are essential for an understanding of the Bible, which is basic to the study of Mishnah and Talmud. Those incapable of studying Mishnah and Talmud will, if taught in the manner advocated, at least be able to read the Torah and prayers with understanding. Such texts should be translated from Hebrew into pure German. The teacher is to explain the Hebrew text in German, according to the German translation. The pupils will thus derive a double benefit—they will learn Hebrew and German simultaneously.

Chapter Seven of *Words of Peace and Truth* begins with praise for Mendelssohn's Bible translation because it is in excellent German and also based on Hebrew grammar. An attack on the teachers follows, who do not know German properly and, in most cases, are not proficient in Hebrew grammar and unmindful of pure Hebrew. The use of the Mendelssohn translation and the *Biur,* the Hebrew commentary to it, can remedy this regrettable situation. If the Bible is thus properly studied, the pupils may even succeed in understanding the meaning of roots. Wessely refers here to his *Gan Na'ul* and his Commentary on Leviticus, thus calling attention to one of his chief endeavors, namely, to emphasize the importance of grammatical construction, which was so generally disregarded in his day.

He further expounds the subject of the study of the vernacular. Its disregard is characteristic only of those Jews who live in countries where German is spoken. It is not true of other Jewries, which know and speak the language of their lands correctly. Thus, Sephardic Jews speak Spanish correctly; Italian Jews, Italian; British Jews, English; French Jews, French; Jews of the East, Turkish and Arabic; and even the Jews of Poland speak Polish properly.[25] But the Jews of those lands where German is the vernacular speak a corrupt German, for which there is no excuse at all. Yet, good German can be learned from gifted writers and poets. However, the Jews pay no heed to their works, and

[25] This example is in all probability not correct. Cf. E. N. Frenk, "Le-Toledot hay-Yehudim be'Polin," *Hatekufah,* XIII (1922), p. 24, note.

follow a wrong path in importing their teachers from Poland, men who speak German in an absurd and ungrammatical fashion.[26]

Generally, to know foreign languages is a good Jewish tradition.[27] Members of the Sanhedrin were proficient in languages. None but experts in languages were appointed to the Sanhedrin. Bilingualism among the Jews has precedent. Besides Hebrew, the Jews employed Aramaic. According to Wessely the Hebrew language is to be employed for sacred subjects, for matters of faith and belief and for Torah study; while the German tongue is to be utilized for mundane matters, for business purposes, for social intercourse and for the social, natural, and mathematical sciences.[28] By not knowing the language of the country, one creates division between oneself and the other citizens, being practically incommunicado. This is not desirable, nor in good Jewish tradition. Have not Rabbi Bahye and Maimonides written in Arabic! If these men mastered the tongue of the countries of their residence, why should not German Jews master German? Yes, through the use of Mendelssohn's excellent translation, and with teachers proficient in German, the children can learn not only the Torah, but German as well.[29] Having thus been trained in German from early youth, these children will speak it well, and be in a good position, when grown, to converse with important Gentiles about knowledge, both Jewish and secular; and when in need of quoting from Jewish literature, they will be able to do so in good and expressive German.

Wessely has a very strong opinion on poetry, which he considers as the most effective means of influencing people. The divinely inspired books of the Bible, which aim to teach knowledge and fear of God, are written in verse—Psalms, Proverbs, Job, and Song of Songs. The Pentateuch, too, contains wonderful and lofty songs, such as the Songs of Moses, and the Song of the Well. But Ashkenazic Jews do not appreciate poetry. For generations the Jews of Germany and Poland have not produced a poet. The greatest poets concede that the poetry of the Bible is matchless; it surpasses Homer, Pindar, and Horace. Yet, the Bible is neglected. All this is due to the teachers who are inarticulate and "stammering." But this neglect can be remedied, if from now on children will learn Hebrew according to grammatical rules and the Torah through Mendelssohn's translation, in which the passages of the Bible

[26] Obviously, these Polish *melammedim* were well versed in Jewish learning. The German Jews imported them, for they had none of their own.

[27] The study of foreign languages became one of the ideals of the Haskalah Movement.

[28] Klausner *l.c.*, p. 108, calls these words כבדי המשקל to which Wessely's critics of his and our own day have not given due attention.

[29] In fact, Mendelssohn's translation of the Pentateuch became the first German reader to the ghetto youth. This knowledge of German was undoubtedly the avenue to the acquisition of a general European education.

are rendered in poetic form. Teachers should teach their pupils the art of poetry.[30] The great ruler, Joseph II, is aware of this sad state of Jewish education in his lands, and therefore, he has ordered the Jews to set up schools for their children where they will learn German thoroughly, in addition to other subjects. Everyone should appreciate the benefit derivable from the new school system. Therefore, all necessary preparations should be made for the opening of the new schools. Three is no novelty in the proposed methods; they had existed formerly among the Jews and had been given up because of persecution. Once again, there is an opportunity to have a proper educational system. Once again, the use of Mendelssohn's translation of the Torah and the *Biur* are recommended. They are ideally suited, for the rendition is elegant and the *Biur* follows traditional, *ad sensum,* lines of interpretation.[31] For the moment, Mendelssohn's translation will suffice. Later, proper texts will be forthcoming—texts that will be in consonance with Jewish tradition, acceptable to the government officials, written in pure Hebrew, and lending themselves to be rendered into German. Furthermore, fit teachers are essential and if they are not available locally, they should be sought everywhere and imported.

As to the students, the children should be carefully classified and placed in the proper *heder*. Promotion should take place only after careful examination reveals that the child knows the subject covered in the class he is to leave; for instance, from the Bible to the Mishnah class. It must be ascertained whether or not the child is capable of learning Talmud. If the examiners find the child is not equal to that task, it is better for him not even to begin it. He may learn a trade or enter some business. Through this selective process, each one will go as fas as his talents carry him. The select few who succeed in Talmud study, and who, prior to it, have acquired secular learning, will later assume places of leadership in Jewish life. For individual differences exist and must be considered. Not all are meant to be talmudists or rabbis.

Wessely ends his letter in an ingratiating manner. This sketch is intended for the general public, to show them that the Imperial Edict is in their interest and to their advance. But, he adds, for the wise among his fellow-Jews he has not written it, since they know more than he can tell them. An eloquent exhortation to carry out the Edict, and a glorification of its author, Joseph II, conclude Wessely's first letter.

[30] Wessely himself writes some poems (*Gelegenheitsgedichte*) to order, conceives of the gift of writing poetry as a craft of versemaking. This conception is similar to that of Hans Sachs and the Meistersinger of the sixteenth century in Germany.

[31] Joseph II did not want the Torah to be studied by means of Mendelssohn's translation and the *Biur*, for he disliked Mendelssohn and suspected him of being a "Naturalist," i.e., an atheist; Cf. Zinberg, *op. c.*, p. 90 note 1.

THE MEDIEVAL LAVER OF THE WETZLAR SYNAGOGUE

By Guido Schoenberger

New York University and Jewish Museum
New York City

THE LAVER (figs. 1 and 2) reproduced here for the first time was in the possession of the synagogue of Wetzlar, Germany, up to the summer of 1937. It hung in front of its main entrance. At that time the small Jewish congregations of Europe were already trying to save their treasures from the Nazis by entrusting them to large community centers. Thus the piece was taken into custody by the *Museum für Jüdische Altertümer* at Frankfort-on-the-Main. Most probably, it was destroyed when the museum was looted and pillaged during the pogrom of November 10, 1938. Everyone who saw it during 1937-1938 was enchanted by the beauty of the kettle, all the more so since medieval pieces are rarely found in possession and service of European synagogues.

As long as the laver had been in Wetzlar, it had remained in its original place, in spite of the fact that the synagogue was rebuilt during the eighteenth century. Visitors used it to wash their hands before entering. Only a few years before 1937 when the bottom had begun to leak, the piece ceased to be of use.

It was a kettle of very dark bronze, partly colored by copper-green patina. Two spouts were attached to the

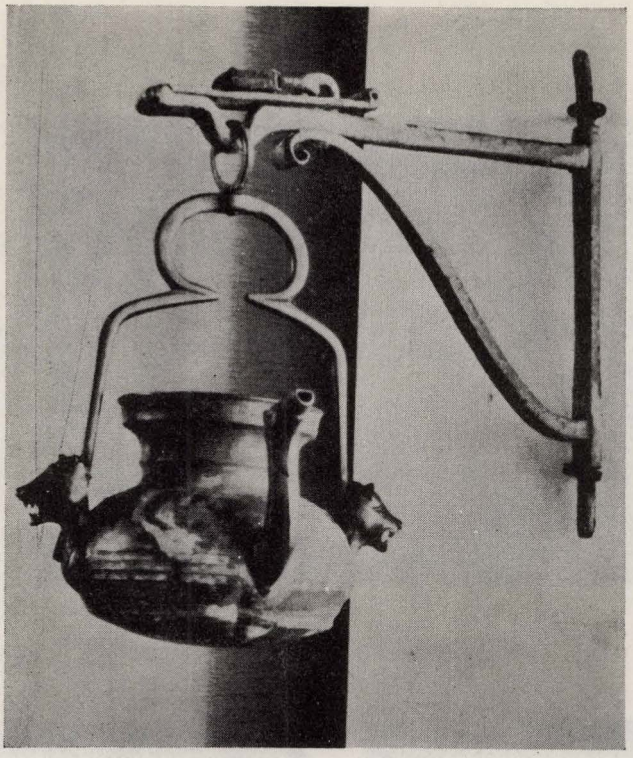
lower part on opposite sides (fig. 2). The ends of the spouts were formed like snake-heads. To permit the water to pour forth, a short tube was fixed to the mouth of each snake-like spout. Between the spouts, two animal heads, probably of a wolf, were attached to the body of the kettle. Two holes, one behind each head, provided openings for the two bolts of the forged hanging device, shaped like a pair of pincers. These pincers could be turned all around a bolt attached to a ring. The ring, which in turn supported the entire vessel, was fastened to an iron arm jutting out from the wall at a right angle. The smooth outline of body and neck of the laver was accentuated by fine sharp circular rings. The upper edge had an interior rim from which it appears that originally a cover had belonged to the laver. But it was missing when the piece came to the Frankfort museum.

The provision of a laver at the entrance to a synagogue is customary, although it is not required by ritual law. The basic historical source is Exodus, 30:18, where the furnishings of the Tabernacle are described:

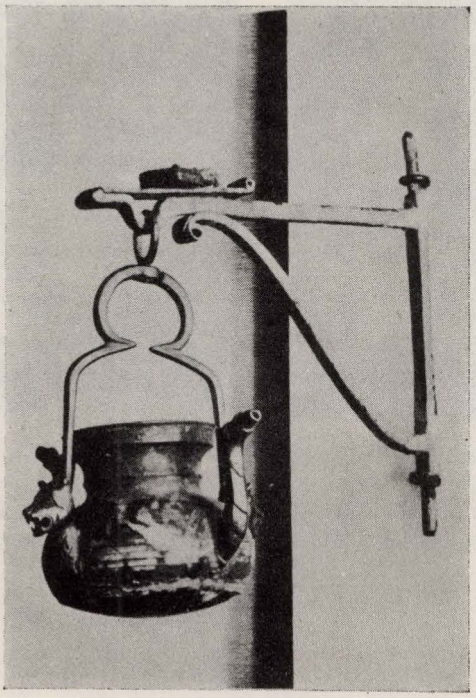
> Thou shalt also make a laver of brass and the base thereof of brass whereat to wash. And thou shalt put it between the Tent of Meeting and the Altar. And thou shalt put water therein. And Aaron and his sons shall wash their hands and their feet thereat. When they go into the Tent of Meeting, they shall wash with water that they die not.

To this one might add the description of the Temple of Solomon, I Regum, 7:23, according to which the Iron Sea was supported by twelve iron oxen standing in the courtyard of Solomon's Temple. These provisions are the direct scriptural source for another laver which is to be found in each synagogue, the laver of the *Kohanim*.[1]

[1] Cf. Franz Landsberger, "New Studies in Early Jewish Artists," *Hebrew Union College Annual*, XVIII (1943/44), p. 293, mentions a fifteenth-century drawing depicting the Tabernacle and its furnishings. There appears (fig. 5)

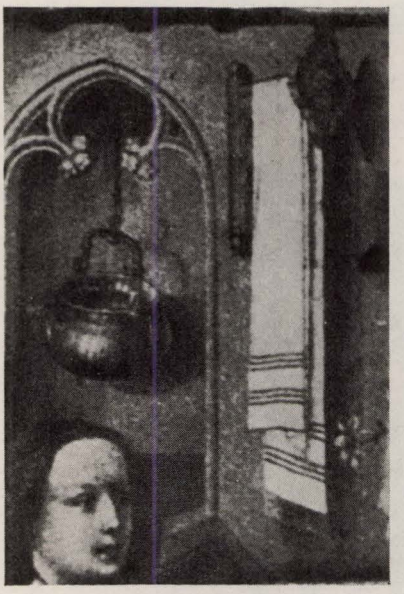


1. Laver from the Entrance of the Synagogue of Wetzlar, Hesse (Germany)
Bronze, 14th Century



2. Same, Showing the Two Spouts

3. Laver from the Synagogue of Bornheim, Rhineland (Germany) Bronze, 15th Century



4. Laver in a Secular Room of the 15th Century. Detail of an Altar of the Master of Flemalle, About 1430.

5. Laver in a Secular Room of the 15th Century. Detail from an Engraving of the German Master E. S., About 1467.

As far as Jewish law is concerned, the source for our laver may be found more precisely in the regulations for washing the hands in the morning after awakening and before the prayer. Considering the special form of our laver it is important to note the method of washing according to the *Shulchan Aruch,* namely, to take the vessel up, first with the right hand and pass it to the left, to be sure, to pour water first over the right and then over the left.[2] The washing has to be done three times.[3] Since one has to wash one's hands always before the prayer,[4] it is self-evident that the washing done at home, must be repeated upon entering the synagogue if on the way one has accidentally become soiled. Thus the placing of a laver at the entrance of a synagogue may be considered a practical requirement.[5] At this point the regulations for the laver of Tent and priests become valid vice versa in daily practice for the synagogue and its visitors.

It is, therefore, very probable that lavers were a part of the equipment of early synagogues. This supposition is, moreover, supported by a notation in the Jerusalem Talmud.[6] It says that a man washed his hands and feet in a laver in the courtyard of the synagogue of Beth Shean. Lavers in form of small fountains are found in the courtyards of Italian

the original brass laver in the form of a typical Gothic laver and pitcher as used by the *Kohanim* at that time. An original pitcher of this kind was preserved and used in the synagogue of Beilstein on-the-Moselle; see Elisabeth Moses, "Jüdische Kult- und Kunstdenkmäler in den Rheinlanden," *Rheinischer Verein für Denkmalspflege und Heimatschutz,* I (Düsseldorf, 1931), p. 163.

2 *Shulchan Aruch,* 4, Orach-Chayim, 10

3 *Ibidem,* 4, 2.

4 *Ibidem,* 92, 5

5 *Ibidem,* 154, speaking of the furnishings of a synagogue, does not mention the laver.

6 *Meg.* III, 4, 74a; cf. Samuel Krauss, *Synagogale Altertümer* (Berlin-Vienna 1922), p. 210, 391; the word used in the Talmud is גורני, Greek: *gourna,*—urn. Richard Krautheimer, *Mittelalterliche Synagogen* (Berlin, 1922), p. 50 mentions a water basin in the courtyard of the synagogue of Delos.

synagogues, and many smaller ones were made of copper or pewter during the seventeenth and eighteenth centuries. A very fine specimen is in the possession of the Museum of the Jewish Theological Seminary of America. Originally it belonged to the synagogue of Seligenstadt-on-the-Main, Germany. There exists another piece closely related to the Wetzlar laver: a very similar bronze kettle from the Synagogue of Bornhofen near Bonn (fig. 3).[7]

The two lavers, that of Bornhofen and the one of Wetzlar, are the only medieval pieces of their kind which are known to us as having been used for synagogual purposes. Neither is a special Jewish ritual object, as far as its form is concerned. Both are secular lavers as used in many cases in households of the Gothic period. Thus, similar kettles can be seen on early Flemish paintings of the fifteenth century, for example, in the *Annunciation of the* Master of Flemalle, painted about 1430 (fig. 4), and with cover, in the *Annunciation* of the Ghent Altar Piece by Jan van Eyck, of 1432. The kettle in the painting of the Master of Flemalle shows also animal heads as ornaments. A very good example of this kind is found likewise in the print of the Alsatian Master, ES, dated 1467 (fig. 5). In all these cases, the lavers hang in a niche in the wall and have a basin beneath. In comparing the kettle of the Flemalle Annunciation or that of the Master ES with the Wetzlar kettle, it appears that the profile of the latter is sharper and more accentuated by circular lines, whereas the profiles of the other two pieces are rounder and smoother. This smoother profile seems to be characteristic of the fifteenth century. It occurs also in the Bornhofen kettle, which is not Romanesque as Miss Moses believed, but belongs also to the fifteenth century. The Wetzlar kettle with its sharper forms fits better into the fourteenth century. The beautiful high Gothic form of the pincer handle supports this attribution.

There is no doubt that this kettle was originally a secular laver made by a Christian master. It is very probable, however, that soon after its creation it came into the possession of the old Wetzlar synagogue erected at the end of the thirteenth century. It is more likely that a Gothic laver of this type was purchased during the existence of the first Wetzlar synagogue than that it was acquired for the new eighteenth-century building. If a community of the eighteenth century would have wished to provide a new laver for its synagogue, it certainly would have chosen a modern piece made of pewter, such as that of the synagogue of Seligenstadt, for example.

Although the laver was not originally intended for use at the entrance door of a synagogue, it could not have been more suitable for that purpose. The cover, which surely was attached to it originally, protected the water against dirt and dust. Its hanging device permitted an easy tilting of the laver to the right and left, so that the changing of hands in accordance with the provisions of the *Shulchan Aruch* could well be accomplished. Finally, the ring and bolt arrangement permitted rotation of the laver in all directions, enabling a great number of people to use it in quick succession. Thus, the piece combined a pure and fine form with technical conveniences, a combination which characterizes all perfect works of handicraft of high artistic standard. The original arrangement of the laver was probably similar to that which is evident in fifteenth-century representations; i.e., it probably hung in a small niche and had a basin beneath.

Finally, the question is to be considered whether the ornaments in the form of animal heads have any specifically Jewish meaning. They belong to a general type of animal figures or ornations which, with their many variations but basic uniformity of style, are characteristic of the large

group of Romanesque and Gothic acquamanile. Hence, they are certainly no proof for the fact that the artist had made them at the special order of a Jewish patron. However, both kinds represented appear within the group of animals quoted in the blessing of Jacob, the serpent as a symbol of Dan (Gen., 49:17) and the wolf as a symbol of Benjamin (Gen., 49:27). This fact might have permitted the Jews of Wetzlar to buy the kettle as they found it in the master's workshop. Besides, they might have accepted it bona fide as a whole, since it was as the description of the furnishings of the Tabernacle implies—just a "laver of brass."

JEWS COLLECTING MANNA IN THE DESERT
Aquarelle by LEONE BASSEVI EBREO VERONESE

PLATE 4

A NOTE ON LEONE BASSEVI, A JEWISH PAINTER OF THE SEVENTEENTH CENTURY

By Bruno Kisch

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LITTLE is known about the existence of Jewish painters in the seventeenth century. About ten years ago this writer acquired an aquarelle signed "Leone Bassevi Ebreo Veronese." It seems to be the only known picture of this Italian-Jewish painter, and is published here for the first time. It is painted in a yellowish brown color on drawing paper, its size is 40.8 x 26.9 centimeters. The picture represents the biblical story of the Jews collecting manna in the desert, according to a caption in Italian on the back. The painter's style points to the seventeenth century and shows a good technique. The elegance and easiness of the work leave no doubt that the artist was not a self-taught painter, but must have had a good artistic schooling.

The painter's name is unknown in the history of art. All possible suggestions concerning his personality were previously published in a note, but they are not substantiated by facts.[1] Such substantiation could be brought about only if perhaps other paintings or etchings should be found which could be attributed to him. For it must be assumed that a gifted Jewish painter who was able to produce a painting of such high quality did not stop his artistic production abruptly. As long as we lack fact about him it must be supposed that he either died young or continued to work under a different name which would make it difficult to identify his later paintings.

[1] Bruno Kisch, "Ein jüdischer Maler Leone Bassevi aus Verona," *Jüdische Familienforschung*, XIII (1937), Heft 44, p. 811 f.

BOOK REVIEWS

History

THE HISTORY OF THE JEWS OF ITALY. By *Cecil Roth.* The Jewish Publication Society of America. Philadelphia, 1946. Pp. XIV + 575; with several illustrations.

NO history of the Jews of Italy has hitherto been available in any language; moreover, there are virtually no histories of Italy. Italian historiography has been concerned with individual states, such as Venice and Florence, or with specific aspects of Italian history, such as the Roman Republic and Empire, the Papacy, or the Renaissance. From the dissolution of the Roman Empire until the unification of the country in 1870, there is no uniform history of Italy. Merely geography binds the history of the Roman Empire with that of the scores of independent, individualistic Italian city states of the Middle Ages, the Renaissance, and the era of the Counter Reformation. Each state went through a development peculiarly its own, and thus there is almost nothing essential which states, such as Naples and Florence, shared with each other. Indeed many phases of the historical development in Italy can be understood only as aspects of Byzantine, Saracen, French, Spanish, and German history. It is not at all strange, therefore, that historians of the Jews of Italy have followed in the footsteps of general historians. There are histories of the Jews of Rome by Abraham Berliner, and by Hermann Vogelstein and Paul Rieger; of Venice by Cecil Roth; of Florence during the Renaissance by Umberto Casutto; of Ferrara and the other Este domains by Andreas Balletti, as well as scores of monographs on special phases of Italian Jewish history by David Kaufmann, Ludwig Blau, Alexander Marx, Salo Baron, Cecil Roth, Isaiah Sonne, Joshua Starr, R. Bachi, V. Colorni, Attilo Milano, and others.

The very nature of Italian history places many obstacles before the historian of the Jews in that area. He must be intimately acquainted with the classical period, with the collapse of the Roman Empire, and the triumph of Christianity; he must be at home in the history of the Papacy; he must know the vicissitudes of dozens of Italian states, their relationship to one another and to such powers as France, Germany, and Spain; he must have a sure grasp of the economic developments and their relationship to the course of events; he must understand the moving forces behind the Renaissance, and the Counter Reformation,

the Risorgimento, the Unification and its aftermath, and finally, the nature of Fascism and the reasons for its success. Cecil Roth has been responsible for much of the research on Italian Jewry hitherto done, especially in the periods of the Renaissance and the Counter Reformation. It is obvious, therefore, that he is eminently fitted for the work under review. The results of his efforts are to be highly commended. He has succeeded in writing an accurate, descriptive history of the Jews of Italy which takes in all phases of development. He traces the shifting areas of settlement, the fluctuations in population, the waves of migration, the constantly changing economic pursuits, the varied policies of emperors, popes, and kings, the variegated patterns of communal organization, the main trends in religious and intellectual movements. He examines each geographic area and very frequently each city-state in order to make his study accurate and complete. The reader will find in this volume a large mass of facts, systematically arranged, and accurately presented.

Roth's work consists of eleven chapters, and forty-four subdivisions. The overall arrangement is made according to fairly well-defined periods of time or according to special geographic areas. Within each chapter the economic, political, social, religious, and intellectual life of the Jews during the period is described, thus each is more or less a self-contained unit, fitting in with the preceding as well as the following one. The titles of the chapters give a clear indication of the nature and scope of the work: I. The Classical Period, II. The Dark Ages, III. The High Middle Ages, IV. The Rise of the Northern Communities, V. The Renaissance, VI. The Islands and the South, VII. The Catholic Reaction, VIII. The Age of the Ghetto, IX. The Breaking of the Bonds, X. The Age of Emancipation, XI. Downfall. The book contains neither a scholarly apparatus, nor a bibliography—a fact which the scholar cannot but keenly regret. However, a small bibliographical note is provided. There are also illustrations and a useful index.

The picture which emerges is rich in color and complex in structure. The history of the Jews of Italy does not follow one simple pattern, nor is it made up of variations on the same theme. In the course of more than two thousand years of continuous history, they have pursued a host of different occupations, have experienced every conceivable kind of treatment, have established flourishing communities, at one time or another, in every part of the mainland and the islands of Sicily and Sardinia; they have been rationalists and mystics, hard-headed realists and sentimental dreamers; they have produced lasting and significant works in the field of Jewish thought; they have created a variety of communal forms; they have been champions of absolutism, defenders of democracy, and dupes of fascism; they have known unity and diversity, harmony and conflict; they have been the intimates of popes, kings,

and revolutionaries; they have been the victims of mass violence and have suffered the crushing treatment of the ruling classes; they have been swept to one side and then to the other by the momentous events which engulfed Italy during two millennia.

In the Roman Empire, the Jews, though members of the lowest classes in society, enjoyed favorable treatment at the hands of most of the emperors. But with the collapse of the empire and the triumph of Christianity a rapid deterioration of their economic, social, political, and religious status took place. The economic decentralization of the early Middle Ages favored the rise of an influential and indispensable class of Jewish merchants, encouraged some Jews, especially in southern Italy and on the islands of Sicily, to devote themselves to handicrafts—particularly weaving and dyeing—and produced a group of expert Jewish financial administrators who were highly favored by the popes and secular rulers. Their economic importance insured them benevolent treatment, which fostered the growth of flourishing communities, with a rich intellectual life, in the areas south of Rome.

But the rapid rise of the great commercial cities in northern Italy in the High Middle Ages eliminated the Jews step by step from commerce and sounded the death knell for the Jewish communities south of Rome. They were encouraged to open loan banks for the poor, a development to which the new and important communities of the north owed their origin. Up to the middle of the sixteenth century these centers, though small in population, enjoyed a relatively secure and prosperous existence, marred only by the strenuous efforts of the Franciscans to oust the Jewish bankers and to establish publicly supported Monti di Pieta. Aided by the favorable conditions, upper class Jews were captivated by the spirit of the Renaissance, shared many interests of non-Jews, and showed the influence of their environment in their literary productions. In the south, on the other hand, Jews continued to remain merchants, weavers, dyers, financial administrators. Only at a comparatively late date—and then, only in Naples—money-lending took on importance. Such differences caused Jewish life which varied greatly from that of the communities of the north. In contrast to other areas of Italy, the Jews were unable to maintain permanent residence in Sicily, Sardinia, and Naples, being expelled at the end of the sixteenth and the beginning of the seventeenth century.

Although many of the communities in northern Italy could exist uninterruptedly till the present, they suffered severely under the harsh blows of the Counter Reformation. Jews were confined to ghettos, restricted in their economic activities, limited to trade in second-hand goods, and subjected to humiliating social degradation. Their area of settlement was narrowed down; they were periodically deprived of their literary treasures. Yet, at the same time, Jewish emigrants from Spain

and Portugal were permitted to settle in cities such as Venice and Leghorn, and to engage in international trade.

Repression began in the middle of the sixteenth century, grew with great intensity throughout the seventeenth and eighteenth centuries, and died down temporarily when the French armies occupied Italy. It reappeared in a somewhat modified form after 1815, and came to an end only in 1870. Jews participated very actively in the revolutionary movements of the Risorgimento and were rewarded for their efforts by full emancipation in 1870. Its blessings lasted until the introduction of antisemitic measures by the Fascists in 1936. The antisemitic policy, and particularly the cruel acts of the German army of occupation, virtually crushed the physical existence of Italian Jewry.

In describing this age-long development, Roth has excellently presented the story of the Italian Jews. But he has been little concerned with an inquiry into the causes and motivating factors of that evolution. The economic facts and political events are recorded, the policies of the rulers are stated, but their significance and meaning are not made clear. In the comparatively few places where Roth attempts to explain the *why*, his explanations are inadequate. He tends to treat historical development in an arbitrary manner, as though almost anything could have happened at any time. History becomes the work of good and bad individuals, and not the unfolding of changing economic and social patterns which constantly generate new needs, create new classes, develop new antagonisms. The actions of the popes, for example, are not to be explained primarily in personal terms, but in terms of the specific problems facing the papacy at different times, requiring now one type of action, now another one. It is not accurate, for example, to say that "ignorant ecclesiastics were sometimes guilty of appalling misinterpretations of what the successors of St. Peter declared to be the tenets of the Church." (p. 42). If the actions of ecclesiastics were not in harmony with papal bulls it was not because they were ignorant or because they misinterpreted the tenets of the Church, but because they were opposed in their own interests to a position which a pope may have taken, or because different conditions in different countries required that the Church policy be sufficiently flexible to serve the best interests of the Church in each area. Nor can one consent to the assertion that the famous bull *Cum Nimis Absurdum* of 1555 was an "ill-conceived and imperfectly digested measure" (p. 296). On the contrary, it was excellently conceived and perfectly well-digested for carrying out the policies which the Counter Reformation considered to be necessary. Roth's failure to understand the nature of the papacy causes him also to magnify the acts of kindness displayed by the Church towards the Jews during World War II. He even goes so far as to say that these acts atone for the wrong of the Italian Ghetto (p. 547). This is a dangerous point

of view. One must not overlook the fact that the actions of the Church always serve the furtherance of her own interests.

These criticisms, and others which could be pointed out, do not lessen the value of Roth's work in any way, however. It represents a solid contribution to Jewish history. As one who has found Roth's research of inestimable value in his own work, the reviewer cannot but feel himself heavily indebted to this successful execution of a most difficult task.

The Dropsie College ELLIS RIVKIN

EDUCATION

MASTER OF TROYES, A STUDY OF RASHI, THE EDUCATOR. By *Samuel M. Blumenfield.* Published for the Jewish Institute of Religion. Behrman House. New York, 1946. Pp. XII + 208.

THE purpose of this volume is expressed by the author in the Introduction, "to investigate and evaluate Rashi's place in the history of Jewish education. It will therefore be the task of this study to consider those aspects of Rashi's labors and influence which have bearing upon his ideas and practices as an educator, and to establish his contributions to Jewish educational thought and experience." Part I deals with *Education in France in the Age of Rashi* (pp.9-19); Part II with *Jewish Education in the Days of Rashi* (pp. 23-71); Part III is devoted to *Rashi and His Contribution to Education* (pp.75-103). A unique and highly important contribution by the writer is the last section, consisting of *Selections from Rashi on Education as found in his Commentaries on the Bible and Talmud* (pp. 106-201), with original texts and translation.

As a pioneer venture in the study of Rashi, *the Educator,* the task is well done. Blumenfield has marked out the ways which succeeding investigators will have to tread, in order to go still deeper. How well he succeeded is to be gathered from the mood in which he leaves the reader of Part III on Rashi and his contribution to education. Without Blumenfield, one is prone to say: "Rashi seems so modern;" with Blumenfield before us, one is compelled to say: "Rashi helped to make us modern"! Because the author's intimate acquaintance with this great scholar's writings as well as with the literature on him, the treatment of the subject gives us a portrayal of Rashi, the Educator, as a vital and vigorous personality, and as a quasi-contemporary. Blumenfield convinces us that when Rashi came to write his Commentaries on the Bible and Talmud, he already had in hand the product of some years of class-room experience in the actual teaching of the texts. One can almost hear Rashi admonishing: Remember, ye teachers of Torah—remember the importance of drill, of system, of clear explanation, of understanding, and of clear reasoning (pp. 86 ff.). One of the most significant implications

of pp. 99 ff., left with the reviewer, is the conviction that Rashi used most midrashim for illustrative purposes and not for theology. The book leaves the impression that Rashi's exegesis is pedagogic; that his choice of particular midrashim lays bare the way in which a highly naturalized educator controlled interpretation; that Rashi is dealing everywhere with the literature of instruction; that Rashi's oft-repeated *dabar aher* always proves that we are in the presence of a teacher's homily; that we must reach into Rashi's mind and purpose, and not take him naively, without distinguishing his teaching materials.

A few critical observations are here added, not to cavil with the author, but merely to be helpful, in a small way, to students who will derive information and direction from this important work. In the Glossary, for example, the author permitted a few inaccuracies to slip in: "Mitzvah. Commandment or ritual observance; literary 'Good Deed'," or, "Talmid Hacham. A scholar or scholarly person; literally 'A Wise Student'," pp. 207 f. Likewise in his translation of Rashi on Ecc. 4:12, the author (p. 142) seemingly missed the whole point of Rashi. When Rashi says, *ad loc.*, [He who possesses] the three-fold cord of Scripture, Mishna, and *derech eretz*, will not readily sin,' Rashi cannot possibly mean "good conduct," as the author here translates *derech eretz. Derech eretz* in this context can mean only "a worldly occupation," as it means in a well-known tannaitic prototype to Rashi's thought, "Study of Torah along with a wordly occupation (*derech eretz*) is seemly; for *labor* in the two of them *makes sin forgotten*" (Abot 2, 2). In Blumenfield's generally good presentation of the status of learning among Jews and Christians in Rashi's time, he makes the same mistake as many others before him and in our own day, he exaggerates the literacy of the Jews and underestimates the status of learning among Christians. One must use secondary sources critically, and where the secondary source fortunately quotes the original source in a relatively long footnote, one must labor at an organic comprehension of the original source. *E. g.*, the author speaks of the Church as "suppressing education among the general population, including knowledge of the Bible," and of Christian clergy who "opposed the translation of the Bible into the vernacular" (p. 17). Let us look at the source to which Blumenfield refers. Güdemann, *Geschichte des Erziehungswesens und der Cultur der Juden in Frankreich und Deutschland*, vol. I (Vienna, 1880) pp. 20 and 35 f., mentions the Council of Toulouse (1229) which prohibited laymen from reading the books of the Bible, and also mentions the opposition of churchmen, at the end of the twelfth century, to the translations into the vernacular. Güdemann, himself, is guilty of a historical anachronism in making the enactment of the prohibition almost coterminous with the introduction of the practice of reading Scripture in translation. An enactment, moreover, or prohibition, is not always evidence of obedience on the part of the people; it is more often a barometer of the opposite! The original

source plainly says: quod tam in dioecesi quam urbe Metensi *laicorum et mulierum multitudo non modica tracta quodammodo desiderio Scripturarum,* Evangelia, Epistolas Pauli, Psalterium, moralia Ijob et *plures* alios libros sibi fecit in Gallico sermone transferri . . . (Güdemann, *op. cit.,* p. 36, n. 1). The papal opposition mounted mainly because of a rising tide of Christian biblicistic heresies by 1200, and the consequent establishment of the Inquisition. The practice of Christian lay reading of Scripture in the vernacular is much older. Geiger, *Parschandatha* (Leipzig, 1855), p. 8, is safer to follow than Güdemann on this point. One cannot make too sharp a generalization in dealing with the question of the literacy of the Christian laity. The lack of ability to read does not necessarily mean ignorance. Many a person heard sacred writings read to him, and presumably understood them. Though the Jewish biblical stream flowed on a higher plateau, yet the spirit of a renewed enthusiasm for the Bible among the Christians must have had some effect on the status of Jewish biblical interest. (See in this connection, Antoine Levy, *Die Exegese bei den französischen Israeliten,*—Leipzig, 1873,—pp. 61-71). Rashi's Jewish contemporaries did not live in an isolated world. Thus on p. 98, where the author says that Rashi did not "hesitate" to translate certain Hebrew terms into the vernacular, the fact is, that Rashi could not do otherwise. Whenever Rashi says *bileshonenu,* he always means French! No French Jewish exegete could ever "hesitate." It was the normal thing to do. Jewish teachers undoubtedly possessed collections of Hebrew-French glossaries as aids for their students. As for the implied dichotomy between "sound education" and "the talmudic dialectic procedure of pilpulism" (p. 29), it is valid history to see in sound pilpul a clear-cut resemblance to medieval scholastic dialectic and to the accepted scientific handling of any literary text, (to which, of course, the author would readily accede). It is unfortunate that Blumenfield seems to introduce, without any relevancy to the contents *ad. loc.,* the well-known fact of the appropriation of Rashi by Christian scholars, in a footnote (p. 102, n. 152). This fact could have been made the basis of a sound and pertinent exposition (in the corpus of the text) of the human, universal appeal in Rashi as an educator. Rashi's mind is a simple mind; he is concrete, one might call him an "activist;" his commentaries are not involved in questions of reason and faith; Christian scholars were entertained and regaled by the midrashic and homiletic Jewish literature from the days of the Church Fathers and, in Rashi, they found the best and most appropriate out of that vast literature.

One should not conclude this review without paying great tribute to the author—himself an educator—for his warm and enthusiastic appraisal of Rashi, the man and the educator, and for his methodic treatment of his subject—Rashi, the Educator—according to the highest canons of pedagogy and according to the best procedures in education.

Pittsburgh, Pa., HERMAN HAILPERIN

International Relations

WITH FIRMNESS IN THE RIGHT: AMERICAN DIPLOMATIC ACTION AFFECTING JEWS, 1840-1945. By *Cyrus Adler* and *Aaron M. Margalith.* The American Jewish Committee. New York, 1946. XXVII + 489 pp.

THE present volume appeared originally under the title, "American Intercession on Behalf of Jews in the Diplomatic Correspondence of the United States, 1840-1938," and was published as Volume 36 of the *Publications* of the American Jewish Historical Society, in 1943. It received an extensive review in Volume VI (1944) of this journal (pp. 189-193), to which the reader is referred.

The bulk of the present, enlarged edition covering pages 1-388 is an unrevised reprint of pages 1-388 of the original printing. An introductory chapter is added "which discusses the main principles that guided American foreign policy in the subjects treated in the book; it also gives a summary review of the whole subject matter according to countries" (p. V. f.). This discussion is again a historical description following a geographical and chronological order. But no full and penetrating analysis of historical events and developments, their causes and effects is offered, nor is the interplay of all the different and often intricately interwoven factors laid bare. Another chapter, being Part Five is added. It deals with the years 1938 to 1945 when the conclusion of the United Nations Conference on International Organization held in San Francisco took place. Geographical treatment has been substituted here by a discussion of individual topics. Within each topical subsection, however, again the chronological order is followed. The Appendix of documents, pp. 455-468 in the 1946 edition, is identical with that of pp. 389-402 of the 1943 publication. The Table of Contents and the Index have been enlarged.

Jewish Institute of Religion GUIDO KISCH

Bibliography

JEWISH BOOK ANNUAL. Vol V. Edited by Abraham G. Duker (English Section), Pinkhos Churgin (Hebrew Section), Moshe Starkman (Yiddish Section). Jewish Book Council of America. 120 + 154 + 68 pp.

THE fifth Jewish Book Annual, published by the Jewish Book Council of America under the able presidency of Dr. Solomon Grayzel, is a very useful and informative work. In its three sections it contains historical, bibliographical, and biographical material covering all aspects of Jewish book production, in the United States, Europe, and Palestine. Joshua Bloch's survey of American books in English published in 1945-46,

"The Year's Bookshelf," offers a fine and critical appraisal of all publications in the various fields, while Jacob Kabakoff treats recent Hebrew, and Yudel Mark Yiddish works. Jewish books published in England received a special chapter, by J. Hodess. Works on the history of Jewish art are discussed by Rachel Wischnitzer-Bernstein. Her informative article omitted, however, to mention *Historia Judaica* among the Jewish historical periodicals offering space for papers on Jewish art. Numerous articles accompanied by a great number of illustrations were published in this journal during the past years, since the appearance of the third volume. Arthur Szyk's illustrations of Jewish books are reviewed by M. J. Cohen. Solomon Grayzel reminds us of the great merits of Jacob H. Schiff, the munificent founder and endower of numerous Jewish libraries, who also paid the entire cost of translating the Bible into English and publishing the book, and who, moreover, was instrumental in setting up a Hebrew press in America. Among the other articles, not all of which can be mentioned here, an essential contribution by Harry Schneiderman deserves to be pointed out: "They who have gone to the Academy on High." It is a necrology on outstanding men of letters who died in 1945, a valuable contribution toward an American Jewish Necrology.

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BOOK NOTES

TRADITIO: STUDIES IN ANCIENT AND MEDIEVAL HISTORY, THOUGHT AND RELIGION. Edited by *Johannes Quasten, Stephan Kuttner,* and *Anselm Strittmatter.* Vols. I-IV. Cosmopolitan Science and Art Service Co., Inc. New York, 1943-1946.

Research among Catholic scholars continues to progress in this country at a steadily increasing pace. In the *Publications in Medieval Studies,* published by the University of Notre Dame under the able editorship of Professor Philip S. Moore, Dean of its Graduate Faculty, there appear annually valuable contributions to theological or historical literature on the Middle Ages. In addition to numerous monographs by experienced scholars, the Catholic University of America is publishing a New Series of *Studies in Medieval History* which includes doctoral dissertations of merit. The *Medieval Studies,* published by the Pontifical Institute of Medieval Studies in Toronto, of which eight volumes have appeared hitherto, concentrate mainly on making available medieval texts from manuscripts. *Seminar,* an annual volume edited under the auspices of the School of Canon law of the Catholic University of America, is specifically devoted to the history of medieval law, a field which in general is badly neglected by American law schools.

To these publications of a high scholarly standing a new annual

volume, *Traditio,* has been recently added. It takes particularly care of studies which, by the nature of their respective subjects or by the technical complexity of the researches involved, assume dimensions too large for quarterly magazines but which, on the other hand, could not be published as monographs. They include studies in ancient and medieval history, thought and religion. The name *Traditio* is representative of "an effort toward comprehensive knowledge of all the living forces, forms, institutions, and ideas which have made, both in the Church and in secular society, the texture of history something more than a mere deposit of dates and facts."

The scope of the new journal thus described should also stimulate the interest of Jewish scholars. While the study of the general background is indispensable for Jewish historians, some of the articles contained in the first three volumes are of specific interest to them. Here are a few examples: Patrick W. Skehan, "The Text and Structure of the Book of Wisdom" (III, 1945, 1-12); Eberhard F. Bruck, "Ethics vs. Law: St. Paul, the Fathers of the Church and the 'Cheerful Giver' " (II, 1944, 97-122; cf. also *Seminar,* IV, 1946, 45-57); Demetrius B. Zema, "The Houses of Tuscany and of Pierleone in the Crisis of Rome in the Eleventh Century" (II, 1944, 155-176); Paul O. Kristeller, "The Scholastic Background of Marsilio Ficino, with an Edition of Unpublished Texts" (II, 1944, 257-318). In the future, the titles will be listed in the Bibliography of Periodical Literature appearing annually in the first issue of this journal.

GUIDO KISCH

JEWISH LUMINARIES IN MEDICAL HISTORY. By *Harry Friedenwald.* The Johns Hopkins Press. Baltimore, 1946. VIII + 199 pp.

In this volume, an address bearing on the subject of "The Jews and Medicine," with special emphasis on books concerning this theme, is followed by a useful catalogue of works from the private library of the author, the renowned collector, bibliophile, and bibliograph of "Judaica in Medicina." In his long life devoted to practice of ophtalmology and study of medical history he assembled a superb collection of books dealing with all aspects of Jewish medicine, and including many rarities, manuscripts and incunabula. The catalogue of this library is divided into two parts. The first lists the writings of individual physicians and publications about them. The second contains general works of reference and individual monographs bearing on the subjects treated in the first section. Biographical and bibliographical notes which are added to numerous items, enhance the value of the work as a reference book. It is splendidly gotten-up with regard to typography as well as illustrations.

G. K.

PALESTINE'S ECONOMIC FUTURE: A REVIEW OF PROGRESS AND PROSPECTS. Edited by *J. B. Hobman.* Percy Lund Humphries & Co. Ltd. London, 1946. (Wm. S. Heinman & Co. New York, 1946). 310 + CX pp.

A book of collected essays by twenty-eight authors on the economic progress made in Palestine, and on the possibilities of further expansion. Most of the articles are written by experts actually engaged in Palestine in the various industries described. Other contributors such as Professor Lowdermilk, Sir John Russell, Harold J. Laski, and Robert Nathan, have special qualifications for discussing the larger pattern of future expansion. The historian will find much information on the current history and modern contributions of the Holy Land to civilization.

DIE MITTELNIEDERDEUTSCHEN TEXTE DES 13 JAHRHUNDERTS: BEITRÄGE ZUR QUELLENKUNDE UND GRAMMATIK DES FRÜHMITTELNIEDERDEUTSCHEN. By *Gustav Korlén.* (Lunder Germanistische Forschungen, Edited by Erik Rooth, Vol. 19) C. W. K. Gleerup Lund, 1945 (Ejnar Munksgaard. Kopenhagen, 1945). 252 pp.

This learned and thoroughgoing academic treatise in the best European pre-war style is devoted to a philological analysis and literary discussion of the Middle Low German manuscripts of the thirteenth century. It includes a section on the Jewry oath formula of Dortmund and Osnabrück, Germany (pp. 103-107). The manuscripts are listed and examined philologically. Research was somewhat hampered because numerous manuscripts were not available, due to war conditions. The author intends, however, to continue his interesting studies on a broader basis (see his article, "Niederdeutscher Literaturbericht," *Niederdeutsche Mitteilungen,* II (1946), p. 143 f., n. 8).

G. K.

RELIGIOUS FREEDOM: THE RIGHT TO PRACTICE SHEHITA (KOSHER SLAUGHTERING). By *Isaac Lewin, Michael L. Munk, Jeremiah J. Berman.* Research Institute for Post-War Problems of Religious Jewry. New York, 1946. 278 pp.

Discriminatory legislation aimed at outlawing the practice of *Shehita* was not invented by the Nazis. *Shehita* was prohibited by administrative ruling in Saxony as early as 1892, and by popular vote in Switzerland in 1893. While the anti-*Shehita* decree was rescinded in 1910 in the first-mentioned country, the prohibitive clause was even incorporated in the Federal Constitution of the last-mentioned. On their victorious advance through Europe the Nazis made the Jewish method of

slaughtering animals illegal in almost all countries. The present study offers a history of the anti-*Shehita* legislation and demonstrates that the latter represents an unlawful form of religious discrimination. It urges the nations of the world to adopt a formal declaration affirming the right of Jews to practice *Shehita* freely.

G. K.

YESODOT HA-CHINUCH HA-YEHUDI BA AMERICA (Foundations of Jewish Education). Edited by *Zvi Scharfstein.* The Teachers Institute of the Jewish Theological Seminary. New York, 1946. 235 pp. (Hebrew).

A collection of articles on various aspects of Jewish education in general and in America in particular published on the occasion of the thirty-first anniversary of the Jewish Theological Seminary Teachers Institute. The role of the Bible, Hebrew language, Talmud, modern Hebrew literature, Jewish history, Palestine, Hebrew grammar and music in Jewish education is studied by several authors, all members of the faculty. Another group of articles is devoted to the organization of education, the history of Jewish education in America, the role of highschools and colleges, and to the Rabbi as educator.

YIVO ANNUAL OF JEWISH SOCIAL SCIENCE. Vol I. Yiddish Scientific Institute—Yivo. New York, 1946, 319 pp.

This Annual offers a selection from the works published previously in Yiddish and now translated into English. Because Yivo's work is mostly concerned with Eastern European history, most articles deal with the Jews in Russia and Poland. The individual contributions are unequal in quality (for criticism, see *Commentary,* III (April, 1947), p. 393 f.; *The Jewish Review,* IV (1946), pp. 211-213). Those of importance for the historian are listed in the "Bibliography of Periodical Literature."

NECROLOGUE

WILHELM LEVISON

1876-1947

WILHELM LEVISON, from 1912 to 1921 Professor Extraordinarius, and from 1921 to 1935 Ordinarius, of modern and medieval history, and Director of the Seminar of History at the University of Bonn, Germany, died during the night of January 17, 1947, in Durham, England.

He was descended from an old Jewish family of Siegburg, Rhineland, where its numerous generations had made contributions to general and Jewish civilization through more than two and a half centuries. Originally, it was Levison's intention to devote himself to the career of librarian. But upon publication of his book, *Zur Geschichte des Frankenkönigs Chlodowech,* in 1898, he was invited to join the staff of the *Monumenta Germaniae Historica,* a position he held from 1899-1920 working on the publication of the fourth, fifth, and seventh volumes of the *Scriptores* Section. He also published the *Vitae Sancti Bonifatii,* and was elected a member of the Central Board of the *Monumenta Germaniae* (1925-1935). As a Professor of History Levison enjoyed great popularity among students of history and philosophy including Catholic theologians studying at the University of Bonn. His scholarly work, distinguished by profound knowledge of the medieval sources, by philological accuracy, deep insight into most complex problems and great acumen in judgement, was held in high esteem among scholars. He was considered the greatest authority on the history of the eighth century. Upon the accession to power of Hitler, Levison lost his chair at the University of Bonn but received soon a call to a research position at the University of Durham, England. During the academic year 1942-43 he was Ford's Lecturer in English History at the University of Oxford. His lectures, *England and the Continent in the Eighth Century,* appeared in Oxford in 1946.

Levison was a member of the Editorial Board of the *Zeitschrift für die Geschichte der Juden in Deutschland* (1929-38). His only work devoted to Jewish history is a history and geneology of his family, *Die Siegburger Familie Levison und verwandte Familien,* which appeared in 1947 (in typescript only).

New York City ADOLF KOBER

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(*To be continued*)

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Historia Judaica

REFLECTIONS ON ANGLO-JEWISH HISTORY*

By Ludwig Feuchtwanger
Winchester, England

FOR three thousand years the Jewish people had preserved its clearly distinguished and strictly separate way of life among the peoples of the world in spite of ceaseless changes from within and without. Certainly amid untold hostility and continual challenge, the Jews were hit and hit back; they were a nightmare unto all men and all peoples among whom they lived. But in the end, when the great national states of today had taken shape, the peculiarity of the Jews had been preserved and saved. Saved through three thousand years, not more than a century sufficed to bring this solid entity into full dissolution. The Jews had survived the civilization of the Ancients, the Middle Ages, commonly called the Dark Ages, and the dawn of our "enlightened" era, and had remained surprisingly fresh. Even if slightly ragged and torn, they were hardy, weatherbeaten and full of stored-up mental energy. But strangely, a bare hundred years or less were enough to shake this closely-knit order of Jewish life to its foundations and to relegate its faith and soul to the museum of religion and civilization. What the armies of Assyria, Babylonia and Persia, the legions of Rome and the storms of the Middle Ages, the political changes and perils of centuries had failed to bring about, the Emancipation appeared to accomplish without a struggle—like fresh air coming upon a mummy and crumbling it to dust. The nightmare of the Wandering Jew

* Lecture delivered on January 1, 1947, in the Leo Baeck Lodge of B'nai B'rith in London.

appeared to fade, but at the same time the last hour seemed to have struck for this old and great, richly blessed but abysmally fallen people. The Jewish people was thought at last to have become a thing of the past, a part of history; it seemed to lose its old vigor in contact with the outside world and to retreat to the position of an innocuous religious denomination, a status to which, when all was said and done, even the great and powerful Christian Churches had been reduced during the nineteenth century. Jewish religion appeared to thin out at best into a veneer of religiosity and pious sentiment, capable of affecting the emotions only now and then. At any rate it ceased to take hold of the whole man and moved to the fringes of life. For two-thousand years the teachings and obligations of Judaism, regarded as inalienable and sacrosanct, had formed an invisible but unconquerable wall around Jewry, had protected it and compensated it for the lack of a country and a language. This way of life ceased to be an unconditional obligation and lost its magic power of gilding suffering and humiliation.

The story sketched here supplies the framework for what we call Jewish history. But whereas history is usually a rationalization of success and an interpretation of documented events and expressions, the history of Jewish self-preservation must be sought deeper down: what the nations of the world account as success and achievement, the Jewish observer must see in a different perspective. Jewish history cannot consist of piling up proofs of successful self-assertion, and the Jewish historian will be the last to see in the survival of the fittest and the victory of the stronger element a law of history. His eye must be trained for more subtle observations. For the past century conventional Christian and national historiography has set out to teach that physical and economic power, industrial and commercial skill and the capacity to conquer countries and markets are the signs of innate superiority, while the loss of such powers spells retrogression and failure. The Jewish historian,

on the other hand, must possess deeper insight: his scale of values must be different from those of Ranke and Mommsen, not to speak of more recent writers, different also from those of Macaulay, Carlyle, Gardiner and Froude. The history of the Jews in its decisive aspects has been enacted without documents, often underground and in between the nations and the battles. It has unfolded not only in every corner of the globe, but also in between the most diverse and heterogeneous civilizations, that is to say between fundamentally different and often opposed systems of thought and therefore between different standards of good and evil. This diversity of spiritual and ethical climates is one of the main reasons why the Jewish past cannot be treated according to the methods of modern national historiography. I cannot here go into this difficult question of methodology and its consequences. A few brief examples must suffice: Philo and his incalculable influence on the development of Christianity and on the ways of thought and feeling of the New Testament can be judged only from a knowledge of the Hellenistic and Roman world of the first century. Maimonides, the Egyptian Jewish physician, his leading position among the Jews, and his teachings in *More Nebuchim* can be understood only if one is acquainted with the Arabic language and with the civilization of Islam. Or again, Josef Karo, the author of the *Shulchan Aruch,* and his thought are comprehensible only against the background of Spanish Catholicism and Jesuitism. Lastly, Franz Rosenzweig would be difficult to appreciate without the background of Hegel and Kierkegaard.

Some examples will be given here to show how the Jewish past in England is comparable to that of Germany and yet totally different, and how recent Jewish history cannot be judged by German or by English standards. The first example will be taken from the two hundred and fifty years of Jewish settlement in medieval England, from the Norman Conquest in 1066, when the Jews came into the country

with the Normans, until their expulsion under Edward I in 1291. I do not want at this time to deal with the complicated history of the English Jews as an instrument of financial policy, as for instance with the significance of the *Dialogus de Scaccario,* or with the legal and financial history of the English Jews after Magna Carta, however interesting these topics might be. The story of the Jews as creditors of the English Exchequer in this period is in fact, as Pirenne and others have clearly shown, a proportionately small episode in English and Jewish history. The following, however, requires emphasis: In the Christian West, of which England was a part, in a Christian hierarchically ordered society, the Jew was bound to remain a complete and utter stranger. England, like the Holy Roman Empire or France, was part of a spiritual and physical world in which the Jew bore the stigma of the enemy of Christian society and was the symbol of those who were cast out by God. In consequence the English attitude to the Jews was such as the Church prescribed and as is outlined in the Christian documents, particularly the New Testament: The Jews are excluded from salvation, and in the divine plan, which was laid down even before the Creation, they are barred from redemption and from the heavenly life to come; they are God's enemies, the sons of Cain, stigmatized with the mark of Cain, fugitives and vagabonds; they are children of the devil, the murderers of Christ, unable to be saved according to the clear teaching of the Fourth Gospel, the dominant book of the New Testament. This irreconcilable and unconditional conflict, so unmistakably expressed in St. John's Gospel, determined the attitude of the Catholic Church: You will die in your sins. It is interesting to read what the late Archbishop of Canterbury, Dr. William Temple, had to say of the relevant passages in John's (*Readings in St. John's Gospel,* 1945, p. XIV): "... the stern words (in VIII, 31-47) about the spiritual paternity of the Jews can be, and should be, read in the tone of sad recognition of a fact, not personal irritation." And: "... as we read the stern words that follow,

let us not ask so much how He the Lord of Love should so speak to the Jews, as whether we have deserved that the Lord of Love should so speak to us" (p. 140).

The Jewish Paria-existence in feudal England as well as on the Continent is, however, to be regarded as a privileged status within the Christian medieval social system and its conceptions. The heretic who differs from the Church in matters of faith has no place at all in the medieval Christian order and is eliminated from it as soon as he enters it. This happened to the Albigenses in the South of France and even to the powerful Knights Templar. The Jews were an exception: they were allowed to exist, cast out and stricken with blindness, but living witnesses of the story of Christian salvation. This status, like the position of the various ranks and classes in medieval society, was, according to the notions current in the Middle Ages, a divinely appointed mode of being, not just a social conception. The equality of man is a much later idea, alien both to Christian and Jewish thought. In this medieval context the Jewries of France, above all those of Germany, Spain, and the Slav countries, had a spiritual development of their own, within their groups, and, quite apart from their temporary and occasional economic functions, they had a real history and a pronounced cultural tradition. The medieval settlement of Jews in England, however, remained an episode and an appendage of the Jewry of Northern France which happened to be dispersed over the British Isles. They were flotsam and jetsam, and having fulfilled their function, sank back into obscurity.

It is common knowledge that a vacuum of about three hundred and sixty years in Anglo-Jewish history fills the time between the expulsion of the Jews at the end of the thirteenth century and the re-entry of individual Jewish merchants into England by permission of Oliver Cromwell. In those three hundred and sixty years the figure of the Jew became legendary in England: as a monster for ever

cursed, and stigmatized as the murderer of Christ, this figure haunts the pages of Chaucer, Marlowe, Shakespeare, and others.

I should like to digress here for a while and direct attention to an important literary topic. Throughout English literature from Chaucer to the present day there emerges again and again like a ghost, and in ever new and fascinating guise, the Jew, the complete outcast, the villain of the piece, utterly alien and excluded. And the remarkable fact is that this figure, in any case a figment of the imagination, always turns up when English literature reaches a peak, always when genius rises high above the literary average, in masterpieces by the greatest English writers: Chaucer, Marlowe, Shakespeare, Dickens, Charles Lamb, and so on. Chaucer's perfect genius stands at the beginning of English language and poetry. He is the father of English literature and it is he who raised the Anglo-Saxon tongue of the people, long buried beneath the French and Latin of the ruling class, to the level of the dominant language in England. The free and balanced humor of the Englishman, his patient and imperturbable tolerance, his strong critical faculty which, however, never pentrates to the ultimate consequences, all this is first described in the "Canterbury Tales." Of thirty pilgrims who are making their way from Southwark in London to the tomb of St. Thomas a Becket in Canterbury, twenty tell their story. Everyone of these story-tellers is characterized vividly, sharply, and with satire; the stories themselves are often crude, as was the taste of the age, and though usually borrowed from the traditional legends of France and Italy, are seen with English eyes and the temperament of a Southern Englishman. The most attractive figure of all is the Prioress, the model of a well-bred, friendly English spinster. Into her mouth Chaucer puts the legend of the ritual murder of Hugh of Lincoln related in a long and poetically perfect version. The contrast is overwhelming. The poetic treatment by Chaucer of the old legend as a vivid picture of the Lincoln ghetto has always aroused the admiration of English literary critics. An old tale from the *Legenda Aurea* is linked up with the story of the boy, Hugh of Lincoln,

who was murdered in 1255. The story is transplanted by Chaucer to Asia Minor, but, with an anachronism typical of the Middle Ages, it is identified with the town of Lincoln in the recent past and is embellished with all the characteristics of the legends of the Virgin. The innocent boy who has learned to sing the Song of the Virgin "Alma Redemptoris" in the cathedral and who has to pass daily through the ghetto is waylaid by the Jews. He is attacked by them and secretly murdered and disposed of. The murder is discovered, the boy canonized, and the body carried in procession to the cathedral; the Jews, the murderers of Christ, are expelled or hanged. The whole story is presented in the style of a legend and abounds with inimitably subtle human characterization. The conception of the Jews as the children of Satan, outlined in St. John's Gospel, was taken over by Chaucer; the Prioress and her listeners take the tale seriously—and the story-telling continues.

Modern English critics have often praised this showpiece of the "Canterbury Tales" and have done full justice to all its details. They have not failed to notice the contrast between the terribly brutal substance of the story and its artistic treatment to which I have alluded. But they have usually been content to remark that Chaucer's liberal mind took no offense at the legend and he simply adopted and embellished the plot like that of any other legend of the Virgin.

Nearly two hundred years later, a remarkably similar occurrence strikes us in Christopher Marlowe's great drama, "The Jew of Malta." Here again a great English poet, who is no more likely than Chaucer or Shakespeare ever to have seen a Jew in the flesh, adopts the figure of a Jewish monster for his plot. Barabas the Jew knows no other law but pure lust for gold and power and tries by fair means or foul to gain possession of worldly riches. He is finally brought to ruin through his own devices against others by the Gentiles of Malta and stripped of his ill-gotten gains. The worship of mammon is portrayed, as almost contemporaneously by Shakespeare in the person of Shylock, with all the stage-craft customarily lavished upon the villain of the piece. No moral

is drawn either by Marlowe or Shakespeare, not even the reflection, to the effect that, whereas the Jew does not deceive himself or others about his motives and must act as he does because he is an outcast, the Gentiles and nobles of Malta and Venice rank much lower as far as their ethical motives and their narrow self-complacency are concerned.

This same predilection for casting the Jew in the role of a monster and imputing to him all that is base and satanical continues in English literature through the centuries down to Dickens and that magnificent novel of his youth, "Oliver Twist," with the Jewish usurer and murderer, Fagin. But it goes further: Charles Lamb, Galsworthy in "Loyalties," H. G. Wells, most typical of progressive Englishmen, in "Tono-Bungay," G. B. Shaw in "Man and Superman," "The Doctor's Dilemma," and elsewhere have portrayed the same type of Jew in modern dress as did Chaucer, Marlowe, Shakespeare and Dickens before them. On the other hand, the whole of English literature does not contain a work comparable to Lessing's "Nathan der Weise."

I now turn back to the gap of three hundred and sixty years in Anglo-Jewish relations. A modern English historian of rank, G. M. Trevelyan, says of these centuries without Jews in England (*English Social History,* 1942, p. 32): "In 1290 Edward I had expelled the Jews from England, so putting an end to the older method of raising royal loans. This expulsion of the Jews is one cause why antisemitism is today less strong in England than in many countries of Europe: our forefathers were compelled by the action of Edward I to undertake their own financial and intellectual life unaided by Jewry, so that when in Cromwell's time the Jews were allowed to return, the English had learnt to stand alone, and could meet without jealousy that gifted race on equal terms." Thus, thinks this leading English historian, the danger of Jewish domination and of an anti-Jewish reaction was avoided, and under the Hanoverians England was able to digest without damage a limited Jewish immigration. More justified than this typically English point of view would be the following interpretation: A careful and unbiased study of the Tudor and Stuart periods, not to

mention the previous and even more barbarous epochs of the Wars of the Roses and the mutual slaughter of the feudal aristocracy, and a closer view of these centuries without Jews in England show clearly that Jewish settlements or activities of any kind, if they had been possible, would have found a tragic end. Murder, suspicion and repression could not have been avoided; for there was hardly a time or country in the world during these turbulent centuries where Government was more unscrupulous and more prey to pure force and fraud and the right of the strongest than in England. To mention only some instances, the financial and economic ambitions of the ruling class led to the victory of the Reformation; the monasteries were robbed and confiscated without scruple; and the rising expenses of state and court were met by a depreciation of the coinage. It is true that in Germany Luther advised the princes to kill the Jews like mad dogs. None the less, in central and eastern Europe there was room in this period for large self-contained Jewish communities from which radiated an imposing spiritual force. It would perhaps be better to say that in England it was not the English who were preserved from Jewish domination in these centuries, but that the Jews by virtue of their absence were saved from slaughter and exploitation.

It is worth while to cast a brief glance upon the event in English history which is usually referred to as the resettlement of the Jews in England by Oliver Cromwell. As a matter of fact there was only a hesitant attempt—by no means an act of policy—on the part of the Lord Protector of the Commonwealth to give added impetus to his expansionist foreign and trade policy by making use of rich Sephardic Jews from Holland. A committee was called by Cromwell to discuss the question of re-admission. It held a three days' colloquy in Whitehall, in December, 1655. The majority of the assembled experts, theologians, merchants, and lawyers, came out against the re-admission of the Jews, adducing the familiar arguments of the Gospels. Cromwell did not insist on his plans, but later, by executive orders, he admitted a few rich Jewish merchants from Holland and Germany whose activities he deemed of advantage to his

mercantilist trade and shipping policies. Considerations neither of tolerance nor hospitality nor charity for the oppressed, but the sheer utility of Jewish gold was the reason for the re-entry of the Jews into England nearly three hundred years ago. A few years later the work of Cromwell had to give way to the cynical regime of the Restoration under Charles II of the House of Stuart. The body of the Lord Protector was torn from its grave and his severed head shown to the mob. The Jews, however, were allowed to remain, and although they were suspected by public opinion of having caused the Great Fire of London of 1666, commercial and financial needs of the ruling classes and the clever camouflage adopted by the Jews gradually led to a real settlement and the formation of centres of Sephardic and Ashkenazic Jews in London and the larger towns. The general attitude toward the Jews in the seventeenth and eighteenth centuries remained without exception the conventional one of Christianity. To the populace the Jews were money-lenders and usurers, utterly alien to the English race, cast out by God and contemptible in the eyes of the world, tolerated only as an instrument for increasing the wealth of the country, since much of the lucrative trade with Spain, Portugal, the Levant and India was in their hands.

The real problem of Cromwell, the English dictator, lies elsewhere than in this episode which re-opened Anglo-Jewish history. The general historical significance of Cromwell is, however, of immediate interest also to the Jewish historian: here is the mighty phenomenon of religious zeal, which, if called fanaticism, would be lowered to the level of excessive and mistaken enthusiasm. Cromwell regarded himself in all his actions as an executor of the divine will, whether he was fighting the Irish in a campaign of exceeding cruelty, or beheading the King in the name of God, or dissolving Parliament with the words of the Old Testament on his lips. His officers and soldiers were religious enthusiasts, bent on the radical reform of state and society in accordance with the precepts of the Bible as interpreted by them. Cromwell himself discussed with the Sephardic Jew, Hacham

Menasse ben Israel, the meaning of the everlasting kingdom, the true interpretation of the Bible, and the position of the Jews in God's plan of salvation. It is necessary to steep oneself in the "Letters and Speeches" of Cromwell, first edited by Carlyle in a number of volumes one hundred years ago, in order to catch the spirit of one who believed in his divine mission. In these "Letters and Speeches" Cromwell appears as a religious fanatic who was at home in the Prophets and Psalms and who regarded every event of his private and political life as a divine decree in the literal sense of the term. It is well known that the English after the Restoration, and other peoples, too, saw Cromwell merely as a grand hypocrite rather than a genuine believer of great religious fervour and profound sincerity. Only later, after an exhaustive publication of the documents, was it realized that the motives and acts of this man must not be judged according to the shallow utilitarianism in vogue in the England of the eighteenth and nineteenth centuries, nor according to the Marxist view fashionable nowadays which considers everything as a conscious or unconscious cover for naked materialist ambitions. The English nation under Cromwell, regarded itself as God's Chosen People and applied to itself the words of the Bible concerning the mission of Israel to bring salvation unto all peoples. The slogans of the Chosen People and the belief in the religious vocation of a leader have been notoriously abused, but with Cromwell the belief in his vocation is genuine. Those who see in him only a supreme example of that trait characteristic of the Anglo-Saxon nation, namely, of combining the pious with the useful, are mistaken. Conscious Jews least of all should dismiss lightly the ideas of divine choice and religious vocation in a leader. All these things—the divine wrath, the bitter hostility against God's blasphemer and enemy, but above all "Remember what Amalek did unto thee"—are of Jewish origin, and they were not only laid down in countless tales and parables in our Bible, but were developed through the centuries until the Emancipation—as long as Jewish Kehilloth, strong in faith, existed. "Remember what Amalek did unto thee"—this motto, this clarion call was for centuries in the Jewish

Kehillah a melody that came from the heart. It could not be otherwise: the authority, from which only pain and danger were to be daily expected, were Amalek and Haman. The faithful Jewish community of our fore-fathers was as far removed from cheap indifference and tolerance as Cromwell and his famous Latin secretary, John Milton. Cromwell's letters to his family, relatives, friends, and officers, his reports and speeches to Parliament and on other occasions afford ample evidence of his faith and of the strong will of a religious genius. They also show that he regarded the Old Testament, interpreted in a Christian sense, as the code for his whole system of morality, but that he considered the Jew of his own time no more than a spectre, a warning by God to show what may become of a people that was once chosen but later rejected because of its disbelief. James Harrington, the famous friend of the Cromwell family, in his interesting Utopia, "Oceana," makes a proposal to which attention has scarcely been paid up to now. The book, published in 1656, two hundred years before Marx anticipated a very materialistic explanation of the English Revolution. It contains the suggestion that Ireland, that backward and repressed country, be settled with Jews, because they are the only people with sufficient energy to withstand the difficult conditions and the relaxing climate. Here we have a paradox: Oliver Cromwell, political realist, consults the prophecies of the Bible concerning the Jews of his day; James Harrington, aristocrat, republican, and utopian dreamer, at the same time throws out the idea of an autonomous settlement of Jews.

The so-called Glorious Revolution of 1688 definitely opened the gates for the re-entry of Jews into England. This was not a revolution made by the have-nots or the Third Estate but by the property-owning classes, and it confirmed them in their possessions. It made England safe during the next two hundred and fifty years for the principle of unlimited acquisition of private wealth, even at the expense of the working population. The interests of landowners and bankers were now identified with those of the nation at large. The growing prosperity and increased business activities of

the Jews in England, particularly the Sephardic Jews, since the Restoration were in marked contrast to their sterility in the development of Jewish tradition. On the Continent, especially in Germany, Austria and Poland, during the same period and under much poorer and more precarious conditions, attempts of universal significance were made to preserve the great and dignified Jewish customs, the Law, and the Ethics, and yet to bring them into harmony with the changing circumstances of the external world. Renewed contact between Judaism and the English, on the other hand, was perhaps advantageous to the latter, but not equally so to the former. In the meantime the attitude of Englishmen of all classes towards the Jews did not change one hair's breadth: the Jews remained aliens, and in spite of all fairness, balance, and tolerance an anti-Jewish bias cannot be denied. Exactly one hundred years after the re-admission by Cromwell the Pelham Administration introduced the famous Naturalization Bill according to which Jews, who had been residents for over seven years, could be made citizens if in each individual case Parliament saw fit to consent. The House of Lords carried the bill. During the course of the debates in the Commons, however, a warning was uttered against selling Esau's birthright, representing the true Englishmen, to the children of Jacob for a pottage of lentils, though the bill was finally passed. But in the same year, 1753, the Government was forced by pressure of public opinion to recommend the annulment of the bill to Parliament. In many places, especially in London, there were riots in which the populace demonstrated against the bill and the naturalization of resident Jews. Another hundred years had to pass before equality of rights was conceded to the Jews in England, and then only after they had suffered a grave loss of substance through baptism and religious petrification. Judaism in England drew spiritual sustenance mainly from the Jewries of Poland and Germany.

The emancipation of the Jews in Central Europe, especially in the German-speaking territories, sprang from a totally different background and movement than the resettlement in England. The liberation of the oppressed, the

thirst for spiritual and economic freedom from the narrowness of the ghetto, the urge for higher things, and the enthusiasm for the noble declarations of a Jefferson, the sonorous orations of a Mirabeau, and the great mental struggles of a Moses Mendelssohn—these are the milestones in the Emancipation of the Jews of Germany. It was not the privileged classes and the owners of property who won this fight. In England things were different: the Jews entered the country in the wake of the Navigation Acts, in alliance with the aristocracy of wealth and the stock-exchange, and upon the founding of the Bank of England. The rich Sephardic Jews in the country anxiously watched out for their own safety and protested the arrival of their poorer co-religionists from Germany and the East.

I want to return for a moment to Moses Mendelssohn, the poor, rickety, hunch-backed son of Mendel, Torah scribe of Dessau, because Josef Kastein in his recent book, *Wege und Irrwege—Drei Essays zur Kultur der Gegenwart* (Tel-Aviv, 1946) comments extensively on the fate of Stefan Zweig and compares him and Emil Ludwig with Mendelssohn. This is the result of an error: Stephan Zweig, before committing suicide in Brazil in 1942, addressed a pathetic manifesto to the world at large concerning his projected voluntary death. Kastein uses this to castigate European writers and poets of Jewish origin. He speaks of the historical precipitance with which these poets and writers rushed, after the outward barriers between Jews and Gentiles had fallen, to pull down the inner barriers as well. In Germany, so Kastein thinks, we even meet with the case of one who broke down the inner barriers before the outward ones had fallen. "This was the doing of Moses Mendelssohn, that showpiece in the salon of German-Jewish culture, whose first achievement consisted in reproaching the Germans with showing insufficient respect for their philosophers, and who became later a professional critic of German literature" (p. 14 f.). This is an astonishing misjudgment which shows that the real significance of Moses Mendelssohn and his role in Jewish history would be worth a detailed study. Mendelssohn was a contemporary of Rousseau and Voltaire,

of Jefferson and Benjamin Franklin, but also of Klopstock, Lessing, Herder and Kant, and of Adam Smith and Shaftesbury. He lived at the time when England won substitutes for the lost American colonies in India, Canada, and Australia; when in three great theatres of war, Germany, America, and India, three great men, Frederick of Prussia, George Washington, and Robert Clive, fought for a new balance of power. During this warlike period the Jews of England grew prosperous from the wars on three continents. They used their money in vain, however, for the acquisition of citizen rights, which would have given them greater choice and security of their investments: they received only rebuffs. Moses Mendelssohn, on the other hand, by the sheer force of his arguments disseminated through his pen, and without surrendering one whit of his Jewish self-respect and dignity, paved the way single-handed for the emancipation of the Jews not only in Germany, but also throughout the world. The quiet effectiveness of his personality and the subtle tact of his argumentation always remained within a Jewish context in all his writings. Mendelssohn was a loyal adherent of Judaism and throughout his life maintained the traditional Jewish ways. He won for the whole of Jewry the respect of Kant, Goethe, Lessing, and Herder. He was and remains the great man who prepared the Jews for their entry into European civilization, the man from whose life and thought Mirabeau, Jefferson, and Lessing drew examples when they called upon the world to open the gates of the ghetto and to give the Jews, too, the common rights of man. Thus the alleged showpiece in the German-Jewish salon, as Kastein deprecatingly calls Mendelssohn, turns out to be the good and living spirit of conscious modern Judaism.

In England the late emancipation of the Jews brought about an attenuation of Jewish religion, a silting up of the main springs of Jewish thought, and a disintegration of the Jewish way of life. In Central Europe, especially in Germany, the liberation of the Jews from the Ghetto, initiated by men like Moses Mendelssohn, Wilhelm Dohm, and Wilhelm von Humboldt, was followed by an amazingly fertile spiritual struggle concerning the essence of Judaism and its

future development. I do not want to speak here about the achievements of the German Jews, as compared with their English brethren, in building up their own organizations. In Germany liberal as well as orthodox Jewry found strong modern protagonists, and Jewish learning had a fresh flowering full of brilliant promise. In England neither an active and alive Jewish religion nor Jewish learning nor political Zionism has found fertile soil. In England in the eighteenth and nineteenth centuries the individual Jew and the Jewish family enjoyed fair treatment, security, and the opportunity of advancement as they did in no other country in the world. But for Jewry as an organized, culturally developed community we must judge differently. The structure of England is homogeneous, uncorrodable, and conservative in all its aspects, not only in the political constitution and administration, and in society and economy, but also in habits of thought, and tradition. This structure stands in silent but decided opposition to all that is alien and thus also to the Jew, even though this opposition may find only reserved and hesitating expression. The driving force of the Jews as a group and their impatience, barely concealed in spite of their will to assimilate, to accept things as they are and let them mature through the generations, and their urge to force the pace instead, all make a harmonious meeting of the two temperaments difficult. This was beautifully expressed by Charles Lamb in his essay "Imperfect Sympathies." It cannot be denied that Judaism throughout its two thousand years in the Dispersion was always something more than a religion or denomination in the general sense of the word; it was, as I have already hinted, a civilization and a way of life. Without this concept of a way of life it is exposed to the danger of becoming desiccated. The timeless glad tidings of humanity and the brotherhood of man are not enough to halt the process of decay. The distinguishing marks of Judaism are bound to pale, if Judaism is not more than the pure love of humanity propounded by the prophets. By this alone Judaism must of necessity become submerged in what is commonly called Western Christian Civilization, itself now only nominally Christian.

Even political Zionism does not find the English climate congenial. This brings us to the last phase of recent Jewish history. For two generations the Jewish intelligentsia of Central Europe had been emancipated and had felt secure in the knowledge that they were good Europeans and loyal citizens. And all at once this very class gave voice to the age-old desire for a return to Zion, to the land of their forefathers, and lent momentum and articulation to a great ideal long cherished by the Jewish people. Today we can look back on half a century of tireless activity for the cause of Zionism. These fifty years have seen a constantly changing world-situation: Palestine was first a province of the Ottoman Empire, then was subject to the Young Turks, and after the Great War became a British mandate. The place of the lost Law and the forgotten belief in divine Choice was now to be taken by the concept of Nationality. This was now to guarantee the survival of Judaism; the Jews were thereby tossed into the whirlpool of modern political currents, of modern war and its dark and impenetrable aftermath. And again political cooperation between Palestinian Jewry and the United Kingdom turns out to be a hapless alliance. The youthful idealism of the Zionist movement up to the First World War has long faded. Even today it is not yet certain whether the change from the supranational *Am-kadosh* in the Dispersion to the robust nationalism of the present has been a happy one: our ancient people —it seems—has taken on a strange, painful, and unspiritual aspect.

The reaction of English Jewry to the continental Jewish catastrophe was one of magnificent hospitality and generous charity. But there was not and could not be much appreciation of the significance of organized German-Jewish life, with its synagogues that were so much more than conventional places of worship, and with its institutions of Jewish learning and adult education. It would be improper to approach that catastrophe now in the dispassionate and unbiased mood which otherwise befits the historian. The unprecedented collapse of German and continental Jewry can be described and interpreted only after a long period of

time will have elapsed. The German-Jewish symbiosis was by no means an unhappy union and not inconsistent with either the Jewish or the German temperament. One can hardly see a logical course in that long symbiosis leading to so violent an end. The majority of German Jews died in a holocaust and was senselessly sacrificed. They did not know why they died as their ancestors had known in the days of old. There was no way out for them by baptism, as there had been for medieval Jews—they suffered an inescapable fate at the hands of skilled savages. The unexampled dignity of the German Jew in dying and so warning the human race against becoming robots has not yet been fully grasped by the world.

JEWISH EDUCATION IN THE TRANSITION FROM GHETTO TO EMANCIPATION*

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IV

The Controversy

WESSELY'S *Words of Peace and Truth* enunciated his educational ideas in clear and beautiful Hebrew. The letter shows throughout the author's adherence to and love of traditional Judaism. One cannot find in it anything irreverential or anti-religious. Nowhere does he question rabbinical authority. Undoubtedly, the interpretation he chose for the quotation "A scholar who has no knowledge, even a carcass is better than he," was offensive to the rabbis and aroused their ire. But this unfortunate interpretation was not the cause of the ensuing controversy, of that storm of resentment which arose in rabbinic circles against both the epistle and its author. The rabbis found Wessely's writing revolutionary on two counts: (1) in its proposed reforms in the education of the youth; and (2) in its espousal of secular studies.

One of the outstanding rabbis of the age, Ezekiel Landau (1713-1793), Chief Rabbi of Prague, (who in 1775 had given Wessely's *Yen Lebanon* his endorsement and had praised it highly) now came out openly and sharply against him and his epistle.[32] In his sermon on the Great Sabbath of 1782, he called Wessely a wicked man. Rabbi Landau was one of the opponents of Mendelssohn's Bible translation, since he feared that it would detract from the study of the

* Continued from Historia Judaica, Vol. IX (1947), pp. 75-94.
[32] Assaf, *loc. cit.*, p. 238.

Torah. He was not averse to the study of the vernacular and of secular subjects, provided the curriculum assigned a primary place to the Torah. He accused Wessely of saying that the latter was not important at all, and that secular learning was more important. Thus, he issued the admonition: "And meddle not with them that are given to change" (Proverbs, 24:21). The current of rationalism, which was making inroads into Jewish thought, was declared by Rabbi Landau to be injurious to faith and religion. "Whoever speaks and writes according to reason in matters of faith, does nothing but detract from faith," he said.

Landau was aware that new men with new ideas were arising in Israel. He knew that they constituted a challenge to traditional Jewish life, and he admonished his listeners not to associate with them: "And behold, because of our many sins, there have arisen various sects among our people; these sects, while differing from one another, have this in common—they all are injurious to a perfect faith."

Wessely refers to this sermon in a letter to the Jewish community of Trieste stating that when *Words of Peace and Truth* reached Prague, Rabbi Landau attacked the pamphlet and its author in a vitriolic manner.[33]

But Ezekiel Landau was not the only opponent among the rabbis. In his third public letter, Wessely mentions three Polish rabbis as his foes: "Three rabbis sitting upon their thrones of judgment in Poland were wroth with me and poured forth their wrath upon me and my letters."[34]

Who were these three rabbis? Their names do not appear in any of Wessely's four public letters. In the second he says: "God forbid that I measure them according to their deserts. I will not mention them by name in this letter."[35]

However, Wessely does name his opponents in a private communication to the Jewish community of Trieste. M. Guedemann tells how he purchased a copy of Wessely's pamphlet from the library of M. S. Ghirondi.[36] On the inside

[33] *Kerem Hemed*, I, (Vienna, 1833), pp. 5-7.
[34] Letter III, p. 3b.
[35] Letter II, p. 6b.
[36] MGWJ, XIX (1870), p. 478 f.

cover of this book, Guedemann found a copy of a letter of Wessely's. The super-scription read: "Copy from Naphtali Herz Wessely's own manuscript." This is the same letter which Reggio had published in *Kerem Hemed,* I, pages 5 to 7. Reggio claimed that his copy of Wessely's private letter to Trieste was the only one made from the original, which, according to him, had been housed in the Synagogue of Trieste and was destroyed when that synagogue burned down. But Reggio's statement is not correct.[37] The Guedemann copy of Wessely's letter seems authentic and gives the names of Wessely's three opponents, whereas the Reggio copy is unclear on that very point. It reads: ". . . and therefore we have called them in this letter, etc."[38] This is certainly meaningless. Guedemann is probably right in saying that Reggio deliberately omitted the names of the opponents and wrote those meaningless words, hoping to ward off suspicion that the names did actually appear in the original letter.

In the Guedemann copy the passage appears thus: "And these are the opponents. One is the Rabbi of Posen, the son-in-law of the Rabbi of Prague; the second one is the Rabbi of Lissa; and the third one is a resident of Vilna who is known as Rabbi Elijah the Pious, and it is they who have written, etc." This seems to be a genuine part of the letter to Trieste, and tallies perfectly with the statement from Wessely's second public letter, quoted above, namely: "God forbid that I measure them according to their deserts. I will not mention them by name *in this letter.*" Guedemann lays stress on the words "in this letter," and interprets them to signify: I am not naming names in my public letter to you, people of Trieste, for I have done so in my private letter.

Where Reggio's copy of that private letter is unclear and meaningless, the Guedemann copy reads: "and therefore we have named them in this letter, so that you, gentlemen,

[37] I. Rivkind, "Elijah Morpurgo as Wessely's Associate in the Struggle for Enlightenment," *Freidus Memorial Volume,* (1929), p. 151 (Hebr.), claims with good reason that the copy of Wessely's private letter to Trieste made by Morpurgo is more accurate and complete than both the Reggio and Guedemann copies.

[38] *Kerem Hemed,* I, p. 7 line 10: ולכן קראנום בהם.

may know who are the people that have come out against us."[39] A comparison of this section of the Guedemann copy with the Reggio copy, shows the change which Reggio made (for בשם Reggio substituted בהם). The deliberate omission of the names of Wessely's three rabbinical opponents is evident.[40] These opponents were: Rabbi Joseph, Rabbi Elijah, and Rabbi David Tevele.

Rabbi Joseph, called "The Righteous," was the son-in-law of Rabbi Ezekiel Landau and rabbi of Posen from 1780 until his death in 1801.[41]

As for Rabbi Elijah, there is some dispute as to whether the Gaon of Vilna is meant, or some other Elijah.[42] Graetz, L. Lewin, J. Klausner, and others believe him to be the celebrated Elijah Gaon. Evidence tending to strengthen this view is found in a sermon delivered in 1782 by Rabbi Phineas Hurwitz of Frankfort-on-the-Main, another opponent of Wessely's. In this sermon—besides calling Wessely a wicked man and a heretic—he said: "And I have heard that in some communities they have burned these books, while in Vilna they were publicly committed to the flames."[43] Graetz maintains that although the Gaon did not occupy a rabbinical position, still his influence was so great in that city that such an important step as burning a Jewish book publicly would not have been possible without his consent. That he gave his consent can therefore be assumed—whereby the Gaon is placed among the opponents of Wessely. Zinberg, however, by casting doubt on the burning of the pamphlet

39 ולכן קראנום בשם באגרת הזאת למען תדעו רבותי מי הם האנשים אשר יצאו לקראתנו.

40 Reggio, who admired Wessely greatly, may have done this to make Wessely seem a nobler character. True, Wessely did not name his opponents in any of his four *public* letters. But even this was attributed less to nobility than to expediency by L. Lewin, *l. c.* pp. 173, 197: His opponents were celebrated rabbis, and Wessely knew that by mentioning their names, he would only weaken his case.

41 J. Perles, "Geschichte der Juden in Posen," *MGWJ.*, XIV (1865), p. 126.

42 M. Guedemann, *MGWJ.*, XIX (1870), p. 480, and M. Brann, in Graetz, *op. cit.*, XI, p. 562, are inclined to agree with S. Finn, *Kiryah Ne'emanah* (Vilna, 1860), pp. 91, 219, that the *Dayyan* of Vilna, Rabbi Elijah ben Shabbetai Hefes (d. 1790) is meant, and not Elijah Gaon.

43 *MGWJ.*, XX (1871), p. 467; L. Lewin, *l. c.*, p. 188.

44 Graetz assumes that the Gaon not only gave his consent, but even went so far as to take the initiative, as he did in the burning of *Toledot Joseph* of Jacob Polonoi, in 1780; cf. *MGWJ.*, XX (1871), p. 469.

in Vilna, questions the inclusion of the Gaon among Wessely's three outspoken opponents.[45] He argues thus: Rabbi David Tevele of Lissa, in his sermon of March, 1782, speaks of the burning of *Words of Peace and Truth* in Vilna. However, this publication could not have appeared earlier than January, 1782, for the Edict that inspired its composition was promulgated in that month. Considering communication conditions at that time, it is unlikely that in less than two months this work had reached far-off Vilna, had been burned there, and the news had spread even to Lissa. Zinberg thinks that the pamphlet, *Words of Peace and Truth,* was not the publication burned in Vilna, but rather, *Toledot Jacob Joseph,* a hasidic work, published in 1780 and reaching Lithuania in 1781. It was considered heretical by the *Mithnagdim.* He surmises that the burning of this hasidic work in Vilna gave rise to the false rumors which reached Rabbi Tevele in Lissa and Rabbi Phineas Hurwitz in Frankfort-on-the-Main, that *Words of Peace and Truth* had been burned there.

The question whether the Gaon of Vilna was one of the opponents of Wessely, or whether some other Elijah was meant, cannot be ascertained at this time. Perhaps hidden archival material will some day yield the answer.

But there is no doubt about the identity of the third opponent, Rabbi David Tevele of Lissa. Louis Lewin, in his *History of the Jews of Lissa* tells us that Rabbi Tevele was a descendant of a prominent rabbinical family, that in 1760 he had won fame as a keen student of the Talmud, and had thereby received the title of *harif.*[45a] Tevele was the the author of *Nefesh David,* a collection of sermons, and *Miktab le'David,* discourses on talmudical subjects. In 1774 he became rabbi of Lissa. In that same year he gave his written approval (*haskamah*) to Wessely's Yen Lebanon. Wessely's *Words of Peace and Truth,* however, infuriated him, and on the Great Sabbath of 1782, in the synagogue of

[45] Zinberg, *op. cit.,* p. 274.

[45a] Lewin, *Geschichte der Juden in Lissa* (Frankfort-on-the-Main, 1904), p. 199.

Lissa, he delivered his venomous sermon against the author.[46] In it, he hurled epithets such as stupid, wicked, ignorant, despised one, immodest one, heretic, idiot, despiser of scholars, crude and shaven one against Wessely.[47] Rabbi Tevele resents the interpretation of the passage, "A scholar without knowledge," etc.[48] He admits that German should be studied by Jewish youth, but only as an auxiliary to acquiring Jewish knowledge. Jewish subjects must remain the essential and chief part of the curriculum. In his opinion, Wessely's proposals regarding general studies would lead to neglect of the Jewish subjects. Wessely was not well versed enough in Talmudic teachings to assume the authority to declare that a child showing no aptitude for Talmud should learn a trade. His proposals would also endanger the economic existence of the teachers who, not knowing German, would thus be unable to continue in their profession.

Was the pamphlet, *Words of Peace and Truth,* burned in Vilna, Lissa, and Posen? The Morpurgo version of Wessely's private letter to Trieste speaks of three Polish rabbis who burned the letter.[49] Morpurgo, one of Wessely's greatest admirers, in a letter to Rabbi Bassan, mentions that he was chagrined to hear that *Words of Peace and Truth* was condemned or highly criticized in Prague and had been burned by order of each of the three rabbis in their respective communities.[50] Further corroborative evidence is con-

[46] In the essay cited *supra,* n. 22, Lewin published the full text of Tevele's sermon for the first time.

[47] Lewin, *op. cit.,* p. 172, out of high regard for Rabbi Tevele tries to explain the tenor of the latter's refutation by saying it was customary in those days to attack an opponent in a personal vein. Frederick the Great and Lessing also have used such lampoons. But Klausner finds no justification for this attitude of Rabbi Tevele. In his opinion, it casts doubt on the rabbi's wisdom and moral stature. Klausner, *op. cit.,* p. 110, furthermore states, not altogether accurately, that all we know of this rabbinical celebrity is through his endorsements, and through nothing else. Graetz, *op. cit.,* p. 89, also disparages Rabbi Tevele, and calls him a "Winkelrabbiner." Yet, the fact that Wessely found it necessary (in his fourth letter) to quote profusely from Rabbi Tevele's sermon and to refute it, tends to show that the sermon had made a profound impression, and that its author was well-known. His sermon reached not only Berlin, but many other communities also.

[48] See *supra,* n. 21.

[49] Rivkind, *loc. cit.,* p. 151.

[50] *Ibid.,* p. 150: „כן נפלו פני ותצילנה אזני בשומעי כי הספר הזה נרדף בפראג ומג׳ רבני פולין אשר שרפוהו״.

tained in a letter from Rabbi Tevele Schiff of London to his brother, Rabbi Meir, Dayyan in Frankfort-on-the-Main. He writes that he has seen a copy of a letter from Rabbi Tevele to the Rabbi of Amsterdam (?) as well as a copy of Rabbi Tevele's sermon against Wessely. In his opinion, the sermon is written in a distinguished style and is full of wisdom; its author is tactful and careful not to offend Joseph II. He says that both the letter and the sermon imply that Wessely's epistle was burned in Lissa, Posen, and Vilna; in the last-named city, publicly, and by comand of Rabbi Elijah. Rabbi Ezekiel Landau, who at first came out publicly against Wessely, the letter writer continues, must now remain silent and avoid further public condemnation of him, even while continuing his campaign secretly,[51] for Landau was a subject of Joseph II, and Wessely was furthering the emperor's reforms.

From this it would appear almost certain that Wessely's pamphlet was burned in Vilna, Lissa, and Posen. Nevertheless, scholars are not in agreement: Graetz asserts that it was publicly burned in Lissa.[52] Another source mentions a council in Lissa, under Rabbi Tevele's presidency, which had condemned and burned *Words of Peace and Truth;*[63] Lewin doubts this.[54] The burning in Vilna is doubted by Zinberg, while Graetz assumes it to be true. Proof exists for the burning in Posen.[55]

The rabbis mentioned above were not, however, Wessely's only opponents. Other enemies were also active. One of them was Rabbi Solomon Dov (or Baer or Berusch) of Glogau. Together with Rabbi Tevele of Lissa, he stirred up further action against Wessely by urging Rabbi Hirschel Levin of Berlin [56] to impose penalties upon Wessely.[57] Rabbi

[51] Cf. C. Duschinsky, *The Rabbinate of the Great Synagogue* (London, 1921), p. 177; Assaf, *loc. cit.*, p. 240.

[52] Graetz, *op. cit.*, p. 90.

[53] *Jewish Encyclopedia*, VIII, p. 108, s.v. Lisser.

[54] See *supra*, n. 45a.

[55] Rivkind, *loc. cit.*, p. 152.

[56] On Rabbi Hirschel Levin, see C. Duschinsky, *loc. cit.; Jew. Encycl.*, VIII, p. 39 f.; Moritz Stern, "Die Anfange von Hirschel Löbel's Berliner Rabbinat," *Jeschurun*, XVII (1930) p. 129 f.

[57] *Mendelssohn's Gesammelte Schriften*, IV (Leipzig, 1844), pp. 493, 593.

Levin was a friend of Mendelssohn and Wessely, and was at first a notable exception among the German rabbis involved in the controversy. He was not a zealot, but rather a patient, peace-loving man, and liberal in his point of view on Jewish matters in comparison with the Polish rabbis.[58] What prompted him, then, to attack Wessely as he did, going so far as to seek to prevent him from publishing additional works, and even to expel him from Berlin? He seems to have been in a position to do both.[59] The answer may be that Rabbi Levin knew that his approval of Mendelssohn's Bible translation had greatly displeased the conservative rabbis, and now he saw an opportunity to regain their favor. By taking a firm stand against Wessely, he would please his rabbinical colleagues. Furthermore, his own son, Saul Berlin, Rabbi of Frankfort-on-the-Oder, was known to be in sympathy with the *Maskilim.*[60] By opposing Wessely, Rabbi Levin, perhaps unconsciously, was compensating for the aberration of his son. Finally, the letters he received from Rabbis Landau, Tevele, and Berusch urged him to action. He, therefore, called together some of the *Parnasim* of Berlin, in order to get their approval of his plan to keep Wessely from issuing any more writings and to expel him from Berlin. He met with strong opposition, however, and had to abandon the plan.

Wessely was saved from expulsion mainly through the good offices of his friend, Moses Mendelssohn. Upon learning of Levin's intention, Mendelssohn became very angry. He saw in the Rabbi's proposed step a violation of the principles of "freedom of the press," promulgated by King Frederick the Great himself. He therefore urged the Minister of Education, von Zedlitz, to take steps to protect Wessely. Consequently, on March 30, 1782, the minister wrote a private letter to Daniel Itzig, head of the Berlin Jewish Com-

[58] On Wessely's relations to Rabbi Hirschel Levin, see Friedrichsfeld, *op. cit.*, p. 20.

[59] In order to publish a Jewish book in Berlin, one needed Rabbi Hirschel's approval. Mendelssohn, in a letter to Avigdor Levi of Glogau, dated May 25, 1779, says: כמנהג שלא להדפיס שום ספר לא ישן ולא חדש, כי אם על פי הסכמת הרב המורה;
Moses Mendelssohn's Gesammelte Schriften XVI (Berlin, 1929), p. 252.

[60] On Saul Berlin, see L. Ginzberg, *Jew. Enc.*, III, p. 83.

munity, inquiring about the Wessely case. This letter does not seem to have had the desired effect, however, for on June 4, 1782, von Zedlitz again communicated with the Berlin Jewish Community. This time, he asked for a clarification of the controversy, so that he might be able to protect an enlightened scholar such as Wessely.[61] This official step finally frightened Rabbi Levin into silence. Wessely was now able to proceed freely with additional publications, including three more letters, and other works. Von Zedlitz's action was also responsible for ameliorating, to some extent, Wessely's unhappy position as the target of rabbinical fury.[62]

V

Wessely's Additional Letters

Wessely published three other letters, the contents of which can only be briefly summarized here.[63] The second attempt to clarify the first letter appeared on April 24, 1782, under the title, *Abundant Goodness to the Household of Israel,* and was addressed to the Jewish Community of Trieste.[64]

From this letter, it is obvious that the bitter attacks against him had shocked and grieved the well-meaning au-

[61] M. Kayserling, *op. cit.*, p. 312.

[62] Graetz, p. 90, and even Wessely, Letter III, p. 7a and 7b, are thus not quite correct in saying that none of Wessely's friends came out openly in his defense. It is thus clear that Mendelssohn took part in the controversy. Moreover, he wrote to David Friedlaender, urging him to come to Wessely's aid through his influential father-in-law, Daniel Itzig. Cf. *Mendelssohn's Gesammelte Schriften,* V (Leipzig, 1844), p. 594.

[63] For a more detailed acount, see the writer's *Naphtali Herz Wessely, A Study of the Educator and Poet,* a Dropsie College dissertation in partial fulfillment of the requirements for the degree of Ph.D. (1944, in manuscript only).

[64] This community had opened schools in keeping with the *Toleranzpatent,* but was beset by the problem of suitable textbooks. They turned to the Governor of Lombardy, Count of Zinzendorf for advice, who referred them to Mendelssohn. Thereupon, Joseph Hayyim Galigo, secretary of the Jewish Community of Trieste, asked Mendelssohn for a list of his writings. Mendelssohn fulfilled their request and simultaneously sent them a copy of *Words of Peace and Truth.* Thus, the Jews of Trieste became aware of Wessely and wrote to him. Finding a friendly and responsive group there, he addressed his second Letter to them.

thor. In it, he emphasizes his deep conviction that knowledge without faith is futile and disastrous. The secular studies which he recommended were merely an aid to a better understanding of the Torah, he feels. He cannot comprehend why none of his opponents saw fit to debate the issues in a proper, impersonal manner.

A detailed curriculum for the Talmud Torah of Trieste is incorporated in this letter. The time distribution for the various subjects is significant. Four to five hours daily are allotted for the study of the Bible, Mishnah, and Talmud, while daily half-hour periods are reserved for (1) reading and writing the vernacular, (2) geography, and (3) reading travel books. Wessely thus leaves no doubt that the secular subjects are to be ancillary to the Jewish subjects. In fact, they are included for the sole purpose of acting as aids to the better understanding of Jewish subjects. Mathematical and natural sciences are reserved specifically for bright pupils. They are to be studied only during their spare hours, and are a means of sharpening their mental faculties. In propounding his curriculum, Wessely shows a fine understanding of the child, such as, for example, his need for periods of rest and supervised play. He is also aware of the problem of education for the masses, the non-talmudist, the common man. The chief aim of all education, according to Wessely, shall be to create proper attitudes, so that the words of the Torah shall "enter the heart." The Berlin *Freyschule* is praised. Included in its curriculum are: Hebrew grammar, German, French, geogaphy, and arithmetic. The school is democratic in character, accepting rich and poor, Jewish and non-Jewish children. Pure German is the medium of instruction.

The second letter closes with an attempt to defend the unfortunate use, in the first letter, of the phrase, " a scholar without knowledge." In defense, Wessely says he did not create the dictum. Had he known it would meet with so much displeasure, he certainly would have omitted it. He calls upon his three rabbinical opponents to produce, within three months, a printed statement telling where he offended them in his letter, and why they are vilifying him in their

writings and sermons. Should such a reply not be forthcoming, their silence will be taken to mean there is nothing wrong with his two letters.

The rabbis did not respond to Wessely's appeal; nor did they declare a truce. That they continued their persecution of him is obvious from Zedlitz's afore-mentioned rescript to the leaders of the Jewish Community of Berlin.

The third letter resulted from the fact that Wessely had friends, as well as enemies. In Lombardy, northern Italy, his proposed reforms in Jewish education had won approval. The community of Trieste was the pioneer in carrying out Joseph's educational decrees and Wessely's recommendations. Therefore, Wessely asked his friends in Trieste to obtain judgments on the controversy from the rabbis of their land.

The Jews of Italy, many of whom were of Spanish descent, were known for their secular learning. Thus, Wessely's proposals were by no means revolutionary to them. On the contrary, they were in full agreement with his views. But agreement with someone's views does not imply willingness to support them openly, especially when this might incur the displeasure of others. Hence, the Italian rabbis, who understood and sympathized with Wessely, might nevertheless have refrained from writing to that effect, for fear of irritating their colleagues in Poland, Germany, Bohemia, and elsewhere, had it not been for one man, Elijah Morpurgo. Morpurgo, by prevailing upon his former teacher, Rabbi Bassan, succeeded in obtaining letters of approval for Wessely from six Italian rabbis, as well as one from Rabbi Bassan, himself. These other rabbis were Isaac Formigini of Trieste; Samuel Yedidyah of Ferrara; Simha Kalimani; Abraham Hayyim Karkuvia; Abraham Pacifico of Venice; and Hayyim Abraham Israel of Ancona.

Wessely's third letter, entitled *The Well of Judgment*, published April 30, 1784, comprises the above-mentioned seven letters of endorsement, with an introduction and footnotes by the author; a number of personal expressions of esteem addressed to him by various people; and an appeal for further comments.

The fourth and last letter, *Broad Ways,* appeared in 1785. Its aim was twofold: to elaborate upon the educational views expressed in the preceding letters and justify them; and to refute the charges of Rabbi David Tevele in his aforementioned sermon of 1782.

In it, Wessely denies having placed secular subjects on a par with Jewish studies, and maintains that he always emphasized the primary importance of the Jewish subjects. He complains that his enemies have taken fragmentary quotations out of the context of his first letter, a procedure which he considers unfair. He had not intended to offend the rabbis by his quotation, "A scholar without knowledge." This fourth letter also reveals that Wessely, who had been so sincere in his recommendations for educational reforms and so hopeful of their results, has become disappointed. He criticizes the newly-established reformed schools:

> But I deeply regret to say that the command of his Majesty, the Emperor, has been fulfilled, but the Torah of God is forsaken. I sincerely intended that they should teach the beauties of the German language through the study of the Torah. . . . But look what they are doing! They spend many hours in teaching the boys reading and writing of German, and arithmetic; but the Torah of God they study as heretofore, in confused and corrupt language. . . . instead of wheat, thistles grow; and noisome weeds instead of barley.

VI

Motivating Ideas on Education

It is platitudinous to assert that Wessely, Mendelssohn, and their friends were influenced in their thinking by their environment. The century in which they lived was highly education-conscious. It had great faith in the power of education to improve mankind. The writings of John Locke (1632-1704) and Jean Jacques Rousseau (1712-1788) exerted a determining influence upon the views of the age. The theories of these two thinkers were of great interest to Moses Mendelssohn; in fact, the entire subject of education and, particularly, the improvement of Jewish education, were

favorite topics of conversation among Mendelssohn and his friends, including Wessely.[65]

In Germany, the modern views on education found expression in the philanthropinistic movement, the chief aim of which was to apply Rousseau's ideas to the educational processes. It eliminated corporal punishment and replaced it with an elaborate system of rewards for good conduct and work.[66] Philanthropinism aimed at, and to a certain degree succeeded in, bringing some happiness into school life. In general, the philanthropinists wanted the educational process to take the interests of the child into account; and they wanted the education to be humane (*menschenfreundlich*).

J. J. Basedow (1724-1780), the leader of this movement, was on friendly terms with Mendelssohn.[67] In 1744 he founded the Philanthropin in Dessau. The Jews responded to Basedow's ideas, and when he appealed to them for funds, they helped him.[68] In 1778 the school became nonsectarian and began to accept Jewish teachers and Jewish pupils. Wessely worked to gain supporters for it among the well-to-do Jewish families of Berlin. In fact, he sent one of his sons to the Dessau Philanthropin.

The school aroused much attention throughout Europe. It may have exerted an influence on the program of the Jüdische Freyschule in Berlin, opened in 1781, of which Wessely was one of the founders.

It is evident that even before Wessely stated his educational program in *Words of Peace and Truth,* he had a considerable background in educational matters. An analysis of his proposed reforms reveals how strongly he was influenced by philanthropinism. For example, Wessely shows himself a firm believer in the principle that individual differences must be taken into account in the educational process. This was one of the fundamental points of philanthropinism, as ex-

[65] Cf. David Friedländer, *Moses Mendelssohn, von ihm und über ihn* (Berlin, 1819), quoted by I. Ritter, *David Friedländer* (Berlin, 1861), p. 36.

[66] Cf. Friedrich Paulsen, *German Education, Past and Present* (London, 1908), p. 134.

[67] *Mendelssohn's Gesammelte Schriften,* III (Leipzig, 1844), p. 416.

[68] Elmwood P. Cubberley, *History of Education* (Boston, 1920), p. 535.

[69] Kayserling, *op. cit.,* (1862 ed.), p. 304.

emplified in the school established at Schnepfenthal by Christian G. Salzmann (1744-1811), the most successful of Basedow's followers, where, among other progressive procedures, emphasis was placed upon the talents and inclinations of each child.

Like the philanthropinists also Wessely disapproves of corporal punishment. In his negative account of the *heder* and of the teaching methods employed there, he does not fail to mention that physical punishment was inflicted on the child. Actually, the *heder* was never the gloomy place that the non-Jewish school was before the eighteenth century.[70] Furthermore, Wessely wholeheartedly endorses the philanthropinistic postulate to set up happiness as one of the goals of the educational program.[71]

The philanthropinists, moreover, favored a realistic and utilitarian education suited to the times. The industrial revolution had brought with it many changes. With the rise of a trading middle-class, a new type of school was needed—one which would put greater stress on practical values and lesser on purely cultural aims. The *Realschule* developed from this need. This new type of school included, in what had previously been a purely humanistic curriculum, drawing, mechanics, geometry, geography, history, architecture, mathematics, and modern foreign languages. Wessely's program makes it evident that he considered the new trend in general education applicable to Jewish education as well, for he recommended the introduction of many of these subjects of study into the curricula of the Jewish schools.

Another development in the *Realschule* was the substitution of German for Latin as the medium of instruction. Wessely's repeated recommendation that the Jewish schools teach in German instead of Yiddish was in line with this development.

[70] Letter II, p. 17a. Wessely, Homberg, Lazarus Bendavid, and other educators of the Haskalah period, in their eagerness to popularize the new type of school, exaggerated the evils of the heder. For a more sympathetic account of this type of school, see A. M. Lifshitz, "Ha-Heder," *Hatekufah*, VII (1920), p. 294-352; Louis Ginzberg, *The Primary School* (Philadelphia, 1907).

[71] Letter II, p. 16b.

Wessely championed purity of style and elegance of diction. This was one of the tenets of the practical curriculum of the *Realschule.* Wessely adopted this postulate (it was, in fact, one of the ideals of the entire era of Enlightenment), and never tired of stressing its importance. In *Words of Peace and Truth,* he advised that the time had come for the Jews to abandon their carelessness in speech and diction, and to speak with elegance and taste henceforth.

The trends of the time are apparent, also, in some other recommendations. Wessely believes that the child should not be overburdened with work and should be allowed time for recreation.[72] Those who lack scholarly aptitudes should learn a trade or enter the business world.[73] Wessely justifies the introduction of secular subjects into the curriculum in that they will help one earn a livelihood.[74] He also urges that learning should be made less abstract and verbalistic, and recommends the use of *realia.* In studying geography, he suggests the use of maps and tells how his father taught him that subject in a very brief time with the aid of a map.[75]

It is interesting to note that one phase of the trend in European education, learning by rote, was not accepted by Wessely. His contemporary, Pestalozzi (1746-1827), bitterly attacked this method of learning, and the tendency was away from memory work and catechisms. In the Jewish schools, however, there was no uniformity with regard to memorizing. It was generally practiced in the *heder* in Lithuania, while it was opposed in Galicia.[76] Wessely, however, definitely approved of it.[77]

So much for the influence of general European ideas of education upon Wessely's educational views. But unmistakable evidence of the influence of the Jewish environment can be observed also. Wessely drew ideas and inspiration from the educational system of the Sephardim, with whose methods he had acquainted himself during his residence in Holland.

[72] Letter, p. 16b, 17a, 18a.
[73] Letter I, end of chapt. 6.
[74] Letter II, p. 18a.
[75] Letter II, p. 18b.
[76] Cf. Lifshitz, *l.c.*, p. 339.
[77] Letter II, p. 15b.

He admired the order and gradation of work in the Talmud Torah in Amsterdam. He particularly approved of their curriculum because they taught the Bible and gave prominence to the study of the Hebrew language and grammar.[78] Furthermore, they maintained order and cleanliness, and had good buildings, the value of which impressed Wessely very much. His admiration of the Sephardic schools was based on one other important factor. They combined secular instruction and the study of the vernacular with Jewish learning. In general, with the exception of Italian Jewry and a few Spanish and Portugese congregations (London, Amsterdam, and Hamburg), secular education was rare among the Jews.[79] In the case of the Jews of Italy, their desire to prepare their children for a profession such as medicine, or for a commercial career, made it necessary that the children be taught the vernacular and secular subjects, in addition to those in the Jewish field. However, this motive of preparing for an occupation comes into its own in Wessely's educational program.

But Jewish education before Wessely's time was essentially very different from that of these Sephardic Jews. As early as the sixteenth century, criticism of the existing system was voiced, foreshadowing the changes advocated by Wessely. R. Judah Loew ben Bezalel, the "Hohe Rabbi Loew" of Prague, towers above the others in his forceful and urgent appeals to improve the educational system. Continuing the demands for educational reforms were R. Hayim, his brother; R. Ephraim Lenchitz, his successor as Chief Rabbi of Prague; and R. Isaiah Horowitz. These men wanted to see the order of study prescribed by the Tannaim, namely, Bible, Mishnah, and Talmud, followed by their contemporaries. Rabbi Loew criticized the practice of only teaching the child each week part of the portion of the week's Scriptures (*sidra*) read in the synagogue. The weekly portions "between terms," the vacation period, remained entirely unknown to the child. He found this to be a harmful procedure, as it had no continuity and did not give the child a complete picture of the Torah. He also saw no sense in teaching the

[78] Letter II, p. 14b.

[79] Cf. G. Deutsch, *Scrolls*, I (New York, 1917), p. 138.

Talmud to a young child, in parrot-like fashion, at a time when the entire subject was bound to be above his level of comprehension.

R. Ephraim Lenchitz extended this criticism. He found that there was instruction, verbalism, translation of words, but no education in the sense of character training and good manners. These scholars also wanted the Torah to be studied without interruptions and omissions. Others, like R. Isaiah Horowitz, recommended the study of the entire Bible as a basis for Mishnah and Talmud. They bemoaned the neglect of the study of Mishnah and assigned it a prominent place in the curriculum, adding that it should be followed by the study of Talmud at the age of thirteen. They opposed pilpul but advocated instruction in grammar. Rabbi Loew urged Joseph Heilperin to publish his *Em Hayyeled,* a grammar of the Hebrew language designed for children, and gave it his endorsement. The teachers (*melammedim*), too, received their share of criticism for excessive competition among themselves, and for misrepresenting to parents the child's abilities and progress.

But, except among a few chosen spirits, all these recommendations found no response. The time was not yet ripe for them. However, they must have had their influence upon Wessely. The points of similarity in the proposed reforms are obvious. There is, however, one significant exception. While Rabbi Loew and many of his disciples occupied themselves with general knowledge, like mathematics and astronomy, they did not propose, as did Wessely, to include secular subjects in the curriculum of the *heder.*[80]

In the seventeenth century, these criticisms were restated by R. Sabbetai Sofer, in the introduction to his Commentary on the Siddur; R. Joseph Haan, in his *Yosef Omes;* Moses Marpchik, a teacher, in his *Kesad Seder Mishnah;* and Judah Leyb Puhovicher, a well-known preacher, in his *Dibre Hakamim.*[81]

In the eighteenth century, the same views were expressed in a similar vein by such men as R. Naphtali Hirz ben

[80] Assaf, *loc. cit.*
[81] Assaf, *loc. cit.*, pp. 72, 80 f., 85 ff.

Judah Leyb from Halberstadt, in his *Or le'Et Boker;* Gedaliah Taikus, a teacher, in the introduction to his *Torat Katan;* the Hakam Zebi, as narrated by his son, R. Jacob Emden in his *Megillat Sefer.* An interesting booklet on this subject, written in German, appeared anonymously in London in 1771.[82] Its author considers it the obligation of each parent to teach his child the vernacular and a foreign language, namely, French. As for Jewish subjects, the Bible should be taught in a rational manner, and the Hebrew text should be translated into pure German.[83]

The educational program laid down by Wessely's great contemporary, the Gaon of Vilna (1720-1797), who may well have been his most important opponent in the controversy over education, is particularly pertinent. Rabbi Elija of Vilna urged that the Bible be carefully studied and mastered first, then the study of Mishnah and Talmud was to follow. Hebrew grammar was also to be given proper attention. In addition, the study of mathematics, natural history, and astronomy was especially approved, for these subjects were considered helpful in bringing about a deeper understanding of Jewish knowledge.[84]

VII

Influence of Wessely's Ideas on the Promotion of Education

The Berlin Freyschule became the laboratory for the application of Wessely's educational program. When Joseph II issued the Edicts of Toleration and gave grants of money for the establishment of Jewish schools, the German-Jewish schools in the Austrian crown lands were modeled after the Freyschule, and bore the stamp of Wessely's educational ideals. On May 2, 1782, the *Jüdisch-deutsche Schule* was opened in Prague. On March 27, 1783, the first public examination was held there, and the pupils gave a good ac-

[82] *Sefer Giddul Banim oder Kindererziehung.*

[83] For more detailed information, see S. Assaf, *op. cit.*, p. 115.

[84] J. S. Raisin, *The Haskalah Movement in Russia* (Philadelphia, 1913), pp. 119-121.

count of their knowledge. In 1785 a school for Jewish girls was opened in Prague by the government. Needlework was included in its curriculum. By 1800, Bohemia numbered twenty-one German-Jewish schools, and the educational program was considered a success there.[85]

The situation in Galicia presents a different picture. In 1787, Herz Homberg became government inspector of the Galician schools.[86] The Jews of Galicia bitterly opposed the government schools and despised Homberg. Neither he nor the teachers who staffed his schools brought with them a positive attitude toward Jewish tradition, nor a sympathetic understanding of Galician Jewry and its peculiar problems. Galician Jewry retaliated. From first to last they regarded the Patents of Toleration and the educational reforms with hostility, and devised all sorts of ways to keep their children away from these schools. At first the schools were for boys only. Then, in 1792, a girls' school was opened. But the opposition of the populace continued to be overwhelming, and the government finally lost confidence in Homberg. It became clear that the new schools were doomed to failure in Galicia, and in 1806 they were dissolved.[87] Wessely's valiant efforts in his *Words of Peace and Truth* were all to no avail.

In Italy there was no such opposition. Schools were established in accordance with the orders of Joseph II, and Wessely's educational program was followed. Accustomed as Italian Jewry was to secular learning, they saw nothing revolutionary in Wessely's proposals. The only novelty, in their minds, lay in the introduction of geography and Jewish and general history.[88] In fact, Wessely was asked to undertake the task of organizing the Italian provinces of Austria for the purpose of establishing the new type of Jewish schools. However, he did not accept this offer.[89]

Aside from those in Joseph's empire, a great number of schools were established at the end of the eighteenth century

[85] B. Strassburger, *Geschichte der Erziehung und des Unterrichts bei den Israeliten* (Stuttgart, 1885), p. 192.

[86] See *supra*, p. 79, n. 8.

[87] Cf. M. Balaban, *l.c.*, p. 196.

[88] Assaf, *l.c.*, II, p. VII.

[89] Strassburger, *op. cit.*, p. 191.

and during the first half of the nineteenth century in western and eastern Europe, ranging from such German cities as Breslau, Dessau, Seesen, Wolfenbüttel, Cassel, Frankfort-on-the-Main, to Odessa on the Black Sea. They displayed Wessely's influence in their aims, methods, and curriculum. Although they departed from his program in many ways, they were evidence of the growing acceptance of his educational ideas and ideals.

VIII

Conclusion

Powerful forces within the Jewish community and strong influences from the non-Jewish world prepared the ground for the Haskalah Movement. Jewish life at the close of the eighteenth century was in a state of transition. The traditional patterns gave way to new forms, but not without a bitter struggle. In the fateful ideological clash, the efforts of the Haskalah met with fierce resistance from the forces that strove to maintain the status quo. As in previous periods in Jewish history, education became the rallying point in this *Kulturkampf*. In the struggle to establish a new type of education for the Jewish child, Wessely played a leading role and thereby won a place for himself in the annals of Jewish history.

That transformation in Jewish life was inevitable, indeed. The Jew could no longer continue his life in the ghetto. Eighteenth-century Enlightenment was penetrating into the ghetto and removing some of the restrictions that had made the separation of the Jews possible. They had to seek adjustments to the new European scene. Yet the rabbis wanted to continue with Jewish separatism, to practice the dictum: "It is a people that shall dwell alone" (Numbers, 23:9). Wessely, on the other hand, saw the need for such adjustments and advocated them in a clear and forthright manner. He thereby aroused the resentment and anger of the rabbis. However, the available evidence makes it clear that he was loyal and devoted to Judaism. Among all the Maskilim, he was ideologically closest to his opponents, the rabbis. He was

an orthodox, pious Jew who did not wish to break with the spiritual leaders of the Jewish community. In accordance with the accepted custom of his day, he sought and obtained the endorsement of rabbis for works such as *Lebanon, Ruah Hen,* and *Yen Lebanon* which preceded his pamphlet, *Words of Peace and Truth.* His concern with the subject of education, however, was so great that it surmounted any fears he may have had regarding the reaction of the rabbis. But he certainly did not anticipate the degree of hostility which his sincere epistle evoked. It was, in all probability, due to the fact that their position of leadership and unquestioned authority was crumbling that the rabbis bitterly resented the development being supported by Wessely—namely, schools which were in many ways secular, and not under rabbinic supervision. Wessely was a firm believer in the power of education. In a proper reform of the educational system he saw the salvation of the individual as well as of the group. Throughout his literary activities he emerges essentially as an educator.

The question has often been raised: Who won the *Kulturkampf?* Graetz's verdict that Wessely won but that the rabbis were right, is unwarranted. The rabbis were not right, insofar as they refused to recognize the changing requirements of the times and took no definite steps to meet them. Nor was Wessely the victor. He made specific recommendations regarding educational reforms which undoubtedly exerted some influence on the schools established during his day and during the half-century following. But in his own lifetime Wessely himself would not have called himself the victor. For he looked with disappointment and sorrow upon the trend developing in these schools. The rabbis' fears were proved not unfounded, as emphasis on secular subjects crowded out Jewish learning. This was not, however, a fault of Wessely's program. Radical reformers like David Friedländer, Herz Homberg, and Wolfsohn-Halle, ultimately became the "*Tonangeber*" and exerted a determining influence on the development of Jewish education in Germany. These men, unfortunately, had no love for and no understanding of historical Judaism. They believed that as the Jew became

more and more emancipated and simultaneously more and more de-Judaized, Judaism would die a slow and gradual death. If anything, Wessely and similar-minded Maskilim did bring some measure of check and balance into Jewish life during this confusing and turbulent transition from ghetto life to participation in European civilization. His *Words of Peace and Truth* undoubtedly set the forces of change in motion. But his emphasis on the Bible, his great love of the Hebrew language and Jewish tradition, as well as his contribution to Hebrew letters exercised some salutary effect in maintaining the solidarity of Jewish group life during that era of upheaval.

There is no doubt that his work, *Words of Peace and Truth,* brought to the fore basic issues in Jewish life. For example, the *heder* is now a thing of the past. However, the problems raised by Wessely have by no means been resolved to this very day. The proper system of education for the Jewish child in a non-Jewish environment has not yet been found. And it is clear that Jewish education today, as in Wessely's day, is the major challenge facing Jewry.

THE BRUCK FAMILY

A Historical Sketch of a Jewish Family Through a Thousand Years

By Alfred Julius Bruck
London

I

Introduction

THERE was a picture in our family of the head of an old Jew with a three-cornered hat. I know how keen my father had been to procure it at the death of his cousin Rusha, in whose possession it had been. Legends had grown up around the venerable patriarch represented by this portrait, but no one knew the facts; he was spoken of as "Seidemeyer" Bruck but it remained a puzzle how the name originated, though it was rumored that he must have traded in silk and was thus given the nickname Seidemeyer. He was my father's great-grandfather. When my father died the picture was lost. It disappeared from the family as mysteriously as it had come into it.

An interest in our family, however, had been awakened in me by the portrait. As a result, I began to communicate with relatives, obtaining information about the various branches; I began to search in books, in libraries, in archives; I travelled to various places where my ancestors had lived; and I read the history of these towns and villages. Finally, on a journey to Germany in 1939, I was fortunate enough to procure a mass of material, though the journey itself ended in my being arrested by the Gestapo and spending the entire period of World War II in German internment camps. I was, however, able to collect a volume of notes which is now in permanent form. One copy of this family history, under the title, *The Bruck Family: A Historical*

Sketch of a Jewish Family through a Thousand Years, is available at the New York Public Library and another copy at the Library of the Jewish Theological Seminary of America. The book (in typescript) also contains the original sources and documents and a large number of tables.

Jews have always demonstrated a strong interest in genealogy. The Bible is full of genealogical lists and the Talmud also contains references to extant genealogical tables. This interest, however, declined completely after the destruction of the Second Temple and did not revive until modern times, owing to the fact that the period between the fourteenth and seventeenth centuries witnessed extensive changes in the social and economic status of many Jews. These changes prompted the new rich to search their past for some link with a noble or famous ancestor in order to prove the legitimacy of their new social position. The growing interest in historical research was also an important contributing factor to the development of genealogical studies, particularly in the nineteenth century.

But, however zealous one might be in tracing his ancestors, he can only be successful back to the year 1348. With that year, the year of the Black Death and of one of the most severe periods of Jewish persecutions in Europe, all ties are broken off. Even if any medieval Jewish families should have survived that year, the persecution of the fifteenth century brought about by the Franciscan monk Capistrano with its wholesale slaughter and expulsions wiped out all remaining traces.

Another great difficulty in following up the generations of Jewish families is the fact that very few had fixed family names, and in all research along these lines one is confronted with first names only that could apply to many families. As far as Ashkenazic Jews are concerned, present-day families can rarely trace their origin beyond the year 1500. Jews from Eastern European regions will hardly be able to trace their ancestors further back than the end of the eighteenth century. Sephardic Jews will be more successful and find ancestors even in the Middle Ages. Jews originating from Prague or Vienna will generally be able to go back as

far as the sixteenth century, and in many cases to the fifteenth century or even further if they had ties with Italy, the Provence or Spain.

The Bruck family can be traced in direct line back to the sixteenth century. On the female side in the early generations it is linked with Sephardic families that go back beyond the year 1348.

Abba Mari Perlhefter was the founder of the Bruck family. In 1623, he had leased the customs and excise tax in Bruck an der Leitha, the frontier town on the Austrian side of the main highway from Vienna to Budapest.[1] When he settled in Vienna a few years later, probably about 1626, he adopted the family name of Bruck after this city.

The Perlhefter family hailed from Prague. Its earliest official record in existence is the tombstone of Abba Mari's father, Abraham, who died in Vienna in 1628. His age was given as 63, thus indicating his year of birth as 1565.[2] He was the son of Jehuda Perlhefter, on whom no data are available. Jehuda was born probably about 1530-1540. This is the furthest back the family can be traced in the direct line.

Abba Maris' father Abraham married Glückl Chalfan, the daughter of a renowned Sephardic family of Vienna that originated in Provence, settled in Italy after the expulsion of 1394, and was prominent in Venice and later in Prague. The oldest recorded date concerning this family goes back to the middle of the fifteenth century.

Glückl's greatgrandfather, Menachem Elia Chalfan, was the son-in-law of Calo Kalonymos, through marriage to the latter's daughter Fioret. Calo Kalonymos, also known as Kalonymos ben David, claimed descent from the house of Kalonymos, a family prominent in medieval times, which pro-

[1] "Unter dem 26. Juni 1626 erliegt ein Gesuch des Marx Perlheffter, Harrach'scher Bestandmautner zu Pruck, wegen Umfertigung des ihm am 19. September 1623 verliehenen Privil. Briefes des Herrn von Harrach an den Freiherrn Heinrich von Strallndorf, Geh. Rat und Reichshofrat-Vizepraesident mit Befürwortung des Gesuches"; original document in Staatsarchiv Vienna, reproduced in L. Moses, *Die Juden in Niederösterreich* (Vienna, 1935), p. 105.

[2] Tombstone inscription reproduced in B. Wachstein, *Inschriften des alten Judenfriedhofs in Wien*, I, (Vienna, 1912), No. 144.

duced several generations of learned Jews.[3] The origin of this family has been extensively discussed in historical and genealogical literature. Although traces of it are to be found in Italy as far back as the second half of the eighth century, the origin of the Kalonymides is shrouded in mystery. However, it is certain that the Kalonymos family dates back to the ninth century, if not earlier. The following pages therefore trace and describe the history of a Jewish family that is known to have spanned more than a thousand years.

II

History of the Family

The history of this family is divided into three sections, each representing a family that through marriage forms one continuous line: the families of the Kalonymides, the Chalfans, and the Bruck-Perlhefters. Since almost everything known about the first two families has already been made accessible to the student brief outlines on them will be sufficient. The history of the Bruck-Perlhefter family is to be the main subject of this article.

1. The Kalonymides

The name of Kalonymos is borne by several generations of Jewish scholars in Greece, Italy, Germany, Lorraine, Provence, and France over a period from the ninth, or perhaps even the eighth or seventh, to the sixteenth century.

Their origin is disputed, although first traces are to be found in Italy. A Jew named Kalonymos is reputed to have saved the life of Emperor Otto II in the battle with the Saracens at Cotrone in 982. As a reward he was taken to Germany, where he founded the German line of the Kalonymides.

The only certain facts in this earliest known phase of the family's history are that a Kalonymos is mentioned as the purchaser of land from a bishop in a document in Lucca

[3] M. Steinschneider, *Catalogus librorum Hebraeorum in Bibliotheca Bodleiana* (Berlin, 1931), No. 6067: "Kalonymos ben David ex familia Kalonymorum."

dated November 11, 1000, and that the name Kalonymos is met with in Mayence, also about the year 1000.

In Germany the family settled in Mayence, Speyer, and Worms and several other places. Its members played a leading role in the development of Jewish learning in Germany, founding Talmud schools and transplanting talmudic scholarship to the north. Though all the Kalonymides are mentioned as having been important scholars, the activities of only a few of them are known. For centuries this remarkable family provided the Jewish communities of the Rhineland with their spiritual leaders, forming an intellectual aristocracy among them, and exercising a deep and lasting influence on their contemporaries. Members of this family moulded German Hasidism and imbued German Jewry with the vitality and inner strength needed to fight the persecution that was to come with the Crusades.

In Provence, where the Kalonymides were especially prominent from the eleventh to the fourteenth century and bore the title of Nassi, they traced their origin to Mahir of Babylonia, a rabbi who was sent by the Caliph Haroun-al-Rashid to Charlemagne. The Kalonymos family of Arles claimed descent from the royal dynasty of David.

While the name Kalonymos disappears in Germany at the time of the Crusades, and in Provence somewhat later, it appears again in the Italian cities of Lecce, Bari, Naples and Venice in the fifteenth and sixteenth centuries. It is this particular branch of the family to which the ancestors of the Bruck family belonged. Its most famous member was Calo Kalonymos or Kalonymos ben David, a physician and translator. He was born in Naples towards the end of the fifteenth century and was a prominent figure in Venice during the first half of the sixteenth century. His daughter, Fioret Kalonymos, married the physician Elia Menachem Chalfan ben Abba Mari, and thus the Kalonymos family was linked to the Chalfans.

2. The Chalfans

The Chalfan family originated in Provence, and from there spread first to Italy after the expulsion of 1394, later to Prague, and thence to Vienna.

The chief clue to the genealogy of this family is to be found on the Viennese tombstone of Isaac Halfan, one of its descendants who died in Vienna in 1617.[4] In its inscription the names of all his ancestors back to his great-great-grandfather are mentioned. Early members lived in Lucca, Naples, and Perugia in the fifteenth century. From about 1500 on for two centuries, their descendants were prominent among European Jews as doctors, philosophers, authors, and translators.

Menachem Elia, whose wife Fioret was the daughter of Calo Kalonymos ben David, was an outstanding physician and talmudist in Venice. He was one of the rabbinical authorities from whom Richard Croke, the agent of King Henry VIII, in 1529 obtained a rabbinical opinion regarding the King's divorce from Catherine of Aragon. Several letters of this correspondence are preserved in the Public Record Office in London.[5]

His son Abba Mari, who was named after his grandfather and died in 1586, was a physician in Prague. The next generation is represented by Elia ben Abba Mari, born in Prague in 1561, who at the age of 37, received a letter of protection from Emperor Rudolph II which permitted him to settle with his family in Vienna. He died there in 1624.[6]

With Elia begins the Viennese period of the Chalfans, a period that ends abruptly with the expulsion of the Jews from that city in 1670. Elia had many children, among them Glückl, who married Abraham ben Jehuda Bruck-Perlhefter.

3. Bruck-Perlhefter

The original name of the Bruck family was Perlhefter, a name that appears in various towns of the Hapsburg Empire

[4] "Hier ruhet ein allgemein hochgeachteter Jüngling, in der Gottesfurcht ausgezeichnet, Herr Isak, Sohn des berühmten Doktors Elias Halfan, Enkel des Doktors Abba Mari, Urenkel des hochgelehrten Elias Halfan, Ururenkel des hochgelehrten Abba Mari Halfan, einer der Exulanten aus Hispanien. Gestorben am 25. Ab 5377." Tombstone translation in L. A. Frankl, *Zur Geschichte der Juden in Wien* (Vienna, 1853), No. 20.

[5] Paul Rieger, *Geschichte der Juden in Rom,* II (Berlin, 1895), pp. 51-53, 54, 95.

[6] Original in Staatsarchiv Hannover, Cal. Br. Arch. Des. 32, I. No. 16, Bl. 1-2.; reproduced in Guido Kisch, *Die Prager Universität und die Juden* (Mähr. Ostrau, 1935), p. 111.

in the sixteenth century. It is almost certain that this family name was originally a trade name. Documentary evidence proves that the Perlhefter family originated in Prague, but very little is known about them while they lived in that city. On tombstones of the seventeenth century in the Jewish cemetery of Prague the name Perlhefter is often recorded. It is not, however, until its bearers appear in Vienna that we hear more of them.

The first trace of the Perlhefters is found in a letter of protection issued by the Emperor in 1620 to a certain Jacob Fröschl of Prague, which gives him permission to reside anywhere in the Holy Roman Empire where other Jews live.[7] This letter includes his wife and children, his servants and his cousin Elia Marcus Perlhefter. Jacob Fröschl asked for permission to settle in Vienna, and as his name appears in a law case in that city in 1622, the family must have left Prague between 1620 and 1622.

According to a document dated September 19, 1623, Elia Marcus Perlhefter leased the customs and excise taxes in Bruck an der Leitha. From another document in the State Archives of Vienna it can be derived that he stayed there about three years before returning to Vienna, for an act was passed in 1627 prohibiting the leasing of the customs and excise taxes to Jews.[8] This would account for Elia Marcus Perlhefter, alias Marx Perlhefter, alias Abba Mari Perlhefter calling himself Bruck or Perlhefter-Bruck when he settled in Vienna.

[7] "1620 hatte Jacob Fröschl aus Prag vom Kaiser einen Freiheitsbrief erhalten, dass er mit Weib, Kind und Tochtermännern, sowie Brotgesind, auch seinen Vetter Elia Marcus Perlhefter, überall im Reich, auch in den Erbländern, wo Juden wohnen, zu weilen befugt sei. Er bittet um die ausdrückliche Erlaubnis nach Wien zu ziehen. 1622 verklagt er (noch immer "Jud von Prag") den Hofmeister des Don Mathias, Georg Proceller, beim Obersthofmarschall. 1623 steht er wegen eines Pfandes im Betrage von 1600 fl. mit dem früheren Hohenzollernschen Kammerschreiber Johann Haselberg im Prozess. Als Vertreter der gesamten Judenschaft Deutschlands hatte er beim Reichshofrat für diese etliche Prozesse durchzuführen. Er reiste deshalb jahrelang dem kaiserlichen Hofe nach. Nachdem er diese Angelegenheiten zum Teil erledigt hatte, wollte er 1624 als alter Mann nach Prag zurückkehren." Max Grunwald, *Samuel Oppenheimer und sein Kreis* (Vienna, 1913), p. 15.

[8] See *supra*, note 1.

The tombstones of the Jewish cemetery in the Seegasse in Vienna are the source for the genealogical table of the Brucks and Perlhefters in Vienna.[9] Additional evidence exists in the State and Municipal Archives of the city, which, among other documents, contain property registers also.

Jehuda is the first of this line. The only historical fact recorded in connection with him is the year of his death, 1628. He was probably born about 1550 in Prague and died there. Two of his children died in Vienna: Abraham ben Jehuda and Tanchum Meinster. The Meinster family continued under the name of Perlhefter. Wolf, a son of Tanchum Meinster, and one of the fifty Viennese Jews who were permitted by the Great Elector of Brandenburg to settle in Berlin after the expulsion of 1670, was also known under the name of Bruck.

Abraham ben Jehuda Perlhefter, who was born in Prague in 1565 and died in Vienna in 1628, is the first Perlhefter on whom there is documentary evidence, namely his tombstone in Vienna. He was married to Glückl Chalfan, the daughter of the physician, Elia ben Abbamari Chalfan. The tombstone inscription praises him as the father of learned sons. However, the only children known to us are Abba Mari, Monisch, and Juda.

It is from this Abba Mari, who had leased the excise taxes in Bruck an der Leitha, that the Bruck family is descended, its members however, very often retaining the name of Perlhefter. Extensive evidence for the identity of the names of Bruck and Perlhefter can be adduced. In the Vienna property registers both names occur for the same person. This is also the case in the tombstone inscription of Monish, which is on the back of the tombstone of his father Abraham. Monish appears under the name of Bruck, while the father bears the name Perlhefter. Even after the expulsion from Vienna in 1670 the two family names are applied simultaneously for one person.

[9] Reproduced in B. Wachstein, *Inschriften des alten Judenfriedhofes in Wien, I* (Vienna, 1912), and in Wachstein, *Randbemerkungen zu meinen Inschriften des alten Judenfriedhofs in Wien* (Vienna 1934).

Documentary evidence shows four generations of the Bruck family in Vienna from 1620 until 1670, when by the Edict of July 26, 1669 of Emperor Leopold I all Jews were expelled from that city. The Viennese emigrants settled in many places. Members of the Perlhefter family can be traced to Berlin, the Austrian Burgenland, Moravia, and Prague; members of the Bruck family to Kremsier, Prerau and Weisskirchen in Moravia, Hungary, Hotzenplotz, Friedland i. S. and especially to Zülz in Upper Silesia. In the nineteenth century the name Bruck appears again in Vienna. Its bearers were descendants of the Brucks of Prerau and Weisskirchen, who were originally refugees from Vienna in 1670, but also of Brucks from Hungary and other places who were not related to their first-mentioned namesakes.

In Kremsier the Viennese refugees became an important part of the Jewish Community. The communal records give the names of many Brucks as refugees from Vienna. Within half a century, however, the name completely disappeared in that Moravian city. It is possible that the Brucks of Kremsier joined their relatives in Zülz, a small country town in Silesia with a noteworthy Jewish community. Zülz became the new center of the family.

In Zülz the name Bruck-Perlhefter is first mentioned in 1680, in the official register of Jews under the column of "fremde" (foreign) Jews, those who had settled there about twelve years earlier.[10] The pertinent entry refers to Marcus Perlhefter and his son. On his tombstone his name is given as Meir Bruck. He is the same Mayr Bruck-Perlhefter who was driven out of Vienna in 1670, and he went to Zülz probably because he had a daughter, Nechama, living there as the wife of Rabbi Mosheh Menachem of Zülz. He thus became the founder of the Bruck line of Zülz. He died in 1693. While Marcus Bruck had been merely a tenant in a house, his son

[10] "Frembde Juden, welche ungefehr von 12 Jahren her, bey vorieg benenten zue Haussine woehnen undt der gnädigen Herrschafft den Schutz groschen abrichten: Marckuss Perlheffter mit seinem Sohn." Original in Gesamtarchiv der Deutschen Juden, Zuelz, Dep. VI.S. 11/12, reproduced in I. Rabin, *Vom Rechtskampf der Juden in Schlesien* (Breslau, 1927), Supplement, p. III.

Nathan was a property owner by 1730, and was one of the three Jews who owned a garden in that town.

The interchanging of the names Bruck and Perlhefter continued in Zülz. Although the name Perlhefter was soon to disappear it was still mentioned occasionally towards the end of the eighteenth century. While the family grew rapidly and at an early stage started to spread to other places in Silesia, Brucks lived in Zülz for almost two centuries. The expansion, however, led to the adoption of new family names, among them those of Friedländer and Schlesinger.

In the pre-Nazi era historical records were available which made it possible to trace the various generations to their respective Silesian residences. We find Brucks in Beuthen, Brieg, Festenberg, Hotzenplotz, Leobschütz, Neisse, Frankenstein, Münsterberg, Ratibor. In the former Silesian capital Breslau they were prominent as merchants and also played an important role in the newly founded Jewish community of that time.

With the emancipation of European Jewry in the nineteenth century and with colonial expansion and emigration overseas, a westward wave of migration of European Jewry set in, which did not leave the Bruck family unaffected. Instead of small towns, where they had lived for over a century within narrow confines, except for some local migration and periodical visits to the Leipzig Fairs, the rising industrial centers now attracted members of the Bruck families. Particularly those of Zülz, who had the privilege of roaming about Silesia, first drifted into Breslau, where they were to become very numerous, then went further afield, to Berlin, Dresden, Frankfort-on-the-Main, the Rhineland, Bremen, Hamburg and Kiel, and even to foreign countries such as Holland, Belgium and France.

Overseas it was America that first attracted individual members of the Bruck family. The year 1840 saw the family's first emigrants to the western hemisphere. These were followed by a second wave, about 1870, and a third when the Nazi regime forced the Jews out of Germany.

The settlement of Brucks in England took place much later, in the second half of the nineteenth century. Moritz

Bruck, the writer's father, and his cousin Emil were the first to make England their new home. Other members of the family settled in England early in the twentieth century, and the Nazi persecution in Germany was responsible for still more arrivals in England.

Also because of the Nazis members of the Bruck family went to Brazil and Argentina, to Palestine and Shanghai, to South Africa and Australia.

The Bruck family has thus increased and spread during three centuries from the original single family unit in Vienna to many branches on all the continents of the globe. Only in its old home, in Continental Europe, has it almost completely disappeared as a result of the mass-slaughter of Jews during the Nazi regime, except for France and Italy where some members managed to survive, and Germany where the only ones who did were those who had been baptized or had entered into mixed marriages.

III

Sociological Studies

The documents relating to the Bruck family and the historical works consulted for the localities of their settlement contain much statistical material. A careful inquiry into all these historical sources reveals a clear picture of the life of one Jewish family which is certainly typical of Jewish life in Europe in the past centuries. An insight into the religious and family life is made possible, the repercussions of political events can be observed, emigration caused by persecution or anti-Jewish laws can be studied, as can be the rise in the social status of the Jews based on special charters or Jewish emancipation and the various professions chosen by family members voluntarily or by force of circumstances. It is possible to make sociological observations on how some individuals forged ahead through their intelligence, how they contributed to Jewish culture and to civilization in general, how they spread from one country to others, how they became rooted on foreign soil, and how many left the Jewish faith or disappeared into their surroundings.

1. The Names

The origin of the name Kalonymos is uncertain. Some authors consider it the Greek translation of the Hebrew *Shem-Tob,* while others derive it directly from the Greek. The name went through several changes. Kalonymos ben Todros, who lived in Provence in the first half of the fourteenth century, is met also under his Provençal name of Sen Moumet Judeu d'Nerbo, and in Latin documents as Mometus Taurossii or Momet Taurus. Mometus and Momet are apparently a diminutive of Clarimoscius, the Latin translation of Kalonymos. In documents of the late fourteenth century En Momet, Tauros, Thoros, Toros and Thoro appear as family names in Provence, as does Kalman among recent German families, while in Polish the name becomes Kamanka, and in Italian Calimani.

The name Chalfan also has an interesting history. According to the inscription on the tombstone of Isak Chalfan in Vienna, the founder of that family was Abba Mari who was expelled from Provence. The name Abba Mari was frequently used in Southern France, Provence and Northern Spain in the thirteenth and fourteenth centuries and was originally an honorary title generally given by a son to his father, later, however, adopted as a family name. Chalfan is the Hebrew for money exchanger, and it is very likely that a Provençal banker named his family after his profession. In German-speaking countries the name was translated as "Wechsler," sometimes spelled "Wexler", and very often the German family name Wechsler was, vice versa, changed to the Hebrew Chalfan.

The third group of names is Perlhefter, which also denotes a trade, namely, that of a pearl setter. This name appears in various towns of the Austrian Empire in the sixteenth and seventeenth centuries. It was one of the Perlhefters who adopted the name Bruck after the city where he had leased the excise taxes. To adopt the name of a town as a family name was a custom among Austrian Jews, particularly among excise collectors, in the seventeenth century.

The name of Bruck, too, changes in the course of the following centuries. Members of the Bruck family who orig-

inated in Friedland i.S. appear in a new town under the name Friedländer to denote their origin. Others settling in Berlin adopt the name Schlesinger for the same reason. Those who emigrated to America changed the spelling from Bruck to Brook in order to retain the original German pronunciation, in many cases adding the letter "s".

The first names also deserve attention. Those most frequently found are Abraham, David, Hermann (Hirschl), Isaac, Jacob, Jonas, Julius, Mendel, Nathan. Some names owe their origin to the importance attributed by Abraham ben Jehuda Perlhefter to his marriage with Glückl, the daughter of the doctor, Elia ben Abbamari Chalfan, and his connection through the marriage with a well known family name. From then on Abba Mari became the traditional given name in the family. In later generations this was changed to Marcus, Marx, Max, Moses, Meyer, Meir, Moritz, and Maurice.

2. The Kalonymos Family

The Kalonymides are the oldest ancestors of the Bruck family. Over one hundred talmudists, rabbis, poets and scholars belong to this prominent family, which supplied the Jewish leadership in the Rhenish communitees. Kalonymos II (ben Moses) of Lucca and his son, Meshullam the Great, both halakists and liturgical poets, were among the most famous of them.

The origin as well as the later history of the Kalonymides is shrouded in legend. According to one of the legends, the first Kalonymos saved the life of Emperor Otto II in the battle of Cotrone against the Saracens in 982. The historian Tietmar von Merseburg relates that he was among Otto's bodyguards and placed his horse at the emperor's disposal.[11] Again we hear of the heroism of one of the Kalonymides, this time during the First Crusade in 1096, when Kalonymos ben Meshullam, head of the Mayence Jewish community, to-

[11] "Videnque a longe navim, salandriam nomine, Calonimi equo Judei ad eam properavit. Sed ea preteriens, suscipere hunc recusavit. Ille autem littoris presidia petens, invenit adhuc Judeum stantem, seniorisque dilecti eventum sollicite exspectantem"; J. Aronius, *Regesten zur Geschichte der Juden im fränkischen und deutschen Reiche bis* 1273 (Berlin, 1887-1902), No. 136, p. 58.

gether with fifty-three others who had taken refuge in the bishop's palace, put himself to death rather than fall into the hands of the enemy.

Profound learning, leadership, and high social position characterized the Kalonymides of Germany, and also of Provence, where they even bore the title of Nassi. They were highly esteemed in court circles, and many times made use of their influence for the benefit of their brethren.

Calo Kalonymos, who belongs to the modern period and lived in Naples and Venice, was a physician and a translator. The marriage of his daughter Fioret to Elia Menachem ben Abba Mari links the Kalonymides to the Chalfans.

3. The Professions

Little is known of the many members of the Kalonymos family, but from those whose names have been handed down to us, it appears that they were chiefly devoted to the cause of religion and were writers, philosophers, physicians, and in general men of learning.

The Chalfans engaged in science and literature, were known for their scholarship and, in spite of their name Chalfan (money changer), produced at least four generations of acknowledged physicians.

The Perlhefters and Brucks were at home in the world of business. The name Perlhefter indicates the trade of pearl setter. Its bearers must have been wealthy from the time of their first appearance in the pages of history, when Elia Marcus Perlhefter was included in the letter of protection granted to his cousin Jacob Fröschl, who was influential among German Jewry at the time.[12] The lease of the excise taxes held by Elia is also an indication of wealth and social standing.

Nothing is known about the professions in the Bruck and Perlhefter families during the Viennese period from 1620 to 1670. They lived in the *Judenstadt,* had considerable means, owned property and houses, and even after the expulsion

[12] See *supra,* note 7.

they still seem to have been fairly well off, otherwise they would not have received permission to settle elsewhere.

In Kremsier they had responsible positions in the community and made substantial donations to the synagogue; in Zülz they owned more property than the average Jew, Nathan Bruck being one of the three Jews who possessed a garden in addition to a house. Members of these families supplied the mints in Brieg, Breslau, Neisse, Ohlau, and Oppeln with silver. In 1698 one, Hirschl Perlhefter of Nikolsburg, was involved in a law case on the charge of currency contraband.[13]

Members of the Bruck and Perlhefter families were not slow to realize the importance of the Leipzig Fair, which, owing to its international character, played an important role in the history of the Jews apart from the commercial transactions. It was the meeting place and a news exchange for Jews from all countries. There Jews were always welcome because of the taxes which they, as fair visitors, had to pay, namely 10 Thaler 4 Groschen per head, women and servants paying only half, and persons required for the religious services being exempt. Upon payment of the tax the Jews received the yellow badge and an identity card which they always had to carry on them. The visitors' books of the Leipzig Fair, which are preserved in the Dresden State Archives, contain the names of Brucks and Perlhefters during a period covering three quarters of a century, from 1675 to 1747. They came from Silesia, Berlin, and Moravvia, particularly from Kremsier. Nathan Bruck, the son of Meir Bruck of Zülz, even brought his own cook.

In the eighteenth century many Brucks visited the various trade fairs outside of Leipzig, especially in Breslau. Nathan Bruck received permission to live in the latter city, where he leased the excise taxes.[14]

From the middle of that century until the middle of the nineteenth century Brucks engaged extensively in the leather

[13] M. Grunwald, *Samuel Oppenheimer und sein Kreis*, p. 145.

[14] Staatsarchiv Breslau, Breslau-Rep. 17, Stadt Breslau, II 69: "Konsignation der in der Stadt Breslau und in den Vorstädten befindlichen Juden 1726": "No. 15: Nathan Perlehefter Accis Pachter."

trade, one of the few permitted Jews by the restrictive order of Maria Theresa of 1760.

In the emancipation period the Brucks entered the professional stage in increased numbers, and many attended universities, becoming lawyers, doctors, teachers, and professors. A large percentage, however, remained faithful to business.

4. The Court, the Law and the Family

The earliest documentary sources show the family in contact with the imperial court. The first Kalonymos in Germany was rewarded by Otto II for saving the Emperor's life. Kalonymos ben Todros, who bore the title of Nassi, is said to have been sent by Caliph Haroun-al-Rashid to Charlemagne at the request of the latter who appointed him Prince of the Jews in Narbonne. In this early period there were many contacts with the Church and the Court. Kalonymos ben Kalonymos ben Meir ha-Nassi, who was born 1286 in Arles and later settled in Avignon, became associated with Robert of Anjou, who sent him on a scientific mission to Rome.

In the sixteenth century in Venice Calo Kalonymos and his son-in-law, Menachem Elia, were in contact with Richard Croke, the emissary of the English court, who tried to obtain from them a rabbinical opinion regarding the divorce of Henry VIII from Catherine of Aragon. Another case was that of Elia ben Abba Mari Chalfan who was given permission by Emperor Rudolph II to settle in Vienna.

Jacob Fröschl, Elia Marcus Perlhefter's cousin, who received permission in 1620 to settle in Vienna, represented all German Jewry at the Austrian Supreme Council (*Reichshofrat*) and accompanied the Austrian Court on its circuit for many years. This Elia Marcus (Marx) Perlhefter-Bruck and his father Abraham are both mentioned in the Jewish Property Registers of Vienna as Court Jews (*Hofjuden*).

After the expulsion of the Jews from Vienna in 1670 we find Nathan Bruck as a court Jew in 1702 at the court of Prince Jacob of Ohlau, and in modern times, Robert Bruck of Dresden, professor and art historian, who was highly esteemed at the court of Saxony.

Apart from the above mentioned individuals who enjoyed special privileges, other members were adversely affected by the law. They were exiled from Provence in 1394 with the rest of the Jews, were expelled from Vienna in 1670, and everywhere had to submit to the laws, regulations and restrictions that applied to all Jews. On the whole, however, they usually seemed to be able to rise to the upper strata of Jewish society. They managed to procure passes to the various trade fairs and to travel from place to place. They held important positions in Jewish communal life and were prominent in business; and when Jewish emancipation in the nineteenth century gave them more liberty they freely entered the professional classes.

Only a few individuals came in conflict with the law outside of those who were innocently deported or sent to concentration camps under the Nazi regime. Wolf Perlhefter-Bruck, who was among the fifty Viennese families that settled in Berlin in 1670 and who became the chief community elder in 1698 for a payment of 100 Thalers to the treasury, almost caused a split in the Berlin Jewish community by failing to meet his obligations. The government and the city authorities had to intervene and enforce the constitution. One Hirschl Perlhefter of Nikolsburg was involved in a currency contraband case in 1698; a Solomon Perlhefter from Prossnitz, who acted as "Mährischer Schammos" at the Breslau Fair, was incarcerated for debt in 1696;[15] Emil Bruck was imprisoned four times in the last century in Germany for preaching socialism and for contempt of court; the writer, too, came into conflict with the Nazi laws on a visit to that country in 1939.

5. Emancipation and Emigration

The emancipation of Jewry in the nineteenth century caused profound changes in the family. For one thing, a de-

[15] B. Brilling "Handelsbeziehungen der mährischen Judenschaft zu Breslau," II: "Der mährische Schammes in Breslau," *Zeitschrift für die Geschichte der Juden in der Tschechoslovakei,* II (1931), p. 1 ff.

crease in the number of children can be observed. A rise in the intellectual level is evident also, and an increased interest in secular affairs was displayed. Several cases of baptism must be mentioned, too.

It is in this century also that many members of the family began to emigrate overseas, chiefly to America. It was not only the enlightenment of the nineteenth century but also the desire to improve their financial and economic position that motivated this emigration. Perhaps even the love of adventure, which was a characteristic of the family, might have been a contributive cause. My grandfather, for instance, thought it safest to have the Atlantic Ocean between the scene of his former activities and those to come, since he had signed bills which he could never hope to pay.

Many of the emigrants returned to Europe, including my father and grandfather, my father's cousin, Emil Bruck, and a cousin of my grandfather, Julius Bruck, who after spending twenty-two years in Newark, N. J. retired to Germany at the age of 52. His tombstone in Breslau (anno 1899) bears the following inscription

Hier ruht zum ersten Mal im eigenen Haus
Ein müder Pilger zweier Welten aus.
(Here rests for the first time in his own home
a tired pilgrim of two worlds).

With the exception of my grandfather, who was separated from his wife, all the Brucks who left America, to return to Germany, were bachelors.

In the New World every trace of the family has been lost. Its members became baptized, intermarried, or changed their names. According to family tradition, they all led very free and rough lives when they first came over, and experienced all the hardships common to pioneers and early settlers. They engaged in buying and selling, they were printers and compositors, they peddled wares from place to place, they sharpened razors, in other words, they took on any job that offered them an income. My father's cousin, Emil Bruck, lectured on socialism in Milwaukee and Pittsburgh; my grandfather's brother, Jacob, knew every Ger-

man beer garden in the country, while my grandfather himself had many dealings with pawnbrokers.

Members of the family living in America today have settled there only since the advent of Nazism, at which time they spread from Continental Europe to other parts of the world also. Most of them changed their mode of living in the new surroundings, many professionals choosing a business or office career, and leaving it to their children to establish themselves on a firm basis in their new homeland and to rise to the social status which the family had enjoyed all through the centuries.

THE MAGEN DAVID

By Max Grunwald
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[Translated from the German by Hilde Kisch]*

The Origin of the Symbol

THE hexagram, a figure consisting of two intertwined triangles, which is called by the Jews *Magen David* (Shield of David) and during World War II was the insignia of the Jewish Brigade, is known among non-Jews as the "Seal of Solomon."[1] This is true in the Islam world, es-

* This essay supplements and corrects in part the author's previous presentations on the subject elsewhere, particularly his article, "Der Davidsstern," *Gaster Anniversary Volume* (London, 1936), *pp.* 195-198, and the appendix to his *Holzsynagogen in Polen* (Vienna, 1934) There and in his article, "Der Magen David," in *Jüdische Rundschau* of November 23, 1934, p. 10, archeological and literary evidence is found for the material used in the following supplementary notes. These items are to be added: [T. Nussenblatt, "Magen David," *Yivo Bleter*, XIII (1938), pp. 460-476; Z. Kalmanowicz, "Concerning Dr. T. Nussenblatt's Paper on David's Shield," *ibidem*, pp. 583-584. הרב ישראל בנדט פייבלזון „מגן דוד" — הלבנון, מאסף ספרותי אורתודוכסי (ורשה תרע"ב — 1912, 53—56) Added by the Editor]; E. Westermark, *Pagan Survivals in Mohammedan Civilization*, p. 43 and passim; Bernhard Stein, *Medizinischer Aberglauben und Geschlechtsleben in der Türkei*, p. 311; *Tarbiz*, XIII, 1, p. 243 (Scholem).

[1] A hexagram on the ancient Hebrew picture of a ship found in Sheikhabrak in Palestine, and as flag-emblem on the picture of a ship in the manuscript of Sephardic folklore of the sixteenth and seventeenth centuries, now in the Bezalel Museum at Jerusalem, was published in *Reshummoth*, II. A hexagram is found on the episcopal palace at Mieux, France; there are hexagrams including a cross on Basque tombstones and on a window of the convent at Guadelupe (near the railroad-station at Oropesa, Spain, built in 1340 at the command of King Alfonso XI); in cemeteries in Latin-America the hexagram is no rare occurrence.—As according to Lampronti, *Pachad-Yitshak*, and others, the Magen David is drawn on the skin of a sick person, so in sephardic popular medicine, in Belgrad and other places, the *Haham*, called in for a cure against a sore throat named "Paperas," draws several Magen Davids with his finger on the throat of the sick person at saying certain prayers. Among the Arabs, David is considered as the inventor of tatoo (cf. B. Neumann, *Die Heilige Stadt*, p. 452).—In North Africa, lamps shaped as Magen Davids are used particularly at weddings (cf. picture in Lane, *Manners and Customs*, p. 167).—The reference to the mention of a Magen David in Isaac Arama, ספר עקדת יצחק, is based on a printing mistake in later editions: the *editio princeps* (Salonika, 1522) does not read מגן but הגן. —The hexagram is found on a markstone at Ratibor,

pecially Morocco, where it is not only the insignia of the Sultan's army but also that of the Spanish soldiers. It is further worn by the freemasons in Abyssinia and elsewhere. In antiquity, it occurs as the symbol of Isis in Egypt, as an amulet in Iraq and India, and as a seal in Palestine. In regions of Jewish culture it appears first on the foundation stone of the cities of Megiddo, Ezion-Geber, and others built under Solomon. In Phoenicia it is found as a concluding mark in a Jewish inscription of the seventh century. Among the Celts it was used as a pentacle of the druids; among the Etruscans it was considered as a symbol of the deity of Fortune; and the Greeks placed it on the shield of Athene. Both the hexagram and the pentagram came to the Near East through Asia Minor and from there found their way into Europe.

Originally, both symbols served as charms to fend off one of the most dreaded of all dangers, the evil eye. For this purpose pictures of an eye and a hand were used. Such a hand is found as early as the mesozoic age, in prehistoric times. Such eyes occur in the form of rings as early as the fourth millenium at Ur, the native town of Abraham. In Egypt, the eye signified the eternally watchful eye of Horos who was portrayed with a hexagonal star. The hand, shaped like a pentagonal star as often seen in pictures of Isis, represented the syllable *ceb,* meaning guardian. Eye-socket and eye were depicted as a triangle containing a ring, a feature widespread in the Islam world even up to this day, where two eyes having one pupil in common designate a hexagram and the hand a pentagram. Both signs, which had already the same meaning in Egypt, are alternately used as a substi-

formerly Germany, and on buildings in the neighboring village of Rauden. In the Jewish National and University Library at Jerusalem, Ms. Hebr., 8°, No. 623 from Bagdad contains a hexagram along with the remark: ציור המגן הוא כזה ("the great name" דיקורנוסא, *ibidem*, Ms. Hebr., 245, p. 81 b, which, by the way is known from prayerbooks as angel of פרנסה, must probably read דיוקורדאס, as in Hebrew literature Dioscorides was spelled in that way).— The triangle in Kohl-Watzinger, *Antike Synagogen,* p. 89, containing an eye, points to the origin of the hexagram. It is found on the ceiling of the Russian church in Wiesbaden, Germany, and elsewhere as the symbol of Trinity. There the eye is shaped in such a way as to make the spectator believe that it looks down upon him regardless of where he stands.

tute for each other or combined. They are included among the seven seals, mentioned in the Apocalypse, which had the capacity to lock all things "hermetically." The seven-eyed, seven-horned lamb from the tribe of David, which is there depicted as opening the book with the seven seals, is an indication that the eyes belonged to a deity and that the "horns," קרנים, a word which in Hebrew also means "rays," were stars.

These "seven eyes of God" in connection with the house of David are first mentioned in Zechariah (3:9). The prophet speaks to Joshua, the high-priest, and to Zerubbabel, the governor, of the house of David. Before the eyes of the high-priest he holds up the Menorah, the seven-branched candelabra, symbol of the Aaronides, which occurs for the first time on coins of the last Hasmonean king, Antigonus. In Zechariah, the Menorah of the Aaronides has its parallel in a stone with "seven eyes" which was used as a coat of arms by the Davidides.

In later periods one often finds such "eyes" on amulets shaped like a hexagram, with one eye in each of the six corners and one in the center. Zechariah (4:9) designates these "eyes" as the "eyes of God," as the symbol of God's Kingdom, of which David's is a reflection. David and his house are also indicated by the seven words (in Hebrew) with which Zechariah explains those "seven eyes": "I will remove the iniquity of that land in one day" (3:9), which means that the restoration of the reign of the house of David will bring redemption. Its symbol is David's coat of arms, the hexagram.

There can be no doubt that the house of David had a coat of arms. As is borne out by numerous Hebrew seals, which have come down to posterity, all persons of rank had one. Such a seal was owned by the historic figure of Shebna who, after having been minister to three kings, was suddenly dismissed by the third, the young Hezekiah. The prophet Isaiah (22:22) describes his official attire by saying that he wore "the key of the house of David" upon his shoulder. One might think of the key worn in medieval and modern times by royal chamberlains on their epaulets.

The portrait on the seal, however, shows Shebna holding in his hand a real key which resembles the sceptre of Ptah. Of metal and about half a yard long it looks like the keys which the Greeks also used to carry on their shoulders. Next to it, a five-pointed star, apparently representing the weapon of his royal house, is visible, and is used alternately with the hexagram. This star was also employed among Jews as late as the eleventh century, on the synagogue of Tell Hum, for example, until the Christian Church made the pentagram the symbol of the Trinity.

Proof, however, of the connection of the hexagram with the house of David is evident from archeological monuments. It occurs on the so-called tomb of Josafat, and, together with the name of David, on tombstones from the third century on.

Since when has this hexagram been called the "Shield of David"? The family weapon of David is expressly mentioned in the Talmud.[2] At that time, the exilarchs, the descendants of David in Iraq, were reigning as princes, and even these Babylonian scholars wore the weapon of David on their clothes. That this emblem was called "Magen David" is indicated by an Agada, a Jewish legend.[3] One day David was praying to God to be allowed to end one of the blessings in the Tefillah, the main prayer of the Jews, with the words, "Magen David," in the same way as the first of these blessings ends with "Magen Abraham," Shield of Abraham. God answered him however: "You must not compare yourself with Abraham. He passed gloriously all ten tests imposed on him. But you failed in the case of Bathsheba. Therefore be satisfied that one of the blessings following the Haftarah (the portion of the prophetic books of the Bible read in synagogue after the reading from the Torah) may end with '*Magen David*'." This agada is derived from the history of the main Hebrew prayer.[4] In the Tefillah the

[2] Rashi, *Shabath* 58a, says of the *Reshe Galutha* that their coat of arms was fastened even to the garments of the rabbis to whom they paid salaries (היו עושין חותמות לטליתות שלהן).

[3] *Midrash Samuel*, chap. 26; Baer, *Abodath Yisrael*, p. 96.

[4] Ismar Elbogen, *Der Jüdische Gottesdienst*, pp. 40, 181.

two blessings over Jerusalem and David were originally pronounced as one and closed with the words: "God of David, builder of Jerusalem." But the exilarchs were not satisfied with this. They insisted that the blessing over David be separate and that it should not end with the words "God of David" but with the words "Shield of David" expressly. They insisted on the formula "Shield of David" until they finally succeeded in establishing it in one of the blessings following the Haftarah. Their motive is evident: the term "Magen David" represented the emblem of their family as indicated by the hexagram.

It is for this reason that we find such hexagrams in the *mezuzoth* (door post scrolls) from the period of the exilarchate. In *Eshkol Hakofer,* for instance, a Karaite work of the Middle Ages, these *mezuzoth* were called "Magen David" like the emblem itself. The founder of Karaism, Anan ben David, belonged to the family of the exilarchs, and this fact explains the name "Magen David" given to the hexagram.

About the same time we also come across the hexagram in the "Altneuschul," the oldest synagogue at Prague, and the earliest documentary proof that this sign was there called "Magen David" or "Shield of David" dates from the fourteenth century. In that period the Karaite writings were already known in Bohemia and there was constant intercourse between Prague and Bagdad, the seat of the exilarchs.

The term, "Shield of David", was likewise accepted in cabbalistic circles. According to the teachings of the cabbalists, the sub-lunar world is a faithful reflection of the upper spheres, just as in Zecharia's vision the Kingdom of David reflects God's rule of the earth, a fact which is symbolized by the emblem of the house of David, as explained above.

The History of the Magen David in Later Periods

Keeping pace with the wide dissemination of the ideas of the Cabbalah and its penetration of Jewish life, a process due especially to the influence of Isaac Luria, or Ari, who

lived at Safed in the sixteenth century, the "Shield of David" soon came to be accepted as the emblem of the Jewish people. It came to be regarded as the symbol of the golden age of Israel during the reign of King David and of the hope to see his kingdom reestablished through him personally or through one of his descendants. The Magen David was therefore often pictured on ritual objects. In the nineteenth century when, after a long interval, a trend to build synagogues of a specifically Jewish character developed, architects were eager to employ a typical Jewish symbol in the adornment of the gable or the facade. Thus they made use of the "Shield of David." This was considered such a novelty even in Jewish scholarly circles that, as late as 1884, Jehuda Leb Gordon in one of his letters violently protested against the use of the Magen David on synagogue buildings, seeing in it the pagan pentacle of the druids. At the second Zionist Congress, however, Theodore Herzl designated the "Shield of David" as the emblem for the Zionist flag, and in the past decade it was the insignia of the Jewish soldiers in Palestine who wore it in protest against the infamous endeavors of the Nazis to degrade the Jews through the compulsory wearing of the "Jewish Star", for which only one precedent is known, from Naples in the Middle Ages. This use of the Magen David as the insignia of Jewish soldiers is an innovation, for the Jewish Legion of the First World War employed the Menorah, which had been the exclusive Jewish emblem for centuries and all during the Roman Empire.

In Morocco the hexagram still serves as a military emblem and an amulet. It is called the "Seal of Solomon" there. The Abyssinians, too, have given it this name, since they consider Solomon and the Queen of Sheba as the parents of their

[5] In the eighteenth century Protestant churches were erected with ground plans arranged in two intertwined triangles; cf. Richard Krautheimer, *Mittelalterliche Synagogen.* From the fifth to the seventeenth century the Jews showed indifference to the architectural form of their synagogues. It was as late as the sixteenth century that, in imitation of Catholic custom, a symbolizing tendency to imitate the Solomonic Temple began to develop among Jews. As in Prague, Magen Davids of a similar type can also be found in Northern Spain in the late thirteenth century on the east wall of synagogues. Magen Davids on synagogue windows in Fürth and Miltenberg date from the eighteenth century; Krautheimer, *op cit.*, pp. 191, 245.

first king. The freemasons use it as their emblem because Solomon was the builder of the Temple. Among the Celts the hexagram and the pentagram were the distinguishing marks of the priests, the druids, a fact which prompted the Germans to call each of those signs "druid's foot". As late as the last century, the pentagram was often placed or drawn on the house-doors of formerly Celtic settlements for the purpose of protection. The Pythagoreans are said to have painted it on every house where they had been well received on their travels. It is probably for this reason that it became a tavern sign. In Frankfort the innkeepers painted it on their gin kegs. It was in this city that Franz Rosenzweig wrote his book "The Star of Redemption" whose title he took from the Magen David.

The "Seal of Solomon" and the "Shield of David"

As mentioned above, both the hexagram and the pentagram are known as the "Seal of Solomon" in Islamic and Christian folklore. However, in Islamic countries a distinction is sometimes made between the hexagram as the "Seal of Solomon" and the pentagram as "Bil Nukat," meaning "pointed" in Arabic. But this probably refers to the Latin *pileum cornutum*, that is, the pointed hat which the magicians used to wear on their heads during performances, just as they wore the "Seal of Solomon" on their arms.[6]

What is the origin of the term "Seal of Solomon"? In ancient Egypt which was the chief center of sorcery in ancient times, the god Thot was considered the teacher of all knowledge. He was identified with the Greek god Hermes and, as "Hermes Trismegistos" (the thrice greatest), was said to have taught the art of making seals by which tubes could be "hermetically sealed". Hence the expression. When, through the dissemination of the Bible, King Solomon came to be commonly regarded as the wisest of all men, he took the place of Thot-Hermes in folklore and gradually became

[6] A. Barb, *Klassische Hexenkunst*, p. 9. Such a magician's hat is pictured on an Italian Solomo medal with Hebrew inscription of the sixteenth century, in the Bezalel Museum. On a Solomo coin with a Magen David, see *Mitteilungen der Gesellschaft für jüdische Volkskunde*, III (1898), p. 67, No. 121.

the central figure in the cult of magic of all lands. Charm recipes and even whole charm books were ascribed to him, and in the wide realm of the Roman Empire these were the indispensable paraphernalia of every magician, whether living on the Nile or in the Atlas Mountains, on the Danube or in Pergamon, in Asia Minor or at Ostia, the port of Rome, where a picture of Solomon displaying a hexagram was allegedly found. Like Gyges, Solomon was said to have owned a magic ring, and the seven seals of Thot-Hermes became "the Seals of Solomon."[7] Among them the first and the last one especially, the hexagram and the pentagram, the sign of Horus and that of Isis were known by that name. Often they occur together, as in the Hebrew inscription of the seventh century B.C.E. found in Phoenicia, or like the Egyptian gods, Thot and Ptah (meaning "Light and Life"), in the biblical word, "Totaphoth" (head-band), that Rabbi Akiba had recognized as being of Egyptian origin. Jews, too, who lived in the realm of Islamic culture, called the hexagram the "Seal of Solomon". However, the relation of the hexagram to Egyptian lore was kept alive among the cabbalists who connected it with the name *Taftafyah* (little child), in analogy to Horus, which means "child".

[7] On their Egyptian origin, cf. Grunwald, "Neue Spuk-und Zauberliteratur," *Monatsschrift für Geschichte und Wissenschaft des Judentums*, LXXVII (1933), p. 168 f. They can also be found in Ms. Hebr., 8°, No. 634, of the Jewish National Library at Jerusalem, 151, 623, 209, where it is said of them: Thus ואילו הן שבע אותיות שחקק הקב"ה ית' בבריאת עולם על שביעית. they are traced back to the creation of the world. In the Sephardic Ms. at the Bezalel Museum cited before, consisting of several separate sections from the sixteenth to the nineteenth century, mostly from North Africa, these seven signs are placed in a square beside the seven planets (sun, moon, etc.), the seven angels (Michael, Gabriel, Raphael, Samuel, Qabtsiel, and Aniel), the אנקתם וכו' and כוז וכו' (cf. *MGWJ.*, *loc. cit.*) and יה, אד, גי, שדי, צבאות, חנון, יה. In the Ashkenazic *Sefer Hesheq*, a manuscript of which is found in the Bezalel Museum, fol. 38 b (סי' תס"ג) the following is said about these seven signs:
כך הוא לשון הזוהר: שבע אתיין יומא שבועתא ברי בהדך... ודין סדרן דאתיין בראשיהון כמ"ם עזקתיא ובסופיהן כמ"ם עקימתא, ובתר עזקין חוטרין תלתא ועליהן כמין רומחא שולתא ומ"ם עמיקתא וכו'.

[8] Also Taftiyah and Taftiel; cf. *Mitteilungen für jüdische Volkskunde*, V (1900), p. 67. Horus- Taftiah, killer of Tyhon, is pictured on amulets because of his capacity to avert evil forces. In the afore-mentioned Sephardic Bezalel Ms. one reads about וצריך לצייר במחשבתו חסיד הגדול שבדור זקן: טפטפיה
וארוך מן השמים לארץ ותינוק רוכב על כתיפו השמאלית וחקוק על מצחה שם זה בגוון אדום נ"א בגוון זהב בכתיבה אשורית ושמעתי משם הר"ר אליעזר ן' יוחאי ז"ל שעמדו בנסיון גדול בטברייה ולמד את החברים שיכונו בענין זה נער של אש רוכב על אריה ויכוין שיהיה במצחו של אריה שם ט"פ הנזכר בצבע זהב וביד ימינו של הנער חרב ובראשו כתוב אני אל שדי

But how did this sign come to be termed shield, "Shield of David"? The term, "Magen David" (Shield of David), was a religious metaphor in the heraldic inscription of the Davidides, just as it is in the above mentioned blessing which comes after the Haftarah, in the *Sefer Raziel,* a cabbalistic work of the eleventh or twelfth century, and elsewhere. In other words, God is the shield of David, and He is often designated as such in the psalms. On the other hand, in the Bible we read about shields of David which were used by him in his fights and, after his death, were preserved in the Temple at Jerusalem. There is also a Jewish legend which mentions one of these actual shields of David bearing a hexagram, in the corners and center of which the word *agla* is said to have been inscribed.[9]

This word *agla* leads us in another direction. *Agla* is the Greek *aglaspis,* meaning "the one with the shining shield." A shining shield bearing a hexagram was the aforementioned one belonging to Athene who, as *Athena Nike* (Athene, goddess of victory), occurs later also in Hebrew manuscripts. This shield was the Aegis of Zeus which he used to fling the lightning. He gave it to his daughter Athene, and she in turn gave it to Heracles, after whose death it was placed on the "Pillars of Heracles" in his temple at Gadeira.

The mythical figure of Heracles, originally taken over from the Orient, and his twelve tasks remind one of the

ויאמר בפיו אני אריה ואתם חמורים ג״פ וניצולו ק״ק של טברייה והלכו השודדים ולא הזיקו דבר. This reminds one of the giant Christophorus carrying the Christ-child. He probably can be traced back to Ra, the Egyptian light bearer, who is always pictured in red color. Christophorus became Mephistopheles, Lucifer, that is, light bearer. A counterpart to Horus, "the luminous boy," is the "fiery red lion". Lion-riders like the boy Bacchus are also mentioned in Jewish legends; cf. *Mitteilungen zur jüdischen Volkskunde,* XXX (1927), p. 33; *Toledot Alexander,* 157.—In a סגולה פארה אבריר סירקו, i.e., an instruction for opening a magic circle, found in the Sephardic Bezalel Ms., pentagram and hexagram are distinguished in the following way: a pentagram טפטפיה זה ציורו a hexagram: עם זה החותם. Taftafya, the "creator of the world," as he is designated there, thus has the shape of the pentagram, the cabbalistic figure of *Adam Kadmon,* and his seal is the hexagram, the graphic form of *Shem Havayah.* The mentioned manuscript says about Taftafyah: זה הוא השם שהיה דוד המלך מזכיר בכל מלחמותיו ("this name was cited by David on all his campaigns").

[9] In מפתח שלמה (Gollancz), p. 36, a tetragrammaton *aglaton* ("ardent") is mentioned. The frequent combination of אגלא and מגן corresponds to the Greek *aglaspis.*

aforementioned ten tests of Abraham whom the Spartans, also great admirers of Heracles, designate as their ancestor in their letter to the Maccabees. This can be explained in the light of the Hellenistic trend of those days to identify figures of oriental literature, especially the Bible, with Greek heroes, particularly Heracles. Nothing was more natural than to do this with David.

Like Heracles, David subdues giants and lions. As Heracles masters the underworld so, according to an agada, David banishes the waters of the abyss. As Heracles *alexikakos* wards off evil forces, so David exorcizes the evil spirit of Saul, resists the plague in Jerusalem, and in as late a work as the *Sefer Raziel,* appears as the protector at childbirth. As the Greeks and Romans invoked Heracles when making solemn declarations, so pious Jews, in need, invoked God as the "Shield of David". Even today, when Jews, greet the new moon, they exclaim "By the life of David, the King of Israel." This is done according to the instruction of the patriarch, Rabbi Jehuda, who was a descendant of King David. As Heracles perishes through Dejaneira, so David falls in the affair with Bathsheba. Just as a star is named after Heracles, similarly one speaks of a "Star of David", in Christian circles particularly because of Bileam's saying: "There shall come a star out of Jacob."[11] An agada relates that David fashioned himself a shield out of the skin of a sheep which he had saved from the jaws of a lion. The aegis is likewise said to have been made from the skin of a ram. The same agada, as well as others, further mentions a shield that David had received from God, just as Heracles had been given his by Athene. And as Heracles' shield was exhibited in his temple, so David's was displayed in the synagogue.

However, the latter's shield was not merely that of a victorious warrior. Just as the Hellenistic Heracles was celebrated not so much for his heroism in overcoming external dangers as for his ability to master himself when he willingly

[10] *Numbers,* 24:17. The star of Nazareth occurs in *Schatzhöhle,* chap. 45, verse 3: "In its center [of the star] there was a maiden holding a boy child wearing a crown on his head."

submitted to the twelve tests, so David is extolled as a model of self-restraint in connection with the scene in which he denies himself a drink of water brought to him by his servants from Bethlehem at the risk of their lives (II Samuel, 23:15-16). Thus the shield of Heracles became a symbol of virtue analogous to the "shield of those that walk in integrity" in the Proverbs of Solomon (2:7). All the less could the fact that a hexagram was pictured on Heracles' shield make the Davidides and later the Jews in general hesitant to ascribe such a shield also to David, and to speak in the same sense of a "Shield of David."

BOOK REVIEWS

History

ISRAEL OF TOMORROW. Edited by Dr. *Leo Jung*. Herald Square Press, Inc. New York, 1946. pp. X + 501.

AT no time since the destruction of the Temple have Jews been so concerned about the problem of their survival as today. The recent mass destruction of the leading centers of Judaism and the mass slaughter of almost a third of the world's Jewish population are sufficient cause for worry about the future. It is quite natural for this question to be discussed more widely in this country than anywhere else, since the leadership in Israel has fallen upon the shoulders of American Jewry.

It is against this background that we have to evaluate the contributions to the work under review, edited by Dr. Leo Jung, Rabbi of the Jewish Center Congregation of New York and foremost leader of orthodox Judaism in this country. Space does not permit us to consider in detail each of the twenty-one articles contained in this interesting and stimulating volume. Only those related to the field of Jewish history will be discussed.

The average reader thinking of Jewish survival does so in terms of antisemitism. He will, therefore, read first the contributions of M. L. Isaacs on "Antisemitism in the World of Tomorrow," and Elisha M. Friedman on "America and Israel of Tomorrow." Professor Isaacs speaks of two types of antisemitism: one directed against the Jew as an individual, the full brunt of which was experienced only recently through Hitlerism; and another directed against Judaism, as prevailing, for instance, during the Middle Ages and in Russia today, and as expressed in the so-called "higher antisemitism" as found in Bible criticism and similar activities. Type one is more difficult to eradicate, according to the author, since it bases its attacks on varying premises, reaching even those Jews who no longer have any actual ties with Judaism. Since he believes that the average American will sooner or later reach the stage of embarrassment at hating someone only because of his religion, the author sees salvation in a renewed religious consciousness on the part of all Jews, so that each Jew can be identified with Judaism. This will turn the tide of antisemitism.

Elisha Friedman, in his lengthy article on "America and Israel of Tomorrow," has all the material for a fine contribution. But he misses proving his point through his deep prejudice against Reform Judaism, especially the older type of German parentage. Every deplorable situation

in Jewish life, religious or otherwise, is blamed on Reform Judaism and its early German-Jewish protagonists. Proof to the contrary could easily be offered. While on one hand the author blames German Jewry for everything, on the other he must admit that the "Reform" Judaism of Germany corresponds to left-wing Conservative Judaism in America. Leo Trepp's article, "Of German Jewry," in *Conservative Judaism,* (published by the Rabbinical Assembly of America), III, No. 1 (pp.1-8), offers a much truer and juster evaluation of German Jewry. On the subject he has chosen to discuss, Friedman has very little to say. He begins by stating that for many years the United States not only was officially free from antisemitism, but took a very positive attitude towards the values of Judaism, making them a model for many American institutions. He describes at great length antisemitism and its mark on Jewry, especially noticeable, according to him, on German Jews. Finally he offers three solutions. One of these is to be applied to American Jewry: namely, survival as a group, a religious and cultural group. A second solution would be assimilation with ultimate disappearance of the Jew. This the author rightly rejects, but again puts all the blame on those whom he believes to be the protagonists of such an expediency, non-Zionist Reform Jews of German descent. The third solution, Palestine, he rightly considers interrelated with the survival of the Jews in the Diaspora as a religious and cultural minority.

The future of the American Jew is also discussed by the late Rabbi Bernard Drachman in his article, "The Jewish Communal Organization of Tomorrow." In order to prevent chaos and overlapping, and to strengthen the Jewish community, he recommends the establishment of the *Kehillah* ("Einheitsgemeinde") as the kind of community organization in which orthodox, conservative, and reform Jews can and should be united. The author is not blind to the difficulties of this solution, but believes that since this scheme worked in leading European communities, it could also work in America. Matters of Jewish law and dietary observance could be left to the traditionally-minded groups alone, whereas matters of worship and education should be the concern of each individual group (the so-called Hamburg system which was applied with some modifications also in Breslau and Vienna).

Of great historical value are the contributions, "Jewry-Law—Past, Present, and Future" by Guido Kisch, and "Polish Jewry—Yesterday, Today, and Tomorrow" by Wolf Blattberg. Professor Kisch treats the development of the legal status of the Jews in Central Europe from the Middle Ages until their outlawry under the Hitler regime. He proves that Hitlerism existed in Germany long before Hitler, but could not make headway because Bismarck's state was strong enough to resist legal discrimination against the Jews. Hitler was able to change the legal status of the Jews since his state was only the executive arm of his National-Socialist party. But his decrees outlawing the Jews were not laws in the

philosophical-juridical meaning of the term. He replaced right with might, and by thus doing, brought about the end of Germany as a *Rechsstaat*. "Only if the general rule of law is restored, will discriminatory Jewry-law disappear," i.e., the Jews will have a real "tomorrow" only when law reigns in the world.

Blattberg's article on Polish Jewry is devoted to the periods between the two world wars and during the second world war. The author gives a detailed description of the political, economic, and educational status of the Jews in Poland during the two decades before 1939, and their decline and heroic end under Nazi occupation. He is confident of a revival of Polish Jewry on Polish soil. His article is supplemented by a comprehensive report on orthodox Judaism in Poland written by Isaac Lewin and entitled, "Religious Judaism in Independent Poland."

Another fine contribution is that of Philip Biberfeld on "Judaism and International Law." In this article the author points out that, whereas under all other legal systems national law supersedes international law, under the Jewish system, international law is integrated on the basis of the Seven Noahide Commandments which are to be observed and enforced by all nations. Only the acceptance of the Jewish point of view of international law can guarantee lasting peace for the world as well as for the Jewish people.

The few articles reviewed here will give the reader an idea of a book which deserves the attention of every Jew concerned with his people's survival. Rabbi Jung's editorial efforts in collecting and presenting so much valuable and informative material must be highly commended.

St. Joseph, Mo. SELIG S. AUERBACH

AMERICAN JEWISH HISTORY

THE LIFE OF JUDAH TOURO (1775-1854). By *Leon Huhner*. The Jewish Publication Society of America. Philadelphia, 1946. XV + 192 pp.; with several illustrations.

THIS book is the first serious biography of an outstanding Jewish merchant in America. It is more than the story of a modest gentleman, patriot soldier, ardent Jew, in the days of the country's growth into a great nation and the tale of the part this Jew played in building New Orleans into the great metropolis of today. It is more than local history. Just as the chronicle of the clipper ships is more than the story of Boston, or the voyages of Derby's vessels transcends Salem interest, or the trading of the Astors, Lees, Jacksons, or the Morrises is of importance beyond their market places, so the activities of Judah Touro have wider meaning than that attaching to his person and locale. His life is part of the saga of America. Descendant of an ancient Spanish-Portuguese Marrano family, son of the first rabbi of Newport, bold, upright, wise and far-sighted,

merchant prince and great philanthropist, Judah Touro led a life which embodied the romance of the far-flung frontiers of post-Revolutionary America.

Leon Huhner, a careful and competent historian, here presents, after long and patient research, the biography which tells of the youth born in 1775, orphaned at twelve, gaining his early experience as supercargo in sailing vessels on Mediterranean voyages, and coming finally, in 1801, to the French territory of Louisiana. In the war of 1812, a common soldier under Jackson he received a ghastly wound in the defence of New Orleans. His life was saved by a friend. Judah Touro was not only a great shipowner in the days when merchandising was a romance of world trade, but one of the early far-seeing promoters of steamships. He won his place as a builder of America. His gentle friendliness, philanthropies and wise leadership make his biography satisfying reading.

Today his name still lives, not only on tablets of eighteen synagogues of his day scattered over the nation and commemorating his generous support, but on the principal street and park of his native Newport. The Touro Hospital, the Touro Synagogue, the Touro-Shakespeare Almshouse are monuments of the New Orleans which he first knew as a French unpaved, small town of brick and plaster and logged foot paths and which, at his death in 1854, he left as a leading American community and important port.

Interestingly illustrated, its subject matter carefully annotated, this volume offers an important contribution to American Jewish history.

In this as well as in all biographies of Judah Touro, there are some unanswered queries which leave the reader unsatisfied. How was it that in the distant and small city of New Orleans, Judah Touro became the richest Jew of his time in the United States?

Boston, at this time, was still the country's leading trading center and its clipper ships sailing the seven seas traded to every port where there was a prospect of profit. Its vessels carried the wares manufactured in New England, cotton cloth, woolens, tinware, clocks, shoes, clothing, drygoods, rum, and firearms. That great American distributing market, moreover, resold importations from the Orient, the sugar of the West Indies, and even slaves from Africa.

Judah Touro had been a Boston boy. He had grown up in the household of his uncle, Moses Michael Hays, who was an outstanding figure in Boston business circles. His brother, Abraham Touro, was a successful merchant in that business center. Thus when, after his training in Boston, Judah Touro finally settled in New Orleans, his connections and acquaintance with his hometown stood him in good stead. Not only could he get there the selection of merchandise which could be handled most profitably in his local market, but the great Boston merchants, the Jacksons, the Lees, and others, having confidence to select him as their New Orleans agent, afforded him a steady stream of profit and commis-

sions. So important was this market to Touro that he maintained in Boston an active personal representative to keep him in touch with his correspondents and closely informed about market conditions. Thus, through his family and Boston business associations, Touro had unusual commercial advantages over other merchants in the remote, growing city of New Orleans in competing for the profitable Mississippi River trade. By such regular trustworthy market reports he was also able to eliminate much of the gamble others had to take as merchant adventurers.

Although Huhner (p. 101) refers to Touro "as the most influential member and mainstay of the Congregation"[1] *Nefutzoth Jehudah* (Dispersed of Judah), a reference to its constitution and by-laws, published in 1860 with a complete list of all its founders and members, shows that Touro, although a generous benefactor, was never a member of this congregation. The evidence available indicates even that, after his Boston days, he was never a member of any synagogue.

The only known reference to Touro personally attending a synagogue service is contained in two notes found in the *Occident* (vol. VIII, 1850, pp. 110, 111, and 317), both written by Rabbi Isaac Leeser, its editor. The one describes the consecration of the building which Touro had given the Dispersed of Judah Congregation:

> Owing to the well known character of Mr. Touro, who is averse to all ostentation, the number present on this interesting occasion was limited to about ten persons who had more or less to do with the matters in hand. . . . About half past ten on the above date everything being in readiness, Mr. Touro with his own hands applied the requisite mortar beneath the memorial stone. . . . It is to me a deeply affecting sight to behold this ancient Israelite who for nearly one half century had been living in New Orleans, far from any congregation of his people, devoting in his 75th year so noble a portion of his wealth to the service of his Maker and doing this without any parade whatever, feeling in truth that he gave for the sake of God what He had given him. Mr. Touro was most greatly moved.

The second note relates to the laying of the corner stone of the New Orleans synagogue Shaaray Chesed on July 21, 1850 "by the Ministers of the city, aided by other Israelites, among whom Mr. Touro was not missing." Isaac Leeser, the outstanding defender of Orthodox Judaism in America against the innovations which Isaac Mayer Wise was trying to introduce as Reform Judaism, was highly regarded by Touro, as evidenced by the bequest to him, in his will, of $3,000. It is therefore not surprising to find Touro in the audience when Rabbi Leeser came to New Orleans to speak.

[1] Huhner repeats Rabbi Leeser's much quoted description picturing Touro attending services as "a plainly dressed old man, seated in a corner in the upper portion of the synagogue, devoutly engaged in prayer, not throwing his eyes to the right or the left" (p. 100). I rather suspect this is a funeral eulogy by a friend who knew him from correspondence and only very occasional personal contact and observance.

Perhaps it was not altogether strange, that Touro was no synagogue attendant. When he settled in New Orleans in 1801, at the age of twenty-six, there were few, if any Jews in that city.[2] The Code Noir of 1685[3] had forbidden the settlement of Jews in French territory. Jews who settled in New Orleans after it became American territory, were small itinerant traders. A permanent Jewish community developed there only slowly. It has been said that Judaism in this section was "at a rather low level."[4] Not until 1828 had some German and French Jews founded Shaaray Chesed as New Orleans' first Jewish congregation. In 1845, Sephardic Jews with whom Touro had been accustomed to associate, formed their congregation.[5] Touro, then a rather lonely and shy old bachelor of seventy years, had been for forty-four years isolated from the worship to which he had been accustomed in his youth. It can, then, cause little surprise that he should not have found himself spiritually at home in a congregation where eventually its second Rabbi, James Koppel Guttheim, of Germany, at the time, preached in German.[6] The remarkable thing really is that Judah Touro should have demonstrated so genuine an interest in, and such wise discriminating acquaintance with, the synagogues widely scattered throughout the country, far from his New Orleans home, which he picked out to be beneficiaries under his generous will.

Boston, Mass. LEE M. FRIEDMAN

SOCIOLOGY

REFUGEES IN AMERICA: REPORT OF THE COMMITTEE FOR THE STUDY OF RECENT IMMIGRATION FROM EUROPE. By *Maurice R. Davie.* Harper & Brothers. New York and London, 1947. XXI + 453 pp.

THIS volume gives a comprehensive report of a unique period in the history of immigration to the United States—the period from 1933 to 1944. The immigration of the victims of National Socialist and Fascist

[2] Leo Shpall, "The First Synagogue in Louisiana," *Louisiana Historical Quarterly,* XXI (1938), pp. 518-531.

[3] Lee M. Friedman, *Jewish Pioneers and Patriots",* (Philadelphia, 1943), pp. 81-94.

[4] In 1825 the Cincinnati Congregation wrote to their bretheren in Charleston of conditions in New Orleans. "Had we a synagogue here hundreds from that city (New Orleans) who now know and see nothing of their religion, would frequently attend here during the holidays"; Max Heller, *Jubilee Souvenir of Temple Sinai,* (New Orleans, 1922), p 3.

[5] It was not officially chartered until 1847.

[6] The first Rabbi, Moses N. Nathan, proved rather ineffective. He failed to secure for himself and his synagogue any real following. During the few years he stayed in New Orleans it appears he lived largely on the charity of Touro. Perhaps it was the habit of taking care of this impecunious man that years afterwards, when Rabbi Nathan lived in London, induced Touro to provide by will a bequest of $3,000 for him and his wife.

persecution in Europe has its peculiar characteristics, and Professor Davie, one of the most outstanding contemporary sociologists, and his collaborators (five of whose names appear on the front page) are well aware of this fact. The above-mentioned Study Committee, with Alvin Johnson as chairman, a Sponsors Committee of about two hundred public and civic leaders, the use of case material, a complete filing system, statistics, questionnaires, and the personnel of the leading nation-wide refugee committees (National Refugee Service, American Christian Committee, American Friends Service Committee, Catholic Committee, United States Committee for the Care of European Children) give this book additional authority of unusual weight.

The twenty-one chapters deal with every phase of the fate of this relatively small group of less than 300,000 persons, from the time of their uprooting in Europe, to the period of settlement in the United States, including their contributions to the new country.

The book can be divided roughly into three parts: the legal background and the statistics of the migration; the technical handling of the refugee problems (individual and group) by voluntary agencies; and finally, the sociological structure of the group as a whole, and the reaction of the individual and his integration into the new community.

While the word "refugee" does not have any legal meaning, it has been used by the author diligently to characterize the wave of immigration that was not motivated by economic reasons like many waves of immigration preceeding it, but was seeking refuge from racial or political persecution. Careful analysis shows that the number of refugees who arrived in America as quota immigrants from Europe between 1933 and 1944 was about 250,000. There were nearly 200,000 non-immigrant arrivals during the same period who must be considered as refugees, but all of them except 15,000 had left the country again by 1944. The majority probably reentered as immigrants and are included in the 250,000 legal immigrants. Statistics concerning the number of Jews in this group are not conclusive, especially since an order by the Immigration and Naturalization Service abolished the designation "Hebrew" in the system of classification by races or peoples," on November 8, 1943. Yet, the estimate that 80% or more of the refugees were Jews by descent and religion appears conservative. The majority of the remaining 20% seem to be persons of Jewish extraction, or persons married to Jews who suffered from Hitler's Nuremberg laws. The emigration from Europe for purely political reasons between 1933 and 1944 is statistically small.

The largest part of the book deals with the interesting social features of this group, which was highly educated, and of the upper middle class with an unusually large percentage of manufacturers, merchants, and professional people. The book lists, among other things, not less than twelve Nobel Prize winners belonging to the group, and more than eight pages are devoted to a—rather incomplete—listing of outstanding scientists and artists who have since enriched American culture. The chapters

concerned with "Occupational Adjustment" and with the integration of professional groups ("Businessmen and Manufacturers," "Physicians," "Lawyers," "Professors and Scientists," "Artists and Writers," etc.) make up more than one third of the volume and contain a wealth of material that can hardly be evaluated in a brief review.

Special questionnaires and experienced interviewers have provided valuable information giving an overall picture of definite success in the resettlement of a highly specialized intelligentsia that had been educated and trained in a European environment and had reached the United States when most of its members were already at an advanced age (only 17% of the immigrants were below 16, and 22% were over 45 years old).

Great emphasis is laid on the cultural adjustment of the group or what is often called, in the book, "assimilation" or "absorption." One is impressed by the importance given to this problem in the chapters, "What the Refugees Think of America," "Organized Life of the Refugee," "What Americans Think of the Refugee," and finally, "Solution of the Refugee Problem."

The age-old fear that the immigrant Jew is the cause of antisemitism in his new community again comes to the surface and the urgent need for dispersion of the group and for its disappearance through "assimilation and absorption" is emphasized. But we know that the tendency of individuals to stay together, to join members of their own group, to prefer specific cities or quarters where they will not be "strangers," where people speak the same language, eat the same food, and carry out the same customs as they were and are doing, springs from psychological self-defense against the threats of a new and unfriendly environment that shows all the primitive reactions against the newcomer. Only very few who were driven from their homes, their native culture and their original customs carry with them enough mental strength to accept voluntarily an environment that does not share with them their language, habits and understanding.

It is questionable whether it is really the best immigrant material that fits into Professor Davie's formulation that "most want to forget the old country as quickly as possible." It is very often not the "old country" as such, but "the cultural background," which cannot and should not be "forgotten," as it is very often the most valuable asset the immigrant has been able to take with him. The preservation of self-respect and of values are highly important factors in resettlement and in the rebuilding of social, economic and professional life. People of an advanced age are very much in need of the preservation of a group life that is close to what they were accustomed in their formative years, in order to permit the use of their mental reserves. It seems that the best immigrant is not the one who "forgets" his past but the one who has the capacity to add the cultural values of his new country to the positive values of his past, and who enriches rather than replaces his own cultural stock. Such a process needs time, and it is dangerous to deprive the refugee of important support

like the use of his old language or the contact with people of his own kind before he has taken new roots. The best immigrants in the group have not been "absorbed" nor "assimilated" (the latter is rather a surface process), but have been integrated into the new society. It seems that integration has been achieved to a high degree by this group in the United States and that is why they have been able to make the contributions in peace and war that the book clearly demonstrates.

It is interesting to note that the distribution of the group within the forty-eight states has followed the lines of previous immigrations, i. e., the same eight states that have the highest percentage of foreign-born population, have also accepted the highest percentage of refugees, with New York and Pennsylvania heading the list. In the closing chapter, Professor Davie emphasizes the fact that America has not only not been damaged by the refugee immigrants, but has actually been benefited, and that it is our moral obligation to contribute largely to the solution of the Displaced Persons problem, by accepting them into our midst. He quotes President Truman who has urged this as a matter of "common decency and the fundamental comradeship of all human beings."

America can look back proudly on her achievement of saving and accepting more than a quarter of a million victims of Nazi and Fascist persecution and of permitting them to rebuild their lives in decency and to join forces with their brothers in America.

New York City. WILFRED C. HULSE

BIOGRAPHY

BRANDEIS: A FREE MAN'S LIFE. By *Alpheus Thomas Mason.* The Viking Press. New York, 1946. Pp. XIII + 713, with 28 illustrations.

THE late Supreme Court Justice Brandeis made work for his biographer easy and difficult at the same time. The author of his monumental biography informs us that Brandeis had a natural archival bent and enjoyed filing significant materials. He began to indulge in this trait as early as 1875, and by 1900 it had become a fixed habit. The results are unique because of the length of the period covered and the formidable mass of papers accumulated. The biographer not only had full access to all these public papers and documents, but memoranda, diaries, notebooks, and personal correspondences were also placed at his disposal. This material, in itself overwhelming, was moreover supplemented by official records, reports, and pamphlets, scores of files of magazines and newspapers bearing upon Brandeis's career and manifold activities. Patient and devoted study, deep understanding and wise restraint were necessary to prevent the picture drawn from being marred rather than illuminated by the wealth of material available. The result of the author's efforts proves that he has successfully mastered his task. The life and work of one of

the greatest lawyers and philosophers, the great man and Jew, Brandeis, rise before the admiring eyes of the reader.

Brandeis was descended from a Jewish family of old culture, which had settled for many generations in Prague, the Bohemian capital. His parents, Adolf and Fredericka (Dembitz) Brandeis, came to America in 1848/1849 with a group of twenty-six members of the Brandeis, Dembitz and Wehle families despairing of political and economic conditions in Austria, in quest of liberty. "Brandeis and Crawford," a wholesale grain and produce business founded by Brandeis' father in Louisville, was an important purveyor of food supply to the Union army in the Civil War. After attending public school in Louisville Brandeis went abroad and studied at the Annen-Realschule in Dresden, Germany (1873-75). He withstood the enticement to prepare for a medical or academic career in Europe, and returned to America to study law. Without a college degree he entered the Harvard Law School and was graduated with honors before reaching the required age of twenty-one. After graduate studies at Cambridge, Brandeis was admitted to the bar and for some months practiced in St. Louis, Mo. In 1879 he returned to Boston and founded the law firm, Warren and Brandeis. In 1897 the name was changed to Brandeis, Dunbar and Nutter. In 1182-83 he taught at Harvard Law School but declined an assistant professorship. In 1886-87, he helped to found the Harvard Law Review, the first of these academic periodicals which have since become so important for legal education. Brandeis remained a practicing lawyer until his appointment by President Wilson as Associate Justice of the United States Supreme Court, in 1916. In 1939, he retired from active service on the bench.

Through the experiences and teachings of his parents, Brandeis was from his early youth imbued with an active devotion to free institutions and the processes of democracy as means of enhancing the dignity and releasing the potentialities of the common man. His general views of law deviated from the traditional conceptions. He did not view social and economic life merely in the light of the logical fictions built up by jurists, and had little esteem for a "jurisprudence of concepts" which would keep both society and the law in rigid and unchangeable form. He did not believe in the legal philosophy which interprets law on the basis of judicial precedents only. From his deep understanding of the economic system and its complicated machinery sprang his conviction that the making and application of laws require constant change to fit the needs of a social order that was not static. In his practice Brandeis argued many precedent-setting cases concerning railroad and insurance companies, trusts and other powerful organizations. Steadfastly maintaining the independent standing of the profession he always fought for the principle that the law must be construed in harmony with the conditions and opinions prevailing at the time. According to Brandeis, if judges are to safeguard the principles of law, they must adjust it to changing needs. The American constitution is to be considered a framework into which new concep-

tions of the law must be fitted, not a barrier against their admission to constitutional status. (Brandeis' advocacy of the constitutionality of state minimum wage and maximum hour legislation in the famous Oregon case is considered one of his most significant activities in his career as a lawyer). Motivated by such ideas Brandeis finally arrived at a unique legal and social philosophy aiming at "a truer democracy" and a cooperative order which would curb the rising domination of giant finance and industry within the worldpower, into which the America of the frontier period had grown. Much of Brandeis' philosophy was later to become the foundation of the New Deal program. In a solemn resolution in memory of Brandeis, the Bar of the Supreme Court of the United States stated: "Mr. Justice Brandeis stands with the half dozen giants of our law, wise, strong, and good . . . The country is vastly indebted to him for his creative work in the field of labor relations, in dispelling misunderstandings between management and labor, and in making collective bargaining an effective instrument for industrial peace." Thus he helped to build the modern foundations of social justice.

Brandeis believed that the strength of America lies in diversity, not uniformity; that the different cultures and traditions of its people could and should be preserved and fostered. This conviction was the root of his understanding of Jewish nationalism and of his ability for Zionist leadership. One can trace the evolution of his mind from indifference to the Jewish problem (to the age of fifty) through sympathetic interest in Zionism, to a passionate espousal of the cause of establishing a Jewish National Home in Palestine. Brandeis joined the Zionist organization when European Zionism, disrupted by the First World War, was in need of powerful support in America. From 1914-1918 he was chairman of the Provisional Committee for General Zionist Affairs, from 1918-21 honorary president of the Zionist Organization of America, from 1920-21 honorary president also of the World Zionist Organization. In cooperation with Rabbi Stephen S. Wise, Judge Julian W. Mack, and Professor Felix Frankfurter, Brandeis advocated, in order to secure united action on a democratic basis, a congress, representing all Jewish organizations, which should formulate demands for full civil rights for Jews all over the world,—a forthright policy which would eliminate reliance on the influence of special groups. Under his leadership the Zionist Organization steadily gained political influence and was able to play a decisive role in the events which led to the issuance of the Balfour Declaration in 1917 and the award of the Palestine Mandate to Great Britain. In 1920, in the document known as the "Zeeland Memorandum" Brandeis drafted a historically significant statement on the solution of Zionist problems in Palestine. He saw in this great creative activity the fulfillment of a prophetic vision, the building of a haven of refuge against intolerance and oppression, and the opportunity to realize his most cherished ideals of democracy and social justice.

The above brief data put together here in encyclopedic fashion cannot impart to the reader the exhaustive and interestingly written biography of Brandeis actually presented. Although richly detailed it does not lose itself in minutiae. Rather, it depicts in a masterly way the historic evolution of the great movements and ideas with which Brandeis identified himself. Perhaps the most impressive illustration is chapter twenty-nine, "International Justice and the Jews," covering the period 1912-1921, which treats of Brandeis as Jew and Zionist leader. It is probably the best historical analysis of that important episode in Brandeis' life, based on external and internal evidence and written with deep understanding though with the detachment of a true historian.

The book is and will remain the classic biography of one of the greatest American Jews.

Jewish Institute of Religion GUIDO KISCH

NECROLOGUES

Raphael Straus
1887-1947

ON May 3, 1947, Raphael Straus, noted historian and author died suddenly, the victim of a heart attack. Descended both on his father's and mother's side from Jewish families of old renown, he was born on February 25, 1887 in Karlsruhe, Baden, Germany. After his graduation from college in Frankfurt, he studied history and philosophy at the universities of Freiburg, Berlin, and Heidelberg, and took his doctor's degree at the last-mentioned university. His doctoral dissertation, *Die Juden im Königreich Sizilien unter Normannen und Staufern* gave an account of the history of the Jews in Sicily, during the twelfth and thirteenth centuries, based on a profound study of all available source material. It appeared in 1910, in the "Heidelberger Abhandlungen zur mittleren und neueren Geschichte," an official serial publication, in which only a selected number of the best works of young scholars was published. Straus's interest was temporarily diverted from Jewish history, and in 1913 he founded the publishing firm, Holbein Verlag, in Munich, which devoted its efforts to the history of art. Illustrated works such as Rembrandt's Collected Etchings, Duerer's Collected Etchings, and Duerer's Collected Woodcuts, issued by the Holbein Verlag, won national and international acclaim for the publishers. The nationalistic German newspaper, *Deutsche Rundschau,* stated in a lengthy review: "Was der Holbein Verlag in seinen Rembrandtmappen geschaffen hat, muss man schlechthin als eine Grosstat des deutschen Kunstverlags bezeichnen."

But the publishing house venture remained merely an intermezzo in Straus's life. He decided to devote it to Jewish history anew and permanently when, in 1927, the Association of Bavarian-Jewish communities commissioned him to prepare an *Urkundenbuch* for South Germany, which was to contain all documents pertaining to the history of the Jews in that region. Research in German and Austrian archives led first to the publication of a new monograph, *Die Judengemeinde Regensburg im ausgehenden Mittelalter,* which again appeared in the "Heidelberger Abhandlungen" (Heft 61, 1932). This book contained, however, only a small portion of the results of Straus's archival investigations. After the publication of books was no longer possible for Jews in Germany, the history of the Jewish community of Regensburg was combined with that of Augsburg. In English translation both fill a volume in the "Jewish Communities Series" of the Jewish Publication Society, *Regensburg and Augsburg* (Philadelphia, 1939). Shortly after the outbreak of German barbarism under Hitler, the theme of Straus's book on the Jewish com-

munity in Regensburg was misused by Nazi pseudo-scholars to arouse public opinion against the Jews. First an attack on the author was published in the *Völkischer Beobachter*, whereupon he was compelled to submit the page proofs of his *Urkunden und Aktenstücke zur Geschichte der Juden in Regensburg im ausgehenden Mittelalter* to the Nazi "historian" of the Jews, Wilhelm Grau. The latter took advantage of Straus's researches and collected materials, and published his notorious dissertation, *Antisemitismus im späten Mittelalter: Das Ende der Regensburger Judengemeinde* 1450-1519, with a Preface by Karl Alexander Müller, professor of history at the University of Munich. Jewish scholarship was doomed. While the *Zeitschrift für Geschichte der Juden in Deutschland*, of which Straus was managing editor from 1929-1937, was required to publish an antisemitic pseudo-scholarly article by Grau (VI, 1935, pp. 186-198), the Gestapo burned Straus's *Urkundenbuch*, of which only four or five copies survived. The history of these infamous beginnings of the Nazification of scholarly literature in Germany is still to be written.

Straus went into exile to Palestine and continued his researches in Jewish history in Jerusalem, in spite of the fact that the Hebrew University had no room for him. His numerous contributions to the history of European Jewry, particularly to the economic history of the Jews during the Middle Ages, appeared in scholarly journals in America. Of special interest is his article, "The Jews in the Economic Evolution of Central Europe" (*Jewish Social Studies*, III, 1941, pp. 15-40), in which he set forth in broad outline the economic function of the Jews in the evolution of medieval society. Straus's last article published during his lifetime, "The Baal Shem of Michelstadt: Mesmerism and Cabbala," appeared in *Historia Judaica*, VIII, 1946, pp. 135-148. A comprehensive work, *Gateway to the Jewish Problem*, awaits posthumous publication.

The diligent and unselfish work of an enthusiastic scholar and devoted Jewish historian was prematurely terminated shortly after his arrival in the United States, where he hoped to find a permanent opportunity for study.

New York City GUIDO KISCH

LUDWIG FEUCHTWANGER
1885-1947

LUDWIG FEUCHTWANGER, historian and author, died after a short illness, on July 14, 1947, in Winchester, England.

On his father's as well as on his mother's side he was descended from old Jewish families of Southern Germany whose numerous generations can be traced back to the sixteenth century. Feuchtwanger studied history, economics, and jurisprudence at the universities of Munich and Berlin, and earned his Ph. D. at the latter university with a dissertation on the social trends in the era of the Reformation ("Geschichte der sozialen Politik und des Armenwesens im Zeitalter der Reformation," published in Schmoller's *Jahrbuch für Gesetzgebung*, Vols. 32 and 33). In 1913 he was admitted

to the Bar in Munich, and from 1914 to 1936 occupied there the position of editor in the renowned publishing house of Duncker and Humblot. In this capacity he was editorially responsible for the publication of the main works of such German historians and sociologists as Mommsen, Ranke, Schmoller, Lujo Brentano, and Max Weber. This activity came to a sudden end through Hitler's accession to power. Feuchtwanger was imprisoned in the concentration camp at Dachau, and could escape to England only in 1939. There he worked as an accountant until his appointment as interpreter in a United States Army unit in 1945 and, shortly before he died, he became a lecturer in German prisoner of war camps in England.

Feuchtwanger was a Jewish historian and sociologist of rank. He lectured at the "Jüdisches Lehrhaus" of Munich and in numerous institutions for Jewish adult education all over Germany. From 1929 to 1939 he edited the "Bayerische Israelitische Gemeindezeitung," the weekly published by the Jewish community of Munich. It was outstanding among the numerous "Gemeindeblätter" of German-Jewish communities because of its high level maintained under Feuchtwanger's editorship. Numerous contributions of scientific value appeared there written by fine scholars. Many are from Feuchtwanger's pen. The titles of all his lectures, articles, essays, contributions to the *Encyclopaedia Judaica,* and book reviews would fill a large bibliography. Only a few of them can be singled out here: "Das Bild Mendelssohns bei seinen Gegnern bis zum Tode Hegels," in *Zeitschrift für die Geschichte der Juden in Deutschland,* I (1929), pp. 213-232; "Neue Forschungsaufgaben für die Geschichte der Juden im Mittelalter," in *Jahrbuch für jüdische Geschichte und Literatur,* XXX (1937), pp. 95-130; "Judentum, Judenheit und die Entstehung des Kapitalismus," in Schmoller's *Jahrbuch* (1911).

In 1937, shortly before the destruction of the Munich synagogue by the Nazi vandals, Feuchtwanger joined the present writer in the editorship of the memorial volume, *Festgabe: 50 Jahre Hauptsynagoge München* 1887-1937 (Munich, 1937), which presents a brief history of that Jewish community from the twelfth to the eighteenth century, and an extensive historical account on the synagogue and the religious life in Munich in the past one hundred years. In 1936 Feuchtwanger republished Heinrich Graetz's early work, *Die Konstruktion der jüdischen Geschichte* (Schocken Bücherei, Vol. 59), to which he added a profound essay on Graetz's philosophy of Jewish history entitled, "Die Geschichtstheorie des jungen Graetz von 1846."

Feuchtwanger's last book, *Epochs of Jewish History,*" a presentation of the entire history of the Jewish people in the form of separate essays on the decisive historical periods exists almost completed as a manuscript. It was intended to become his principal work. It is to be hoped that this book comprising the essence of Feuchtwanger's historical studies and thoughts postumously will find a publisher and thus perpetuate the memory of this encyclopedic historian and profound thinker.

New York City LEO BAERWALD

NOTICES OF RECENT PUBLICATIONS

Leo Baeck, *The Pharisees and Other Essays.* Schocken Books, New York, 1947. VII + 164 pp.

Yitzhak F. Baer, *Galut.* Schocken Books. New York, 1947. 123 pp.

Owen J. Blum, *St. Peter Damian: His Teaching on the Spiritual Life.* The Catholic University of America. Washington, D. C., 1947. VIII + 224 pp.

Bernard M. Casper, *With the Jewish Brigade.* Edward Goldston. London, 1947. 128 pp.

Israel Cohen, *The Zionist Movement.* Zionist Organization of America. New York, 1946. 400 pp.

Edoth: Anniversary Issue in Honour of the 60th Birthday of Rabbi J. L. Zlotnik. Palestine Institute of Folklore and Ethnology. Jerusalem, 1947. Pp. 113-163 of *Edoth,* Vol. II (1946-47) (Hebrew).

S. D. Goitein, *From the Land of Sheba: Tales of the Jews of Yemen.* Schocken Books. New York, 1947. 122 pp.

Israel Halpern, *The Hasidic Immigration to Palestine During the Eighteenth Century.* Schocken Publishing House Ltd. Jerusalem, 1946. 80 pp. (Hebrew).

Moses Hadas (Editor), *Solomon Maimon: An Autobiography.* Schocken Books. New York, 1947. 116 pp.

Seymour Krieger, *Nazi Germany's War Against the Jews.* The American Jewish Conference. New York, 1947. XIX + 618 pp.

Sol Liptzin, *Peretz.* Yivo Bilingual Series. Yiddish Scientific Institute—Yivo. New York, 1947. 379 pp.

Raphael Patai, *Man and Temple in Ancient Jewish Myth and Ritual.* Thomas Nelson and Sons Ltd. London, 1947. IX + 227 pp.

Jacob Shatzky, *The History of the Jews in Warsaw.* Volume I: From the Beginnings to the Uprisings of 1831. Yiddish Scientific Institute—Yivo. New York, 1947. 348 pp. (Yiddish).

Zevi Scharfstein, *History of Jewish Education in Modern Times.* Volume II. Shilo Publishing House. New York, 1947. XIV + 417 pp.

Hermann Schwab, *A World in Ruins: History, Life and Work of German Jewry.* Edward Goldston. London, 1946. 316 pp.

Ernst Simmel (Editor), *Anti-Semitism: A Social Disease.* Iternational Universities Press. New York, 1946. XXVII + 139 pp.

Roman Vishniac, *Polish Jews: A Pictorial Record.* Schocken Books. New York, 1947. 31 pp. 4°.

Karl Wolfskehl, 1933: *A Poem Sequence in German and English.* Schocken Books. New York, 1947. 121 pp.

United Nations Special Committee on Palestine. Vols. I-III. Official Records of the Second Session of the General Assembly, Supplement No. 11 [Columbia University Press]. New York, 1947. 65 + 64 + 247 pp.

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THE LEGAL AND SOCIAL HISTORY OF THE JEWS

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Historia Judaica

SOCIO-HISTORICAL IMPLICATIONS OF MODERN HEBREW LITERATURE

By Simon Halkin
Jewish Institute of Religion
New York City

I

The Humanistic Trend*

MODERN Hebrew Literature, if not entirely secular, is essentially humanistic in character. It begins to develop in Italy in the first half of the eighteenth century. From then on it has reflected the overwhelming vicissitudes of Jewish life in the last two hundred years. It is in the course of these last two centuries that Jewry has consciously sought to normalize its life, to humanize it in terms material as well as spiritual. Straining to break out of the "ghetto", Jewry has consciously striven to achieve greater happiness in all phases of worldly existence—political and economic, social and cultural; and it is within these last two hundred years that a greatly ramified Hebrew literature develops which records the new Jewish aspirations for a richer and happier life on earth. At the same time, however, this new literature is also preoccupied with the problem of Jewish historical continuation. On the one hand, it watches most sympathetically the Jew's growth and development in the human sense. It bids the Jew to expand, to widen his capacities for the enjoyment of material and spiritual modern civilization. Yet, first less consciously, but ever more so as the process of

* The present essay was conceived and intended for the forthcoming one-volume encyclopedia, *The Jews*. Since only a very much condensed abstract can be included in that volume, the essay appears here in its original, unabbreviated version.

inner and outer emancipation unfolds, the literature ponders one paramount question: How can the Jew continue *qua* Jew while all his energies are bent upon the humanization of his life, with the consequent disintegration of those folk-patterns of his group-existence which in the protracted history of Jewish medievalism had molded his distinct and distinctive identity?

These two aspects of the socio-historical implications of Jewish emancipation interact in various degrees of intensity in the course of the development of modern Hebrew literature. It is, therefore, worth considering, first, the chronological and geographic data of the new Hebraic letters. From about 1720-1820, modern Hebrew literature is localized in Western and Central Europe—in Italy, Holland, and Germany; from about 1810-1850, in Austria or rather Galicia; from about 1840-1920, chiefly in Russia and in Poland; since about 1900—in Palestine, and to some extent in the United States. In its entire sweep, however, it has persisted in viewing the modernization of Jewish life as a complex experience affecting Jewry as a whole, rather than the one given Jewish community which at the given time comes to be confronted with the problems involved in its own local emancipation. Since Jewish emancipation progresses much more rapidly in Western and Central Europe than in Eastern Europe, particularly in Tsarist Russia (where the bulk of world-Jewry continued to live in a practically incapacitated political state until the Russian Revolution of 1917), modern Hebrew literature for over one hundred years of its history, is inspired by Western ideals of humanism and progress which it preaches above all to Eastern European Jewry.

The political emancipation of European Jewry in the course of the last one hundred and fifty years followed upon, rather than preceded, Jewish economic expansion with its consequent cultural and, to some extent, social emancipation. Western European Jewry, in whose midst modern Hebrew literature begins to develop in the eighteenth century, seeks to regard itself as well-integrated into the non-Jewish civilization of the lands of its sojourn by the end of

that century. This new cultural adjustment real or assumed, is soon sanctioned by the achievement of "equality of rights" in country after country. Western European Jewry, therefore, loses interest in modern Hebrew letters within a few decades after the latter begin to reflect its aspirations for the emergence from the "ghetto". Eastern European Jewry, on the other hand, throughout the nineteenth century and the first two decades of the twentieth, continues to yearn for the expansion of its life, without being afforded the opportunities of a richer and happier existence. Modern Hebrew literature, therefore, through most of the nineteenth century, continued to bespeak the same cravings for a broadened Jewish existence which initiated it in the first half of the eighteenth century in Western Europe. Thus, for over a hundred years modern Hebrew literature concentrates upon the lure of wordly happiness to which it calls Jewry, tacitly assuming that the humanistically inspired Jew will somehow survive *qua* Jew in his new worldly selfhood also.

The spirit of modern Hebrew literature, beginning with the still strongly allegorical poetry of Moses Hayyim Luzzatto, (1707-1747), and throughout the century of *Haskalah,* or *Enlightenment,* (1781-1881), can perhaps be best understood in terms of a strange intellectual unrest in Jewry which is reminiscent of the European Renaissance of the fifteenth and sixteenth centuries. Jews experience an inner dissatisfaction with the narrow confinement of traditional Jewish intellectual endeavor, with its exclusive absorption in the intricacies of rabbinic lore. Wider and more colorful interests begin to urge themselves upon them. These new needs are voiced by the new Hebrew literature, which not only encourages the impulsion towards intellectual expansion, but also produces works to satisfy the new urge. In Italy, a mystic and pietist like Moses Hayyim Luzzatto produces deeply moving humanistic poetry, chiefly pastoral dramas, or dramatic allegories, in which he celebrates the beauties of nature, the glories of love and friendship, and the sense of metaphysical wonder roused by the contemplation of the multifarious universe. These annunciations of a basically "secular" Hebrew poetry are to be emulated by scores of poets in the

next one hundred years. In Amsterdam, David Franco, (1713-1792), exploits some narrative material of the Bible in his poetical dramas, written under the influence of Racine. In Germany, Naftali Hartwig Wessely (1725-1805) writes his voluminous *Shire Tiferet,* or *Mosaide,* in which he purports to poeticize the figure of Moses and the story of Exodus. But he also discourses in it on the virtues of the soul in its endless aspirations for the sublime, for piety and intellectual illumination. The historical, chiefly biblical, theme and the smaller lyric poem, were destined to enrich Hebrew literature in the next decades through the work of a galaxy of men, some of them poets of marked ability—Isaac Satanow, (1732-1805), author of *Mishle Asaph* ("Parables of Asaph"); Eliahu Halfan Halevy, (c. 1760-1826), celebrated for his poem, *Hashalom* ("Peace"), in which he impressively sings the Napoleonic triumphs; Shalom ha-Cohen, (c. 1772-1845), who glorifies David as the acme of human perfection; Meir Halevy Letteris (1800-1871), notable as much for his translations, or rather adaptations, of *Faust* and Byron's *Hebrew Melodies* as for his original lyrical poetry, some of it in a moving folk-vein; the rigorous and brooding intellectual Abraham Baer Lebenson, (1794-1879), and his son, the highly imaginative, true lyricist and imagist, Micha Joseph Lebenson, (1828-1852); and last, but not least, Jehuda Leib Gordon, (1830-92), contributing to the romantic poetry of the period in the first stage of his creativity. Perhaps, with this type of work, chiefly illustrative of the humanistic trends of the age, both intellectual and aesthetic, the highly poetical novels produced by Abraham Mapu, (1808-1868) whose background is formed by such chapters of biblical history as the reign of Hezekiah and the last years of the Northern Kingdom, should also be mentioned. However, even the list of authors just cited hardly suggests the wealth of material in modern Hebrew literature to satisfy the new psychological needs—some of them purely artistic—of both the authors and the readers of the age. The purely aesthetic longing of the period is vividly manifested by the re-awakened interest in the beauties of biblical Hebrew. It was that interest, above all, that resulted in the *Biur,* a liter-

ary Hebrew commentary on (and a tranlation into German of) the Bible undertaken under the leadership and with the cooperation of Moses Mendelsohn. The same interest produced a great number of works in Hebrew grammar, lexicography, the style, and *ars poetica* of the Bible. The latter is best represented by *Melizat Yeshurun,* whose author, Solomon Lewisohn, (1789-1822), was one of the greatest poets of the period. In short, beginning with the first half of the eighteenth century, the artistic cravings of Hebraic creativity tend to bespeak the renascent humanism of the new age in Jewish history.

Yet, if isloated, the aesthetic aspects of modern Hebrew literature by far do not exhaust the nature of the intellectual unrest of the age. The literature not only preached the urgency of intellectual expansion, but also made strenuous efforts to satisfy the hunger for knowledge, for a comprehensive and rational understanding of the universe, of human society, and of the Jew's own place in both. Even in one of the earliest stages of its development, 1781-1820, in Germany, Hebrew literature produced numerous popular works in every field of intellectual endeavor — in the natural sciences, in mathematics, in history and geography, in philosophy and in ethics, in education and pedagogy. This upsurge of intellectual inquiry included a special zest for a rational understanding of Jewish historical civilization. Works on the Bible and the Talmud, research in medieval philosophy and poetry abound. Jewish scholarship is adorned by the magnificent, though quantitatively small, achievements of Nachman Krochmal (1785-1840), whose brilliant studies—in Hebrew—not only were among those that blazed the path for subsequent generations of students of Bible, Talmud, rabbinics, and Jewish mysticism, but also constituted a well-organized system of the philosophy of Judaism as an organic and undying national civilization. So-called "Jewish Science" in the Hebrew language was further enriched by the ingenious research of Solomon Judah Rapaport, (1790-1867); Zechariah Frankel (1801-1875); Samuel David Luzzatto, (1800-65); Isaac Hirsh Weiss, (1815-1905); and lesser luminaries in this field like Joshua Heshel Shor, (1814-1895);

Abraham Krochmal, (1818-1888); and Adolph Jellinek, (1821-1893).

The periodical literature of the age, beginning with the renowned *Measeph* ("The Miscellany"), established in 1784, and on through *Bikkure Ha-Ittim,* (1820-31), *Kerem Hemed* (1833-1842), *Ha-Maggid,* (est. 1856), *Ha-Carmel,* (est. 1860), and *Ha-Shachar* (est. 1868), is a storehouse of Jewish scholarship, abundantly testifying to the profound interest in Jewish historical civilization which the intellectual curiosity characterizing the age inevitably induced.

II

Rationalism, Romanticism, and Realism

The one hundred years, 1781-1881, during which modern Hebrew literature pursued ideals of purely humanistic expansion of Jewish life most consciously, is subdivided into three periods. The first, 1781-1830, is called the period of rationalism. In those years Hebrew letters championed the rational secularization of Jewish socio-cultural life, and sought to defend the new secular ideals against the opposition provoked in orthodox Jewry. The second, 1830-1850, is called the period of romanticism, for in those decades Hebrew authors, under the influence of a revived consciousness of the great work of the Jewish past, nostalgically endeavored to harmonize their secular ideology with the spirit of traditional Judaism. The third, 1850-1880, is the period of realism, because in those years Hebrew authors developed a cruelly sober sense in viewing the anomalies of Jewish life in Eastern Europe. They waged offensive warfare upon petrified Jewish traditionalism which they regarded as the main cause of all that seemed to them socially and culturally unwholesome in Jewish ghetto-existence.

Such a division of Haskalah letters into clearly marked-off periods may appear legitimate from a literary point of view. From a purely social viewpoint, Haskalah literature as a whole is a peculiar blend of rationalism, romanticism, and realism. The rationalistic element is dominant insofar as the Jew is incessantly urged to use reason in appraising his life,

in diagnosing the social, economic and cultural ills from which he suffers in the ghetto as well as in devising ways and means to correct these ills. Such a diagnosis, of necessity means a courageous, and frequently cruel examination of the realities of Jewish existence. This is why Haskalah literature tends towards realism throughout its development. Yet, it never quite ceases to be romantic in one definite sense. For all its rationalism it seems ever-inspired by a romantic faith in the essential nobility of universal man and by an implicit confidence in the Jew's own powers to survive as a Jew even when he has lost much of his ghetto-otherworldliness. Thus, from the social point of view, the spirit of Haskalah letters is rather eclectic. With a faith that may seem naive, even maudlin, the literature of the period preaches to the Jewish masses the supremacy of reason, of man's powers to think for himself, rather than rely upon hidebound tradition, as the most efficacious means at the disposal of the Jew to improve his life on earth. In the philosophic sense, therefore, Haskalah meant the adulation of the intellectual capacities of man, which make for a harmonious physical and spiritual life. In its applied sense, on the other hand, it meant education—instruction in the European languages, the language of the state above all, in the natural sciences, and in aesthetic appreciation; vocational training with a view to the improvement of the occupational distribution of the poverty-stricken Jewish masses in Eastern Europe; and the Westernization of folk-ways and manners.

Hence, the peculiar cleavage between the poetry and the prose of the Haskalah period. Both idealize the intellect as the most trustworthy assurance of bliss accessible, not only to the individual Jew but to Jewry as a whole. Yet, the naive faith which for a hundred years Hebrew literature maintains in the intellect as the key to Jewish happiness, sharply contradicts the cruel realism with which this same literature analyzes its milieu—in Eastern Europe, above all. The poetry of the period, therefore, represents the vision of the good life by which it is inspired, while the prose largely mirrors the concrete shabby realities of the Jewish environment. The ideal of Haskalah poetry is the well-rounded

human personality which the Jew must develop along intellectual and emotional lines, in contradistinction to the anemic other-wordly being that is the ghetto-Jew. This ideal Jew loves nature; is sensitively attuned to the beauty of woman, her spiritual attractiveness above all; he thrills to the joys of perfect friendship, and instinctively responds to poetry and music. Intellectually, he is just as wide-awake and well-balanced. His mind organizes into a harmonious philosophic system his impressions of the glories of the universe, and science helps him soar into the regions of pleasurable metaphysics. As to the occupational activities of its ideal Jew, Haskalah poetry only suggests that he may incline towards the idyllic pursuits of the ploughman or the shepherd. In short, Haskalah poetry presents the protagonist of its ideal Jewish life as forever living in a kind of Arcadia. Only in the last two decades of the period does it begin to pay attention to the crass realities of Jewish ghetto-life, as mirrored in the satirical realistic poems of Juda Leib Gordon in his post-romantic stage.

Not so the prose of the Haskalah age. While the latter also pays homage to reason as the key to worldly happiness which the Jew must forge for himself, the author of Haskalah-prose is almost exclusively aware of the real Jew whom he seeks to help in the ghetto rather than of the ideal Jew to come of whom the poetry sings. It is, therefore, social-minded and utilitarian in its tireless insistence upon the practical necessities of Jewish social, economic and cultural change. Manual labor, the greater penetration into the arts and crafts, becomes with Haskalah prose a social ideal second only, perhaps, to the agricultural pursuit. The wholesome development of character is urged along lines of modernized school education. Superstition and petrified religious observance are assailed vehemently. The improvement of social manners, of Jewish garb, speech, and deportment, is continually preached. The pathetic assumption of the period is that, if the Jew in Eastern Europe would consent to change his ghetto-ways, he would automatically share with his non-Jewish environment the blessings of a richer material and

spiritual civilization: Haskalah-prose never loses sight of a purely tutorial function in its social mission.

Thus, the prose of the age produces, first of all, a type of pseudo-philosophic and semi-publicistic writings, in which the need for socio-economic and cultural reform of Jewish life, for the relaxation of some of the rigorism of religious observance is argued in the spirit of scholarly research. This type of writing is best represented by the work of such men as Isaac Bär Levinsohn, (1788-1860), Joshua Heschel Shor, (1814-1895), Abraham Krochmal, (1824-1895), and Moses Leib Lilienblum (1843-1910), in the pre-nationalistic stage of his career. The more strictly publicistic strain of this type of writing asserts itself more definitely with the development, from the eighteen-sixties on, of the newspaper, particularly *Ha-Melitz,* (1860-1903), edited first by Alexander Zederbaum, (1816-1893), and *Ha-Zefirah,* established in 1862, and edited in the first years of its career by the mathematician, Hayyim Selig Slonimsky, (1810-1904). The socially educational character of Haskalah prose manifests itself also in the fable, in the short story or sketch, and in the novel, most of which tend to be satirical in nature.

With very few exceptions, the satirical strain of Haskalah prose resulted in the most significant specimens of the artistic writing of the age. Joseph Perl (1773-1839), castigated the crude superstitions and vulgarities of Galician folk-Hasidism in his parodies of the Hasidic tale of wonder and miracle. Isaac Erter, (1792-1851), in his finely executed sketches of the same Galician environment strove to bring to the surface of his subtly wrought visions all the moral defections which he detected under the guise of extreme ghetto-religiosity. Perez Smolenskin (1842-1885), a prolyx, yet stirring novelist, succeeded in painting a veritable panorama of Jewish life in White Russia in the nineteenth century. His socio-cultural ideology, too, in the main, turned all his pathos into a violent arraignment of Jewish poverty, on the one hand, and orthodox bigotry on the other. Abraham Mapu is best known for his poetically inspired romances

based upon biblical history at about the time of the end of the Northern Kingdom. But he, also, becomes the satirical analyst of Jewish obscurantism in his longest novel, *Ayit Zavu'a* ("The Painted Vulture"), which is another wide canvas of the life of Lithuanian Jewry in the nineteenth century. The satirization of all that is unwholesome, supinely helpless and sterile in the Jewish ghetto of Eastern Europe is one of the main inspirations of the great Mendele Mocher Sepharim, (Shalom Jacob Abramowitz, 1836-1918), whose novels and stories, most of which were first written in Yiddish and later translated by himself into Hebrew, are a museum of Jewish realia in the ghetto of Eastern Europe. Satire is the characteristic of the imaginative writing of the Haskalah period, just as a kind of romantic rationalism is the ear-mark of the poetry of the period. The greatest representative of the poetry of the age, Judah Leib Gordon, also, from 1871 to the end of the Haskalah period, becomes almost exclusively the satirist in his poetical writing. In his fables, and especially in his pungently realistic narrative and dramatic poems he gives vent to his aching and violent indignation at the realities of contemporaneous Jewish existence. He passionately aspires for reform, not only of the rigors of ritual and observance, but also, and above all, of education, communal organization and economics. The one significant exception to the satirical character of imaginative prose in the Haskalah period is represented by the delightful humor of Mordecai David Brandstatter, (1844-1928). His short stories depicting the customs and mores of Galician Hasidism as well as the veneer of culture adapted by the small town *intelligentsia,* in a way, suggest the greater tolerance of the frailties of the denizens of the East-European ghetto which comes to characterize much of the writing of the post-Haskalah period, from the early eighties to the present day.

The contrast between the poetry and the prose of the Haskalah period implied an inescapably divided awareness on the part of the literature. Haskalah prose aspired for the same ideal Jew, humanistically wholesome and Jewishly

well-balanced, as did Haskalah poetry. But, while the latter celebrated the envisioned new Jew, the former ever remained sadly sober and embittered by the realization of the great distance between the Jew as he was and the Jew as he should be. This tragic awareness was deepened by another fact. To the extent that the humanistic ideals of the literature materialized, the emergent individual Jew tended to find his complete self-fulfilment in the non-Jewish civilization to which he had come to belong either through external political emancipation or through internal social and cultural emancipation. On the other hand, the large masses of unemancipated Jewry, throughout the period under discussion, responded but slowly to the aspirations of the literature in their cultural growth. Thus, it becomes understandable why throughout this period the literature concentrated chiefly upon harranguing and pleading with the masses of unemancipated Jewry, which spurned the ideals of enlightenment, and regarded them as a heritical challenge to the traditional sanctities of orthodox Judaism. Even during these one hundred years, modern Hebrew literature was not entirely unaware of Jewish self-alienation constantly, and almost inevitably, resulting from social and cultural emancipation. Yet, it is only in the late seventies that it begins to shift its conscious attention to this other aspect of the problem also, to the fact that those Jews who are emancipated and embrace the humanistic ideology of the larger world, in the main, very soon are absorbed by that larger world, and tend to disappear as Jews. It is from the eighties onward, therefore, that Hebrew literature begins to concentrate upon this fundamental question, which heretofore it pondered only sporadically: How can the Jew survive as a Jew, distinct and distinctive, once he comes to share fully the cultural non-Jewish environment of the country in which he lives? With the emergence of this problem as paramount, modern Hebrew literature consciously enters the period of the so-called National Renaissance, whose pre-Palestinian stage extends from 1881 until about 1920.

III

The Penitent Mood

The composite mood of the literature during the first two decades of this new period is one of wistful penitence. In these years Hebrew literature revaluates all the values of Haskalah ideology. Almost abruptly, under the stunning blow of the Russian pogroms of 1881-1882, it stops chastising the Jew, and begins to sing the deeply human worth of Jewish folk-life and historical Judaism. The faith Haskalah literature had in liberalism, in the humaneness of the enlightened world, has been frustrated. The Hebrew author, who long advocated Jewish cultural self-liberation as a prerequisite for a more liberal treatment of Russo-Polish Jewry, especially by the Russian government and society, has been rudely jostled out of his dreams. "The eternal hatred of the eternal people", as Perez Smolenskin phrased it, is commonly accepted as the basic cause of Jewish misery. The exodus of Jewry from Russia, or mass migration overseas, is urged by no less a former advocate of Haskalah ideology than J. L. Gordon. The initiation of Zionism in the form of *Hibbat Zion* ("The Love of Zion") as an organized movement produces the first poets of modern Jewish nationalism. Constantin A. Shapiro, (1841-1900), writes ballads inspired by the Jewish folk-tale and dreams of redemption; Menahem Mendel Dolitzky, (1856-1931), is a veritable folk-singer of the budding Zionist sentiment; and Naftali Herz Imber, (1856-1902), author of *Hatikvah* and one of the first modern settlers in Palestine, publishes in Jerusalem (1886) his first collection of poems, in which he celebrates the promise of the restoration and the newly-established colonies in that country. Mordecai Zevi Maneh, (1860-1887), whose artistic gifts as a painter, perhaps, were greater than his poetical talent, writes only one Zionistic poem, which seems nevertheless to have articulated most poignantly the spirit of all his writing in its sense of personal forlornness (due to ill health), of love of nature, and of the hope of finding human as well as Jewish mental peace in the Land of the Fathers.

Jewish nationalism manifests itself even more effec-

tively in the intellectual writings of those decades. Even before the period of the Love of Zion, several authors of stature had appeared who concentrated upon the interpretations of the uniqueness of Jewish historical civilization. As early as the eighteen-seventies, Perez Smolenskin published his *Am Olam* ("An Eternal People") and *Et La-Ta'at* ("Time to Plant"), two long treatises in which he demanded nationalism, not in its chauvinistic sense, but as opposed to cosmopolitanism. In these works he sought to set forth the historical character of Jewry as a nationality with a civilization uniquely its own, although Judaism as a religion had constituted the essential element of that civilization, evolving throughout the ages as the national philosophy of life of the group in keeping with the national genius of Israel and the changing conditions of its history. At the same time Jehiel Michal Pines, (1843-1913), in his *Yalde Ruhi* ("Children of My Spirit"), published in 1872, interpreted Jewish tradition, Jewish ritual and ceremonial as the poetical expression of the intellectual and emotional life of a folk, and endeavored to prove, much in the spirit of Samuel David Luzzatto, that the Jewish national character had preserved itself chiefly through the preservation of religious practice. It was only natural, therefore, that with the emergence of *Hibbat Zion,* both Smolenskin and Pines should become its zealous and active spokesmen. They were joined by several other exponents of the new ideology, notably Eliezer Ben-Jehuda, (1858-1922), who, in two essays (1879) advocated the Jewish territorial concentration in Palestine as the only salvation of Jewry and of Judaism; and Ze-eb Yawetz, (1848-1928), a historian, writer of fiction, and essayist, whose deeply felt and deeply thought-through evaluations of Judaism as a religiously inspired national civilization had a great deal in common with the work of Pines. With Moshe Leib Lilienblum, the new Palestinian orientation became an all-absorbing issue. Indeed, this chapter of Lilienblum's literary career, productive of some classically lucid analyses of the tragic position of the Jew in the world and of the restoration of Zion as the only solution of that tragic problem,

proved far more earnest and effective than had been his earlier intellectual peregrinations, his insistence, first, on the alleviation of some of the rigors of Jewish ritual; his materialistic, almost socialistic, positivism next, and his rather nihilistic desperation, last.

Most important among the ideologists of early Zionism, proved Ahad-Haam (Asher Ginzberg, 1856-1927). It was he who, in the four volumes of his *Al Parashat Derakim,* ("At the Crossroads"), crystallized all the drives and impulsions of the period for Jewish cultural self-preservation threatened with extinction as a result of the crumbling of the ghetto-walls. Judaism rooted in prophetic ethics, Ahad-Haam taught, had been an authentic force in human history, and must continue as such through the continuation of Jewish historic identity. The perpetuated functioning of Jewish civilization, once conditioned by the spiritual self-segregation of the Jew throughout the ages, was becoming impossible with the inevitable process of modern Jewish emancipation, and with the consequent tendency of Jewry to assimilate into the national civilization of the country of its sojourn in everything save, at best, in a greater or lesser measure, of religious self-identification. "It is our (Jewish) privilege (therefore)", Ahad-Haam taught, "that we, too, become a majority in one land under the heavens, a land where our historical right is undubitable, requiring no far-fetched proof, and in whose historic atmosphere our truly national existence may develop in keeping with our genius, without shrinking and without confining itself to certain limited functions. Only then may the rest of our people, although scattered in all countries, hope that the national center will imbue them with its spirit and will give them the strength to live inspired by its life, even while they are deprived of their national rights wherever they are."

Yet, what has been called the "penitent mood" of the post-Haskalah period in Hebrew literature is scarcely suggested either by the sense of the general frustration of Haskalah ideology or even by the fully-articulated Zionist doctrine of the semi-publicistic, semi-philosophical essay. In

contemporaneous poetry and fiction, Hebrew literature began a revaluation of its former attitude towards the ghetto-Jew and ghetto-Judaism. From the eighteen-eighties and, to a great extent, to the present day, the Hebrew poets and story-writers have sung the piety, the simplicity, the resigned sweetness and humor of the material misery of the ghetto of Eastern Europe. The long-mocked obscurantists of the ghetto became the exalted "children of the ghetto" and "dreamers of the ghetto". If, in 1888, a novelist of note like Reuben Asher Braudes, (1851-1902), in his *Shte Ha-Kezawot* ("The Two Extremes") still tried to find the synthesis of orthodoxy and progressive thinking in a Jewishly nationalistic philosophy of life, the general trend of the literature henceforth was not characterized by that attempt. Jewish ghettoism as such now shone forth in its basically human and deeply moving worth. In the short story, as well as in the poetically-inspired essay, long-satirized Hasidism emerges as a fertile literary tendency known as neo-Hasidism. In fiction, it was represented by such writers as Judah Leib Peretz, (1851-1915), who was destined to develop this trend fully, in Yiddish especially; by Micha Joseph Berdichevsky, (M. J. Ben-Gurion, 1865-1921); by Judah Steinberg, (1863-1908); by M. Z. Feierberg, (1874-1899), and Samuel Joseph Agnon, (1888-). In essay form the poetical and speculative elements of Hasidism found expression in the work of such men as M. J. Berdichevsky, again, and Hillel Zeitlin, (1872-1943). The helplessness of the denizens of the ghetto itself became a source of endless inspiration to the literature, above all, to fiction. Romanticized studies of Jewish folk-types, of the socio-religious ghetto-functionaries, now depicted as utterly oblivious of their economic privation in their zeal on behalf of Jewish historical idealism, and of the half-starved and semi-ignorant artisans, craftsmen, traders, and peddlers of the small town, were produced, in addition to those mentioned, by Ben-Avigdor, (A. L. Shalkowitz, 1866-1921), Zalman Epstein, (1860-1936), David Frishman, (1860-1922), and by most, if not all, of the poets, novelists, and short-story writers yet

to be discussed. In short, for the past seventy years Hebrew literature seems to have striven to vindicate itself as Jewishly loyal, as zealous in its devotion to the very Judaism which, in the spirit of its humanistic drives, it had chastised, especially in the prose of the Haskalah period. The more obvious the inroads made by Jewish self-alienation, the inescapable result of Jewish cultural emancipation, upon Jewish authenticity have become to the literature, the more that literature has tended to romanticize the Jewish past, to hold on desperately to the passing glories of waning ghetto Jewishness.

IV

The Perplexities of the National Renaissance

While in its intellectual, or more strictly publicistic aspects, Hebrew literature embraced Zionism from its first glimmerings as a movement in Jewish life in the early eighteen-eighties, it remained only passively Zionistic in its fiction and poetry up to about 1920. Passively, with very few exceptions, Hebraic authorship in those decades had arrived at the tacit acceptance of both Ahad-Haam's interpretation of "the tragedy of Judaism" in the modern world and Theodor Herzl's formulation of the "tragedy of the Jew" as a homeless being in the world. But such tacit acceptance of Zionism did not induce the Hebrew poet and novelist to advocate the return to Palestine directly, in the form of sermon or harangue. Such explicit championing of Zionism emerged only sporadically in a few poems written by masters like Hayyim Nachman Bialik, (1873-1934), Saul Tchernichovsky, (1873-1943), and Jacob Cohen, (1881-). The Zionist thesis was explicitly urged in several novels, such as *Neged ha-Zerem* ("Upstream") by the naturalistic I. Bershadsky, (Domashewitzky 1870-1908), and in a tetralogy by A. A. Kabak, (1883-1944). In works of this type the struggle between Jewish participation in the Russian revolutionary movement and the cause of Jewish nationalism generally ended in the "triumph" of Zionism, the movement of Jewish self-liberation. However, such manifestly Zionistic ideology was rare in Hebraic belles-

lettres during these decades. Explicitly, in its purely Jewish aspects, Hebrew poetry and fiction sang and depicted the tragic position of Jewishness in the modern world—the emptying of the synagogue as well as of the traditional house-of-study. It described the dying of age-old forms of the religiously inspired civilization called ghetto-Jewishness, which no amount of literary romanticization could perpetuate. The literature also lamented the fate of the "uprooted" young Jew of the time, who, like Jonah, had fled from the God of Israel, yet could not find completion, a sense of true self-fulfilment, in the glories of personal experience, in the splendors of western civilization, or even in preaching salvation to mankind in the name of anonymous universalism or social revolution. Thus, Ahad-Haam's "tragedy of Judaism" came to mean to the literature the tragedy of the individual young Jew whose cravings for new loyalties to nature, to love, to art, science, and philosophy, it examined carefully, and whom it dissected at the same time most cruelly in its constant awareness of the vagueness and flimsiness of the very loyalties he sought to develop. The problem of Zionism as the salvation of historic Judaism thus reduced itself to a poignant realization on the part of the literature. Zionism, it seemed, was the only means of Jewish self-preservation. Yet Zionism itself would remain mere wishful thinking unless the individual Jew betook himself to Palestine, to rehabilitate his own torn personality, thereby insuring the rehabilitation and revitalization of historic Jewishness. Where was that young Jew? The literature of those three or four decades scarcely saw him at the time. For, while he was fleeing from the rapidly disintegrating ghetto, the direction of his flight was not eastward, to Palestine, but westward—toward Western Europe and America. A highly interesting schism, therefore, occurs in the spirit of Hebrew literature during those years. On the one hand, Hebraic expression achieves its high watermark artistically; on the other, it bespeaks a state of inner Jewish perplexity it had not known in its earlier development.

It is during those very decades that the literature,

anguished by an utter forlornness in the Jewish sense, begins to reach out most insistently for its westernization, or rather Europeanization, in both content and form. First and foremost among the champions of this literary movement was David Frishman, (1860-1922). In the very first years of the decline of Haskalah ideology, he violently introduced the demand for wider literary horizons in Hebrew letters. Throughout his career he clung to the view that these letters must cease to be social-minded and utilitarian, or they would never develop into a literature deserving its name. Not purely Jewish issues but generally human values must feed Hebrew literature, Frishman insisted. Pure aestheticism alone could elevate Hebraic self-expression to the position of real literature. In scores of articles and essays, in many original poems, stories and feuilletons, as well as in numerous translations from the English, French and German, he endeavored to preach the "doctrine of beauty" as an end in itself for Hebrew literature. His critical studies were the finest introduction the young ghetto-Jew could find in the Hebrew language, to the world of universal artistic values. His influence upon the refinement of literary taste manifested itself in Hebrew journalism as well, for he was the mainstay of the first Hebrew daily, *Ha-Yom,* established in 1886 by J. L. Kantor, (1848-1916). It was a newspaper which Europeanized Hebrew journalism generally. When the older weeklies, *Ha-Melitz,* established 1860, and *Ha-Zefira,* established 1862, also became dailies, they, too, tended to Europeanization in form, content, and style. *Ha-Zefira* especially represented that trend toward wider universal horizons under the guidance of its second editor, Nahum Sokolow, (1859-1936). He was not only the first great European journalist and editor in Hebrew, but also a statesman, a scholar, a traveler, and a highly colorful man of letters, whose varied human and Jewish interests and experiences found full, if rather diffuse expression, in volumes of original work as well as in countless essays and articles scattered over the Hebrew periodical literature published during his lifetime. Another representative of the insistence on European-

ism was Reuben Breinin, (1868-1925), best known for his biographies of Abraham Mapu and Perez Smolenskin. He was also a short-story writer, a publicist and a critic of note, whose literary endeavors, much as they were devoted to purely Jewish and Hebraic issues, at the same time deepened the interest of the Hebrew readers in universal and purely human culture.

The best illustration of the drive towards literary horizons wider than the exclusively Jewish, is strikingly afforded by the history of the monthly *Ha-Shiloah,* (1897-1926). Founded by Ahad-Haam, and edited by him till 1904, it was dedicated to purely Jewish interests in its several departments of publicistic interpretation of current events, social, philosophical and scholarly research, and belles-lettres. In 1904, Ahad-Haam felt that he had to resign the editorship because the younger generation of writers had come to champion the cause of a wider expanse of literary interests than his program had pursued. The monthly, therefore, was turned over to Joseph Klausner, (1874-), who continued as its editor till 1926, and to the poet-laureate of this period of national revival, Hayyim Nachman Bialik who shared the editorship till 1909. It was especially under the influence of Klausner, who consciously pursued the principle of "Judaism and Humanism," both as editor and original author, that *Ha-Shiloah* became the mouthpiece of the new craving for a deeper understanding of universal civilization, of its art, philosophy, literature and social problems. As a scholar and as an outstanding critic of Hebrew letters, medieval as well as modern, Klausner stood for the principle of Judaism and universalism as co-extensive and tantamount values in Hebrew literature. As he later proved in his scholarly works (*History of the Second Jewish Commonwealth, Jesus of Nazareth,* and *From Jesus to Paul*) so also as editor of *Ha-Shiloah* Klausner dedicated his varied abilities to the critical interpretation of European philosophers and of the best representatives of Hebrew poetry, fiction, and thought, particularly those of modern times. In the volumes of *Ha-Shiloah* edited by him, and particularly during the time when the genius of Bialik also made its deep impression upon its

department of belles-lettres, the greatest representatives of purely imaginative writing in modern Hebrew literature came to the fore.

The poetry of these decades is dominated by the towering figures of Hayyim Nachman Bialik and Saul Tchernichovsky. In a way, these two poets, each in his own manner, articulate most vividly the impulsion of the literature towards the achievement of a synthesis of Europeanism and Jewishness. Bialik, crowned the national Hebrew poet, is the mouthpiece of Jewish suffering and despair. In a profoundly lyrical vein, and in a Hebraic idiom, the like the literature had not known since Yehuda Halevy, or, perhaps, since the prophets and the psalmists, he gave expression to the sorrow of the Jew who is depicted as the product of his own environment and as a member of the most cruelly treated people in history. Yet, his elegiac singing somehow transmutes itself into the magic of universal grief. Bialik is the Jewish national poet in one sense only: he has given expression to the Jew's despair of a world in which he is forever doomed, and to the pain of watching a noble ancient civilization disintegrating under the stress of homelessness, both physical and spiritual. There is, therefore, no self-vaunting or swashbuckling about Bialik's nationalism. On the contrary, he is essentially the surgeon who dissects the soul of the modern Jew as the latter finds salvation in lip-service, in homage paid to nationalistic slogans, but blinds himself, by means of those very slogans, to the abyss gaping under his feet, physically and spiritually. Nor is Bialik's poetry confined to exclusively Jewish themes. He, also, sings the great human intoxication of the modern Jew with the beauties of nature, with love and longing for ever elusive peace of mind. Yet, his purely "humanistic" themes bespeak the melancholy of the self-same modern Jew—of the individual who can scarcely indulge in beauty and the joy of living in his endless suffering.

The poetry of Saul Tchernichowsky seems to be the extreme opposite of Bialik's absorption in his Jewishness. Outwardly, his poetry appears to be Hebraic only in idiom; in subject-matter it is largely universalistic. In terms almost

pantheistic, he incessantly registers the beat of the heart of Nature whose glories overwhelm all his wide-awake senses. In terms almost pagan, he worships the might and beauty of ever-creative cosmic Nature. His poetry celebrates the gods of the ancient and classical worlds. His rich songful painting of field and forest, of vegetable and animal life, always appear to grope for an all-embracing principle of religious worship, at times suggestive of the Hellenistic conception of the universe, at others approaching a purer mystic conception of the divine spirit vitalizing universal existence. In his love-lyrics also, Tchernichowsky is predominantly the poet intoxicated with the joy of living. These poems, passionate and yet wholesome, because always youthful, never betray a sense of Jewish asceticism or otherworldliness. In short, Tchernichowsky, in this aspect of his work, may seem to be the poet of eternal youth, of the strength and beauty of life itself. He often feels that he does not, strictly speaking, share the traditional philosophy of Judaism with its insistence upon the spirit only as good, and, therefore, antithetical to matter which is evil. Yet, just as Bialik, for all his inveterate Jewishness, at the same time sang the *humanistic* yearnings of the Jewish heart, so Tchernichowsky, for all his ingrained universalism and humanism, also proved the poet of the historic Jewish tragedy as well as the singer of the most fervent faith in Jewish continuation. In his ballads based upon Jewish martyrology in the Middle Ages, he depicted the cruelty perpetrated upon the Jew by his hostile environment as well as the Jewish resentment of that environment, indeed, the Jew's justifiable craving for revenge. In his "Idylls", he portrayed the simplicity and endurance of Jewish folk-life, which are a promise of the Jew's capacities to withstand all the pressure of the surrounding world and to arrive at a happier state of living. In his Palestinian period, he identified himself with the miracle of the Jewish national rebirth on the ancestral soil, in the manner of some of the much younger poets of Palestine.

The aspired-for integration of the purely Jewish and universalistic values manifests itself even more obviously in the work of the younger contemporaries of the two authors

discussed above. Poets like Jacob Cohen, (1881-), Jacob Fichman, (1881-), Jacob Steinberg, (1886-1947), Zalman Schneour, (1887-), and David Shimonowitz, (1886-), may scarcely at all be said to live in a creative dichotomy in their experiencing of the worlds they sing. Life, at once Jewish and human, has meant to them a totality of emotional and intellectual awareness without a perceptible impact upon their consciousness of duality, assumed or real, in terms of the Jew and the human being. Jacob Cohen, even more naturally than Tchernichowsky, regards the gifts of human life as his, a heritage precious to him as it is, and must be, to all sensitively attuned souls. His delicate lyricism, rather romantic in its treatment of love, landscape, and pantheistic yearning for merging with eternity, is generally universalistic in character. Author of lengthy dramatizations of the legendary elements in the lives of David and Solomon, his social restiveness is nevertheless inescapably Jewish in its defiance of the humiliation of Jewish orphanhood in the world, yet it is utterly devoid of self-consciousness.

Zalman Schneour's poetical genius is the extreme opposite. Daring in subject-matter as well as in form, he is the modern poet-urban, defiant of tradition, and almost blasphemous in questioning the accepted standards of religion, morality, and the eternal verities. Skepticism, however, is no blessing to him. Mechanical civilization, which has destroyed all that is good and beautiful in the world, seems to him to be the true cause of the degeneration of man. Strangely enough, however, this almost Nietzschean iconoclast is deeply Jewish in his attempts to identify the petrification of human life with idolatry, with a Philistinism essentially fearful of the true values of life, of the worth and nobility of the spirit which only Israel has known and has sought to teach to the world. Thus, Schneour, the heroic rebel, also, achieves a sense of loyalty to his people which he calls to remain true to itself, so that once again it may become the protagonist of the spiritual values in the drama of history.

Highly individualistic like Schneour, and often subtle in recording the involutions of his intellectual and emotional life, Jacob Steinberg differs from Schneour in an important

respect. Having settled in Palestine in the early years of the pioneering period, before the Balfour Declaration, he attained a self-identification with the physical and spiritual climate of Palestine to such an extent that in many of his lyrics, and, especially in his highly artistic essays, he achieved the state of almost mystic vision of the nature of the eternal covenant between Israel and the Land of Israel. Such vision has made of him, the former skeptic and representative of the soberness of modern poetry, a poet of an inner faith that verges on saintliness. Jacob Fichman, at first quite anonymous in the Jewish sense, both as a delicate poet depicting the faintest echoes of inner living as well as the most gentle effects of landscape and mood, and as an essayist wholly given to a highly refined understanding of non-Jewish contemporary writing, has undergone, in his own way, similar to that of Steinberg's an inner change as a result of his long sojourn in Palestine. The Palestinian landscape has found in him one of its best interpreters in his mature verse, while his literary criticism has come to gravitate more and more towards the creators of modern Hebrew letters. The most natural blending, however, of Jew and human being, especially as a result of the new life in Palestine, is found in David Shimonowitz. Having also begun as a strict individualist in the first decade of this century, he is best known for his portrayals of the Jewish pioneering experience in Palestine, his so-called "Idylls", which are the finest studies of the pain and infinite bliss the self-made Jewish pioneer has come to know in his contact with the Promised Land. His sense of the tragic, yet noble, fate of man on earth, has gone into the fabric of these "Idylls", and has made of them deeply human dramatic poems. Their roots, both humanly and poetically are fed by the realization that in Palestine the Jew has begun to reshape himself individually, while building the Jewish future, and that such self-reshaping is worth all the pain it involves.

The prose of the period, less glamorous, perhaps, than its poetry, has undergone the same experience of the expansion of human content and the refinement of form and style. Its content has already been indicated in the foregoing

observations—the tender absorption, on the one hand, in the contemplation of the passing glories of the ghetto, with its time-honored institutions, types, folk-ways and general atmosphere, and the study of the "uprooted" young Jew, on the other hand, with his sense of ever finding himself in a kind of No-Man's land, alienated from his traditional environment, yet not quite at home in the new world of European civilization to which the exodus from the ghetto inevitably has led him. Besides the representatives of the romanticization of the ghetto, Hebrew fiction of the period has to its credit a long list of important names whose significant artistic achievements have been inspired by the loneliness and forlornness of the young Jew. Upon his emergence from the ghetto, he finds himself forever asking the one question, "Whither?"—the latter being the literal title of a typical story belonging to this period, a novelette written by the already-mentioned M. Z. Feierberg.

Far deeper and greatly more varied elaborations of this theme are found in the work of another contemporaneous prose-writer, M. J. Berdichevsky. The leitmotif of his work, rich in fiction as well as in essay-form, is the restlessness of the type of the perplexed new Jew. Such restlessness, in Berdichevsky's characters, has its initial cause in the rebellion of their historically suppressed individualism, in the never-ending strain to break the shackles by which traditional Judaism has fettered them as individuals from time immemorial, as it were. Yet, rebellious individualism blends in Berdichevsky's characters with a strange sense of generally human perplexity. They all seem to be knocking at the gates of eternity, seeking to lift the veil from cosmic existence, to understand the ultimately glorious meaning of being and not-being. The forlorn young Jew is also portrayed in the stories and novelettes of Simcha Ben Zion, (Gutman, 1870-1932), who studied this type in especially fine sketches based upon the life of a Jewish child in "the Heder" and of the self-taught intellectual, the starving, maladjusted, self-probing "extern", or the eternal candidate for admission to the university in the big city. If, however, Ben Zion's work also depicted the galvanizing effect upon young Jewry of the

ideal of settling in Palestine, or of actually coming into contact with life through agriculture in Palestine, other contemporary novelists only treated of such young Jews as dragging on their miserable self-searching without ever getting a hold of life, so that their never-ending introspection, at best, afforded them their poetical snatches of transient emotional and intellectual beatitude.

The first aspect of this type of writing is represented by Hayyim Joseph Brenner, (1881-1921), while the second may be best understood through the work of Gershon Schoffman, (1880-). It was Brenner who best, if most cruelly, presented the problem of the "uprooted", those fugitives from traditional Judaism who never arrived in the spiritual sense. Paradoxically, however, for that very reason, Brenner proved the electric storm in the life of his generation. His capacities of human love and pity verged on the angelic; but there was something almost demonic about his Jewish rebelliousness. His characters are never permitted a word of complacency, a phrase of self-blinding smugness. They are never allowed the comfort of self-deception or the illusion of even momentary peace of mind. They are always conscious of their own failings, and never tire of looking deeply into their own hearts. Human pain throbs in their souls, and they constantly yearn for a truly pure and wholesome life which they are too incapacitated to achieve. Paradoxically, therefore, Brenner's pain and despair called his readers to life, to a form of existence that would re-create them. In this sense, he must be regarded as one of the generators of the creative energy which has been released for young Jewry by the pioneering of present-day Palestine. But if that was the effect of his work upon some of his readers, it was only indirect. Directly, his writing was the profound as well as tormented expression of the self-questioning and self-doubting Jewish "intelligentsia" of the time.

Very different, though also exclusively treating the type of the self-searching Jewish intellectual, is Gershon Schoffman. While Brenner studied his types against the social background of disintegrating Jewry and Judaism, Schoffman portrayed them as individuals merely. His "heroes" are ori-

ginal, highly sensitive people who feel deeply and suffer deeply. Superfluous though they may seem socially, and unsuccessful in their material existence, they are really poets, all of whom find their "bliss" in their state as outsiders and ne'er-do-well's. They hardly, therefore, can be spoken of as broken people. Schoffman is fully aware of the cause of their maladjustment, namely, of their neo-Jewishness, which really means alienation from both the Jewish and the non-Jewish world. Schoffman's style, sparing of words, sculpturesque in technique, helps a great deal to emphasize the poeticalness of his types, rather than their rootlessness.

Closely related to Schoffman, although quite different from him in method, is Uri Nisan Gnessin, (1880-1913), the premature harbinger of the "stream-of-consciousness" type of writing in Hebraic fiction, a manner which was to be adopted within the next ten years by the highly-involved novelist and essayist, Eliezer Steinman, (1892) and, within the last ten years, by the remarkable young Palestinian, Yizhar Smilansky, (1918-).

But the main trend of Hebrew fiction, which dedicated itself to the study of the young Jew in the years immediately preceding his self-rediscovery as a Palestinian pioneer, was generally along the lines of psychological analysis suggested by the above sketches of Brenner and Schoffman. To a lesser or greater degree their methods and moods, in various patterns, manifest themselves in the short stories written, not only by such poets as Schneour and Steinberg, but also by realistic prose writers such as I. D. Berkowitz, (1884-), the masterful translator of Sholem Aleichem into Hebrew; Jacob Rabinowitz, (1876-1948), who was among the first to write full-fledged novels depicting early Palestinian pioneering psychology, and Asher Barash, (1889-). This latter statement should be qualified only to the extent that the prose-work of some of the last-listed authors bespeaks a maturity, an epic quality, which is often imparted to it when those writers divert their attention from the young Jewish intellectual to the more staid forms of Jewish folk-life still continuing. This is particularly true of the stories of Jacob Steinberg which portray the life of Jewish farmers

in the Ukraine; of Asher Barash's studies of the earthiness of Galician Jewry, hearty and realistic, though strangely possessing a sense of the mystic; and particularly those of I. D. Berkowitz which are studies of Jewish folk-life in White Russia and to some extent also in the immigrant ghettos of New York. Strictly belonging to this type are the concrete portrayals of the comfortable, almost gay life of Ukrainian Jewry by M. Seke, (Meyer Smilansky, 1876-), although he is also the author of beautiful, yet heart-rending fiction in which he has recorded the slaughter of the same rooted Ukranian Jews in the progroms of 1919-1921.

In short, great as the artistic achievements of Hebrew literature were in the three or four decades from the end of the Haskalah-period to the new anchorage, which the literature has found in Palestine since about 1920, it was haunted by a sense of perplexity, if not anguish, as it contemplated the ailing modern Jew. As interpreted by the literature, the latter was too bewildered to live as a Jew, once culturally emancipated, but also too bewildered to choose the only road open to him to continue as a Jew—to Palestine. In those decades, the literature clearly saw the tragedy of a great historical order that was passing, yet it could now only view with diffidence the emerging new order visioned by Zionism. It is only in the course of the last thirty years that modern Jewish history has come to find in Palestine the one place in the world where historical Judaism and the humanistic growth of the individual are approaching a satisfactory reconciliation. The effect of the beginnings of this reconciliation upon Hebrew literary creativity has marked truly new directions. But no attempt can be made to understand whatever there is new in Hebrew letters since its homecoming to Palestine, unless we bear in mind one thing, above all. The new spirit of Palestinian writing has been breathed into it by the appearance of the Halutz, or the Pioneer, namely, that type of Jew of whose emergence Hebrew literature had despaired in the first two decades of the century.

V

The Discovery of Halutziuth

The literary expression of pioneering Palestine antedates the Balfour Declaration. Both the so-called "First *Aliyah*", or the first wave of modern Jewish immigration to Palestine in the eighteen-eighties, and the "Second", from about 1900 to 1910, found expression in the poetry and fiction of the literary figures whom these *aliyoth* brought to the country. They were writers whom we have already mentioned (in chronological order): Yehiel Michal Pines, Eliezer Ben-Yehuda, Zeev Yawetz, and Naftali Herz Imber, belonging to the First Aliyah; and Simcha Ben-Zion, Jacob Rabinowitz, Asher Barash, A. A. Kabak, Joseph Hayyim Brenner, David Shimonowitz, Jacob Steinberg, and Jacob Fichman, of the Second Aliyah.

Several other important representatives of the period should be added. Moshe Smilansky, (1874-), is well-known for his highly picturesque tales, breathing an Oriental spirit, of Jewish and Arab life in the Palestinian countryside, as well as for his fascinating memoirs of the several decades of Palestinian colonization. Dov Kimhi, (1889-), is the author of novels and short stories almost all of which deal with the personal, deeply human experiences of young Jews and Jewesses who have immigrated to Palestine, yet psychologically still feel rooted in their Eastern European background against which they have rebelled, and from which they have fled. Aharon Reubeni, (1887-), is a novelist and short-story writer whose work is dedicated to the same problem of the harrassed flight to Palestine of revolting Jewish youth, but whose style and approach are incisively realistic. Inspired by the White-Russian and Lithuanian Jewish environments, yet strictly belonging to the years of the Second Aliyha are Z. J. Anochi, (1887-1947), whose novelettes and plays are among the most deeply spiritual in modern Hebrew literature; and Deborah Baron, (1887-), author of exquisite and saintly portraits of ghetto types and characters. Mention should also be made of such serious publicists, essayists and social philosophers as Joseph Aronowitz, (1878-1937), editor of the weekly *Ha-Poel Ha-Tzair,* (est. 1907),

the first Palestinian journal articulating the ideals of Labor Zionism; Aaron David Gordon (1856-1922), the inspired philosophic formulator of the so-called Religion of Labor; and Berl Katzenelson, (1887-1944), the excellent essayist produced by Palestinian Labor and editor of *Davar,* the Labor Daily, which he established in 1925 and edited till his death.

Palestinian literary expression of the last thirty years, poetry especially, has come to throb with greater vitality, with an almost entirely new rhythm, merely because in its totality it represents the utterly novel experience of confident *Halutziuth,* of Jewish pioneering in Palestine that is no longer a theory, a desideratum, but a fact at work. The self-rehabilitation of Jewry in its historic homeland—not merely hypothetically the only way of Jewish self-perpetuation in the modern world, but factually so—is what has introduced a definitely new tone into Hebraic self-expression of the last thirty years. If Palestinian letters now bespeak a verve and vigor unfamiliar to the preceding periods of the mother literature, it is not because these letters have evolved a philosophy of Jewish history basically different from that of the earlier periods, but precisely because they have discovered that philosophy to have justified and proved itself. Far from being parochial, exclusively devoted to the aspirations of Palestinian Jewry, the literature of Palestine in the main, still seeks to interpret the soul of world Jewry as the latter grapples with reality and struggles for survival. Even in its moments of most fervent conviction that Palestine is the ultimate salvation for all Jewry, it does not lose sight of the fact that Jewry as a whole has not yet come to share that conviction fully. The awareness of the Jewish tragedy all over the world obtrudes even upon the most ecstatic moments of its joy at the "return" achieved by a part of the people. Thus, the incessant concern of Palestinian literature with the fate of Jewry in all lands integrates this literature into the texture of modern Hebrew letters as they evolved at least, for fifty years before the Balfour Declaration. But the concrete visualization of Jewish pioneering at work, of *Halutziuth* as the manifestation of the Jewish will-to-be at its most wholesome and heroic, has injected into the litera-

ture, which depicts the new life in Palestine, a poignancy of confidence quite new in its history.

The most resonant strain introduced by present-day Palestinian literary activity into Hebrew literature emanates not so much, perhaps, from the momentous achievements of Zionism in Palestine as from a deeper, never-ending sense of wonder that such achievements have been made possible through the factual metamorphosis of Jewish youth resulting in the pioneering spirit. For some fifty years, beginning with the inchoate formulations of the sentimental nostalgia for the "Restoration to Zion" in the poetry of the period of "Love of Zion", Hebrew literature was oppressed by the awareness that the ideal of the return would succeed only to the extent that enough men and women could be found in Jewry to whom living and working in Palestine would prove the ultimate aim of their existence. For some fifty years, the literature was harassed by its anxiety that such men and women would never emerge. That the concept of the "return", of Zionism as a strictly personal ideal at work, should have come to fruition; that it has really changed the Jewish mentality, affecting the lives of tens of thousands of Jews as individuals, still appears a breathtaking experience to Palestinian letters. The literature has not yet fully assimilated that experience so that its dazzling novelty still transmutes itself into somewhat rhapsodical poetry, as well as into mature, seasoned prose.

Few, if any, of the creative writers in Palestine are tendentious, consciously social-minded, either in choice of theme or in its treatment. The poets and prose-writers of the country respond rather subtly to the social stimulations of the ambient atmosphere. The social element is, of course, palpable in the preponderant bulk of Palestinian literary expression. Yet, this element is blended with so many others, translated with them into a realm of existence at once like reality and so very unlike it, that its strictly Palestinian character may not appear tangible enough to a reading public intent upon self-discovery in the neo-Jewish, or Palestinian sense. Palestinian literature is still fundamentally universalistic, concerned with the human in the Jew, Palestinian or otherwise, rather than with the specifically Judaic *per se*. The will-to-be of the group does not obliterate the physiog-

nomy of the individual. Current trends in Palestinian lyric poetry still gravitate towards the everlasting preoccupations of the poet's soul with itself and the multifarious world in which it seeks to find its bearings. Poetry still draws upon the poet's own relations to the eternal fixtures of the lyric art—God, Nature, and Man. In imaginative prose, too, Palestinian writing of necessity concentrates upon individual psychology, upon the attempts of individual men and women to orient themselves in the complexities of the modern world. Such attempts at self-orientation naturally become more complicated for characters in Jewish fiction generally and in the Hebraic, particularly, because, as Jews, they are beset with perplexities unknown, perhaps, to any other species of man. But the purely human element is never lost sight of in the Palestinian novel or short story, whether its background is the traditional Jewish town in the Ukraine or Poland, or the newly-established collective farm of modern Palestine.

Naturally, Palestine literary expression has also been deeply affected by many of the revolutionary tendencies in contemporary world literature. In its earlier stages, Hebrew literature felt the impact of currents in European literature throughout the nineteenth century—of German romanticism in its first decades, of Russian realism in the latter half, and, to a degree, of the *fin du siècle,* towards the turn of the century. The Palestinian phase of this literature evinces the effects of intimate contact with the various trends in the literary experimentation which has sought to mirror this changing world in more recent years. French symbolism and imagism, German expressionism and introspectivism, post-revolutionary Russian iconoclasticism, all have their representation in Palestinian poetry. Palestinian prose has been overtaken by the "stream-of-consciousness" technique as well as by the more recent surrealism. In short, Hebrew literature in Palestine, far from being provincially self-contained, is an integral part of the broad life-stream of the literary activity of the twentieth century. Likewise bewildered and warped in many respects, it is also audacious in its efforts to tell the story of modern man as he struggles to extricate himself from the mazes of his half-ruined past,

and labors to decipher the glimmerings of his new dawn. The Jewish element in this literature only deepens the tone of its yearning for salvation. Yet the sense of human confusion which it shares with all of modern literature makes it rather difficult to identify it as exclusively neo-Palestinian, in the superficial sense of the term.

In a much deeper sense, however, this neo-Palestinian element makes itself felt in current Hebraic writing, not only when Hebrew authors are absorbed in the intricacies of the Jewish present, but also when they delve into the Jewish past, and make the latter subject a vehicle of their modern—often, indeed, ultra-modern—self-expression. This tendency has expanded in the writing of the past thirty years to include much more of Jewish history than earlier periods attempted to interpret. In poetry, in fiction, and in the emergent drama, current literary activties have tended to betray a somewhat inarticulate longing for a comprehension of the whole length and breadth of three thousand years of Jewish history in terms of the new anchorage Jewish life has found in Palestine. All of Jewish history, as it were, now strives in this literature to understand and sanction the efforts which present-day Jewry is making in its ancestral homeland. Jewish martyrology in its entirety, as it were, endeavors to comprehend its historic significance for the growth and development of mankind through the superhuman effort at self-redemption made by the Jew today, through the miracle of Halutziuth at work.

VI

The Neo-Palestinian Element

Biblical themes and characters, which were richly exploited in the first century of the history of modern Hebrew literature, have again become pre-eminent, particularly in lyric and dramatic poetry. In the past thirty years Hebrew poetry has been enriched, for example by Jacob Cohen's semi-allegorical dramatizations of the lives of David and Solomon, and by the brilliant poetical plays of Mattathias Shoham (1893-), which are vigorously modernistic studies of periods of biblical history, as varied and as far apart as

the Abrahamic and the Mosaic, or that of Joshua and Elijah. The lyric art has been even more prolific in its constant gravitation towards the biblical theme. Almost all of the contemporary poets mentioned could be cited in corroboration of this statement. It would require too long an enumeration of younger Palestinian poets to prove this thesis in application to the latter also. Suffice it to say that such outstanding representatives of the lyric art mirroring the Third Aliyah, or the period of ruggedly productive *Halutziuth,* which began about 1920, as Yehuda Karni, (1884-), Avigdor Hameiri, (1886-), Uri Zvi Greenberg, (1894-), Yitzhak Lamdan, (1900-), Abraham Shlonsky, (1900-), and Sh. Shalom (Shalom Shapiro,) (1905-) have proved no exception to this rule. Even an ultra-modernist like Nathan Alterman, (1910-), has felt the fascination of biblical subject-matter. Hebrew poetry outside of Palestine has manifested the same urge towards the biblical theme. An illustration of this is the Hebrew poetry created in recent years in the United States.

In the last three decades, a very notable group of Hebrew-writing poets has developed in the United States. Their work, nurtured to a marked degree in the spirit of nineteenth century English lyric, and more recently influenced by current Anglo-American poetry, is distinguished by its universalism and humaneness. Benjamin N. Silkiner, (1883-1933), a serene lyricist, almost austere in his moral tone, produced an epic poem dealing with the struggle of the American Indian against the invasion of the white man. Abraham S. Schwartz, (1876-), tending towards the sublime in his nature poetry, has yet proved a pioneer in American-Hebrew poetry both in his tendency towards realism in choice of other subject-matter and in the vividness of his imagery and phrasing. Thematically, the work of Simon Ginzburg, (1891-1944), is most varied in time and space as well as in psychological background. Author of a long semi-dramatic poem on the love-life of the prophet Hosea, he is essentially rooted in his childhood experiences in the Ukraine; yet from there his work ranges on to New York, to which he dedicated another long poem, to Palestine and, again to various parts of the United States. Ephraim E. Lissitzky,

(1885-), has produced a great deal of generally elegiacal verse. He is also the author of a monumental narrative poem based on American-Indian lore, and of a number of poems depicting American Negro life. Hayyim Abraham Friedland, (1891-1939), a remarkable sonneteer and author of many fine short stories, was a deeply human poet almost exclusively concerned with dramatic quality of intense individual living. Hillel Bavli, (1893-), outstanding for the soulful integrity of his poetic expression, is equally rooted in dealing with themes of strictly personal experience as in his constant preoccupation with the relationship between the chaotic present and staid, time-honored tradition. He, too, produced a remarkable study of old American folk-life. Colorful in his imagery, and sensitive to a variety of rhythms, Israel Efros (1891-), displays a strong pantheistic sense in his nature-poetry, and a deep understanding for human suffering. Such he revealed in yet another work whose subject-matter is American-Indian life, and more particularly in his numerous lyric poems dedicated to the ravages of Hitlerism upon European Jewry. Most noteworthy as a metaphysical poet of wide canvas, profound insight, and precision of image and word is Abraham Regelson, (1896-). Metaphysical propensities and masterful craftsmanship are also evinced by Moshe Feinstein, (1896-), while Eisig Silbershlag, (1903-), whose work is marked by a subtlety of apprehension and phrase, bespeaks cultural antecedents which are traceable as much to modern European literature, particularly the German, as to contemporary American. Youngest member of the group, the highly gifted introspectivist Gabriel Preil, (1911-), is undoubtedly the most "native" Hebrew poet in America both in his natural self-identification with the American landscape and in the spontaneity of his response to influences of his contemporaries in American and English poetry. Somewhat along lines of more limited American "nativeness", Abraham Z. Halevi, (1907-), has produced impressive poems which betray a strongly realistic New York tang. In short, the work of the American group of Hebrew poets bears vital testimory both to the universalism and humanism of contemporary Hebrew poetry in general. Yet,

the biblical element, not to say the generally Jewish, has been significantly employed, as in Palestinian poetry, by representatives of this group also, particularly, by B. N. Silkiner, Simon Ginzburg, and Hillel Bavli.

This penchant for the past is by no means limited to biblical times only, however. The Jewish struggle against the Romans, for instance, in the first and second centuries has repeatedly conjured up in the minds of modern Hebrew poets visions of events and contemporaneous figures reminiscent of contemporary situations and protagonists. The Zealots of the last years of the second Jewish Commonwealth have proved a feature of Uri Zvi Greenberg's poetry celebrating the bitter struggle and heroism of recent Palestinian Jewish history. "Massada", the last fortress held by the Jews against the onslaughts of the triumphant Romans, until, overcome by superior numbers, the defenders chose to die by their own hands rather than surrender, is the title of a semi-dramatic, semi-lyrical poem, by Yitzhak Lamdan, which portrays Halutziuth as the last-ditch fight of modern Jewry for national survival. In another work, the same poet has revived the figure of Rabbi Akiba, the saintly and heroic national leader during the Bar-Kochba revolt, while a poetical drama celebrating Bar-Kochba himself was created by Saul Tchernichowsky. Jewish martyrdom during the Middle Ages inspired many ballads by the latter poet at the time when Hitlerism first overtook European Jewry in the nineteen-thirties. The same subject-matter, extended to include the Cossack massacres in the eighteenth and nineteenth centuries, came to be exploited by many other Palestinian poets, when the horrors of Hitlerism made themselves known to the survivors of the horror as the most cruel holocaust even in blood-stained Jewish history. The mystic gropings for "Redemption" of Cabbalists in the sixteenth and seventeenth centuries, as well as the migrations of Hasidic saints and leaders to Palestine in the eighteenth, have also been exploited by the modern poets as thematic material suggestive of the paramount "thesis" of Israel's historic impulsion towards the ancient and eternal homeland.

The same penchant for the Jewish past as illustrative of the Jew's martyred waiting for "redemption" is likewise dis-

cernible in Hebraic prose of the last three decades. Jacob Rabinowitz, the author of one of the first novels on Palestinian pioneering of the Second Aliyah, has also produced a biblical novel. Its theme is the chaotic state of affairs, political as well as cultural, in the Northern Kingdom on the threshold of its ultimate downfall. A. A. Kabak wrote a two-volume novel which re-creates the spirit of Palestinian Jewry in the last century of the Second Commonwealth, with Jesus of Nazareth as its central figure. He is also the author of a trilogy celebrating the metamorphosis of the Marrano Jew, Solomon Molcho, into the martyred visionary of the sixteenth century, who strove "to force the coming of the Messiah" in his day.

The American Harry Sackler, (1884-), has written highly colorful plays and splendidly constructed novelettes ranging over the entire field of the history of the Messianic idea in the evolution of the Jewish people, beginning with the struggle of prophetic monotheism against the Baal-worship and, later, against syncretistic paganism and emergent Christianity; continuing with the anomalies of Jewish life in the Gaonic and medieval periods with their incessant longings for the miraculous salvation of the Divine Spirit of Israel, and the world; and ending with the manifestations of the same hope and prayer for redemption in Hasidism. Asher Barash, (1889-), is the author of a novelette whose hero is the tortured, yet ecstatically confident, survivor of the Spanish expulsion in 1492. He also wrote a tragically compact study of the self-immolation of a Jew, during the Cossack massacres of the seventeenth century, as he, the only surviving member of the local community, fights a losing battle to keep the sacred scrolls out of the reach of the rioting hordes. Even S. J. Agnon, the greatest singer today of the quixotic saintliness and quaint mysticalness of Eastern European Jewish life, has not proved an exception to this neo-Palestinian tendency of Hebrew letters to link historic Jewish piety and martyrdom with the Jewish age-old longing for the restoration to Palestine. He also produced a beautiful tale, a veritable prose-poem, "In the Heart of the Seas", relating the miracle-studded journey to the Holy Land of the Pious Men of Buczaz (Galicia).

While Hebraic expression of the last three decades thus has tended to steep itself in the pathos which pervades all of Jewish history, it has naturally inclined to read its neo-Palestinian, or "Zionistic", philosophy into attempts to interpret modern Jewish life especially. The fortunes of the Jew as he strives to integrate himself into the world about him, whether through self-denial or self-discovery in the Jewish sense, forms the canvas of much of contemporary Hebrew prose, as it did in earlier periods. In this respect, the Hebraic narrative has expanded its *milieu* or more strictly—the geographic locale of plot and character-study. Whereas, some thirty years ago, the latter was largely confined to the life of Russo-Polish Jewry, it has widened since to include practically every important center of the Diaspora. Germany, Austria, France, Switzerland, Turkey, and the United States, each has of late contributed its "local color" to the Hebrew short story and novel. The prolific and highly scintillating representative of the younger school of Palestinian novelists, Hayyim Hazaz, (1897-), presents a truly dazzling kaleidoscope of the life of modern Jewry in a long list of European capitals as far apart and as diversified in civilization and atmosphere as Paris and Istanbul. On a smaller scale, but tending to convey much the same impression, another highly endowed short-story writer of the younger group, Yitzhak Shenberg, (1905-), portrays vividly modern Jews and Jewesses hailing from different parts of central Europe as well as from the Ukraine, all differing in character, in education, and in Jewish outlook. Shlomo Reichenstein, (1902-1942), Joseph Hanani, (1908-), and Mordecai Ovadiahu, (1909-), have produced studies of Jewish life in Germany, Denmark, and England. Likewise diversified is the geographic background of the many works of Johanan Tversky, (1904-), author of a splendid historical novel, "Uriel Acosta," and of a number of fictionalized studies of such different figures in recent Jewish history as Rathenau, Dreyfus and Ahad-Aham. Nor has this widened sense for the geographic locale of present-day Jewry been limited to Europe alone. Perhaps, the most noteworthy artistic achievements, which have resulted in Hebrew prose from this new, geographically, more exclusive, attitude towards Jewry outside

of Palestine, are those devoted to the life of the Oriental Jew. Foremost, in this respect, is Yehuda Burla, (1886-), a powerful novelist and a native Palestinian of Sephardic origin. He has naturally exploited the wealth of color of the oriental milieu in numerous novels and stories of great worth. Almost all of them are dedicated to the life of Bokharan, Turkish, Persian, and Yemenite Jews. The special brand of Yemenite Jewish civilization has also inspired a full-fledged novel by the ingenious Hayyim Hazaz, and short stories by members of the youngest group of Palestinian writers, too many to enumerate. American-Jewish life, too, has come to be mirrored in current Hebrew fiction. Both Shlomo Hillels, (1873-), and Samuel Loeb Blank, (1892-), whose novels are largely based on Jewish rustic life in Bessarabia, have also produced fiction on Jewish immigrant-life in the United States. Reuben Wallenrod, (1901-), a spontaneous student of human nature and a most skillful psychological narrator, is the author of two novels and numerous short stories, almost all of which are dedicated to the portrayal of first- and second-generation American Jews. Variety of milieu is illustrated by the work of Ari Ibn-Zahav (1900-), author of a novel dating to the period of King David, of another whose subject matter is Shylock and contemporaneous Venice, and of two other modern novels, one of which deals with the life of the poor and pious of Jerusalem, while the other is a realistic study of a Jewish town in Eastern Europe.

As one surveys the field of imaginative Hebrew prose created in the last thirty years in Palestine, or conditioned by the lure of the Restoration inherent in Zionism, one is particularly struck by one phenomenon: the nostalgic tenderness with which the Hebraic narrative intuitively records its stirring impressions of a traditional Jewry the world over that is slowly waning insofar as its uniquely Jewish color and flavor are concerned. Of course, the more or less conscious socio-historical interpretation, in this prose, of the latest unfoldments of Jewish history outside of Palestine is also "Zionistic." I. W. Berkowitz, in a novel entitled "Messianic Days", presents the evolution into a Zionist of a highly intellectual and deeply Americanized Russian Jew who identifies himself with the new life in Palestine, for all his scepticism and rigor-

ous self-analysis, when, late in his life, he visits that country. S. J. Agnon points the way to *Halutz* Palestine less directly in another long novel, "To Tarry for the Night", technically a study of his native town in Galicia which he revisits after the first world-war, steeping himself in the poignancy of its desolation. The late A. A. Kabak is the author of a veritable *saga,* unfortunately left unfinished, in which he aimed to trace the story of a Jewish family in the course of the last one hundred years, ultimately intending to bring its descendants to Palestine. By and large, however, current Hebrew prose, betrays a gravitation toward Zionism as a tacit concomitant of the sadness and bewilderment of Jewish existence in the world, rather than a self-conscious glorification of an idea or an ideal set up as a guiding principle for suffering and confused modern Jewry.

Naturally, in recent years, there has also emerged a Hebraic narrative indigenous to the soil and air of modern Palestine. Besides many of the older authors already mentioned, the younger Palestinian fiction writers especially have mirrored Palestine and Palestinian Jewish society in the novel, the novelette, and short-story. Mention should be made of such significant fiction writers as Yehuda Yaari, (1900-), whose deeply humane and often mystical interpretation of Halutziuth borders on the poetical; Ever Hadani, (1899-), whose novels breathe the pathos of the rugged realities with which pioneering in Palestine has had to contend; David Maletz, (1900-); Pessah Bar Adon, (1907-); and the above-mentioned Shlomo Reichenstein; and Yizhar (Smilansky) who themselves members of collective settlements, have registered in their work the complexities of individual life in the commune as well as the humanizing, indeed, the revitalizing effect upon Jewish psychology of the sense of belonging achieved by the Jewish pioneer in his most intimate contacts with the land, with its flora and fauna. To the younger generation of Hebrew fiction writers belong the prolific and highly varied Israel Zarchi, (1909-1947), Joseph Aricha, (1907-), Shraga Kadari, (1907-), Ezra Menahem, (1907-), and Joshua Bar-Joseph (1912-), authors whose work is largely devoted to the urban life of Old and New Jerusalem, Tel-Aviv, Safed, and the small towns or

colonies of Palestine. "Native" Palestinian prose, has succeeded in capturing a great deal of the joy and pain inherent in the overwhelming process of an ancient people literally "gathered from the four corners of the earth" and inwardly driven to rediscover its historic self in its ancient homeland. Yet, current Palestinian fiction is still far from being a definitely native product. During the first two decades of this century, a Hebrew author of stature, the highly cultured, yet subtle, Shlomo Zemach (1886-), continued to draw upon his native Polish background for his excellent individualistic short stories and sketches. In the same way, Hebrew authors, who have settled in Palestine within the last twenty years, like the brilliant essayist and profoundly analytical novelist, Eliezer Steinman, and the fascinating symbolist, Jacob Horowitz, (1901-), continue to draw upon backgrounds and experiences not exclusively "native", in the Palestinian sense. Ultra-modernistic in Palestinian fiction are Menashe Levin, (1902-), and Yitzhak Norman, (1899-), both having introduced surrealism into the Hebraic narrative. Whatever his geographic and cultural background, the Palestinian novelist and short-story writer always conveys this clear impression: keenly as he feels the pain of parting with the old Jewish life that is passing the world over, his confidence as a Jew and as a human being is forever bolstered by the awareness that once the Jew discovers Palestine through personal experience, his covenant with history *qua* Jew, is firmly re-established.

Poetry in Palestine, of course, tends to be more definitely Palestinian than prose. It is in the nature of the lyric art to respond more readily and confidently to new situations and experiences. In the case of poetry, also, the neo-Palestinian element, save in the sense of "scenery," of imagery necessarily borrowed from the Palestinian landscape, can hardly be said to be preponderant, however. The prayerful moods of Mordecai Temkin, (1891-) and Baruch Katzenelson, (1900-); the subdued imagery and tonal effects of Joseph Lichtenbaum, (1895-) and Samuel Bass, (1900-); the elegiac self-restraint of Jacob Koplewitz, (1893-), and groping intellectualism of Yitzhak Ogen, (1909-), or Pinhas Lander, (1905-); the personal quality of the lyric-

ism of Meyer Mohr, 1888-) and Reuben Grossman, (1905-); the poignant wistfulness of Rachel Bluvstein, (1890-1931), or the veiled searchings into the beyond of Yochebed Bat-Miriam (1901-) and Ezra Zussman (1901-); the almost cabbalistic religiosity of Joseph Zevi Rimon, (1889-), the ecstatic questings of the already-mentioned S. Shalom, or the folkloristic piety of the excellent ballad-writer, Shimson Meltzer (1909-); the frolicsomeness of Anda Pinkerfeld, (1902-), and the imagistic wistfulness of Leah Goldberg (1911-); the rebellious moodinness of the brilliant Abraham Shlonsky, (1900-), the glaring picturesqueness of Nathan Alterman, (1910-), and Raphael Eliaz, (1905-), or the "waste-land" quality of the equally ultra-modernistic Noah Stern, (1912-), all are readily assimilable in terms of general appreciation of modern poetry, regardless of geographic or ethnic environment. Yet, this poetry strikes a definitely Palestinian ring because it is, in practically all its aspects and moods, the expression of the new meaning Palestine has assumed for the Jew reunited with it after a separation of two thousand years.

This new significance of Palestine to poetry is, of course, more starkly concrete, more stirring, because more outspoken, whenever "Zionistic" ideology as such is the main preoccupation of the poet, as in the case of the magnificently sensory Yehuda Karni, the strident yet majestic singer of Jewish despair and hope, Uri Zvi Greenberg, and the darkly lyrical ever-penitent Yitzhak Lamdan. It is also more concrete, because more sensory and sensual, in the work of such poets as Levi Ben-Amitai, (1901-), Joshua Rabinow, (1905-), Benjamin Tennenbaum, (1914-), and Zerubavel Class, (1914-), whose subject-matter, the life of the Halutz on the land, of necessity is invested with more of the elemental signification of Palestinian scene, of its earth and sky, and of rugged sterling worth of its emergent new folk-life. Closely related to the folk-character of the new Palestinian life are the home-spun stories and poems of M. Z. Wolfuvsky (1893-) and the more moving lyrics of Abraham Braudes (1907-). Nevertheless, all of Palestinian poetry seems to have felt the revivifying effect of the physical

rediscovery of physical Palestine. Even in its most generally humanistic moods, Palestinian Hebrew poetry appears to be still celebrating its intoxicating experience of witnessing Jewish history coming back home. The Hebrew muse never seems to forget that in Palestine it has at long last found its legitimate home. Whether or not, therefore, it directly celebrates *Halutziuth,* Palestinian poetry still breathes an exhilaration that is novel in modern Hebrew letters. Whatever the tendencies towards individualism and intellectualism in Hebraic poetry of recent years, it is basically a poetry of the folk. Consciously and unconsciously it shares the anguished awareness of the group that without Palestine Jewish historicity is doomed, and the ecstatic conviction that Palestine will become the home of hounded Jewry, because Jewish history at long last has come to will it.

Thus, in a relatively brief period, Hebrew literature as a whole has achieved a high degree of complexity. As the writer of these lines, once expressed it: "Viewed in its entirety, the literature which Palestine has produced territorially or inspired from afar within the last thirty years, is a highly checkered design of ideas and forms struggling for integration. Generally human and specifically Jewish needs, wants and conflicts; clashes between individual and social drives; even the more or less superficial inconsistencies between a deep-rooted nationalism on the one hand, and an equally potent consciousness of the class struggle on the other, would in themselves tend to make Palestinian imaginative writing complicated in its experiential content. It becomes thematically even more involved as it seeks to give expression to the new life germinating in the revived homeland, while at the same time it is impelled to interpret Jewish history, both past and present, in the Diaspora. It is a new literature because in the main it strives to depict a startlingly novel experience emerging in Jewish history. It is complex, because, like the experience it seeks to describe, this literature roots itself in the deepest layers of the past while it zealously links itself to the most forward-looking present that Jewish history has known for two thousand years."

INTERNATIONAL PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

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International Protection Against Racial or Religious Discrimination*

UP to the outbreak of World War II the persecution of the Jews in Germany was considered as an internal affair which did not concern the family of nations. This conception changed only after the smoke of Auschwitz and Maidanek had darkened western civilization. In August 1945, Mr. Attlee declared in the House of Commons, "that such matters as the persecution of the Jews which took place under Hitler or anybody else could not . . . be regarded as domestic matters."[1] In November 1945, the American Chief Prosecutor, Justice Jackson, stated before the Nuremberg tribunal, "that the German mistreatment of Germans is now known to pass in magnitude and savagery any limits of what is tolerable by modern civilization. Other nations, by silence, would take a consenting part in such crime."[2]

Do these and similar utterances indicate that international law has undergone a general change and that today the discrimination of a state against racial or religious minorities is no longer considered a domestic affair? In replying to this question one must distinguish between different degrees of discrimination.

1. In the most severe cases, especially in the case of

* Continued from Historia Judaica, Vol. IX (1947), pp. 35-56. The present article was completed at the beginning of December, 1947. However, the material published up to this date was not completely available in Sweden.

[1] *Parliamentary Debates, House of Commons,* London, August 22, 1945.

[2] *The Trial of German Major War Criminals,* (London, 1946), (cited henceforth as Nuremberg Trial), I, p. 68.

threatened or accomplished annihilation of an ethnic group, as was committed in Germany, the persecuting state would today probably meet with the resistance of the United Nations (UN). The Security Council of the UN could take compulsory measures against any state—be it a member of the UN or not—according to articles 39 ff. of the Charter, if the Council were of the opinion that "any threat to the peace, breach of the peace, or act of aggression" existed. It has often been declared that discrimination by a state against a racial or religious minority might endanger the peace.[3] It is also very probable that, after the experiences of the Hitler years, the Security Council would regard the accomplished or suspected annihilation of a minority as a menace to the peace.[4]

2. However, in less severe cases when, for instance, minorities are "only" disfranchised, or excluded from professions, or segregated into particular areas, or subjected to similar treatment, it might be doubtful whether these would be considered as a menace to peace. The experiences of the past give clear evidence in this respect. The High Commissioner for Refugees regarded the persecution of German Jewry in 1935 as "a danger to international peace";[5] the same opinion was stated in a petition addressed to the League of Nations in 1936.[6] The League, however, took no action although it was entitled to deal with any matter "affecting the peace of the world."[7] Apparently, the opinion prevailed

[3] Woodrow Wilson, for instance, declared at the Paris Peace Conference in 1919: ". . . nothing I venture to say, is more likely to disturb the peace of the world than the treatment which might in certain circumstances be meted out to minorities"; H. W. V. Temperley, *A History of the Peace Conference of Paris,* V (London, 1921), p. 130. Similar ideas also played a role during the discussions of the League of Nations; cf. Oscar J. Janowsky and M. M. Fagen, *International Aspects of German Racial Policies* (New York, 1937), p. 123.

[4] In any case, Mr. Attlee seems to have supposed this, when he declared in the House of Commons, *loc. cit.*: "I am certain that if there should arise, which God forbid, anything like this persecution in other lands that the new organization will take note of it and I believe take action." Cf. also the draft of a Convention on the Crime of Genocide; *United Nations Document* (cited henceforth as Doc.) E/447, p. 45.

[5] Janowsky-Fagen, *op, cit.*, p. 140.

[6] *Op. cit.*, p. 232.

[7] Art. 4, par. 4; art. 11, par. 2 of the Covenant of the League of Nations.

in Geneva in 1935 and 1936, that the treatment of the Jews in Germany did not endanger international security. In the Nuremberg trials, a similar difference of opinion arose. The prosecution contended that the discrimination against the Jews in Germany "from the year 1933 to the end of the war related to the planning, preparation, initiation and waging of aggressive wars."[8] In the judgment of the Tribunal it was explicitly stated, however, that such a "general declaration" could not be made.[9] It is evident and inherent in the nature of the thing that similar divergences of views might also appear in the Security Council. Moreover, the differences among the Great Powers find especially strong expression just in the Security Council. From the Jewish point of view, therefore, it can be said that articles 39 ff. grant a certain protection against discrimination; however, this protection must be regarded with scepticism.

3. What is the legal situation when it cannot be determined that discrimination endangers the peace? As late as 1945 Justice Jackson, in keeping with the spirit of the traditional conception of international law, declared before the Nuremberg Tribunal: "The manner in which a government treats its own inhabitants is generally thought to be no concern of other governments or of international society."[10] About a year later the UN had the opportunity of taking a stand in a case of concrete discrimination against a minority (not falling within article 39), namely, the Indian-South African dispute mentioned in the first part of this study. In the course of the discussions in the UN, it was *inter alia* stated that the Charter of the UN does not define the conceptions of "human rights and fundamental freedoms" and that an international Bill of Human Rights was not yet enacted: ". . . in the meantime it was clearly a matter of the domestic jurisdiction of every state to decide what rights its citizens should be granted." [11] This would mean that dis-

[8] Nuremberg Trial, II, p. 378; cf. also I, p. 68.

[9] *Judgment of the International Military Tribunal for the Trial of German Major War Criminals* (London, 1946), Cmd. 6964, p. 65.

[10] Nuremberg Trial, I, p. 68.

[11] *Journal of the United Nations* (cited henceforth as *Journal*), No. 44: Suppl. Nos. 1 & 6 — A/C 1 & 6/6, p. 16.

crimination not endangering the peace is admissable in a state at present, since an international Bill of Rights cannot be expected within the near future. Against this opinion it was argued that it "might be tenable if the (Indian) complaint had stated that rights were being denied to the whole population of South-Africa." The complaint, however, was that rights were being denied merely to a portion of the population, on racial grounds. In this case paragraph 3, article 1, clearly applied.[12] The decision of the General Assembly was in agreement with the latter opinion.[13]

From this decision the conclusion cannot be drawn that a state is under obligation to grant definite rights in the positive sense to all its nationals. No state is obligated, for instance, to give its inhabitants freedom from arbitrary arrest as long as such freedom is not recognized as belonging to the fundamental human rights according to the meaning of the Charter. From the resolution of the General Assembly it follows, however, that if a state's national law guarantees freedom from arbitrary arrest, this freedom may not be denied to any "race, sex, language, or religion".[14] The Russian delegate gave formulation to this idea when he stated that all members of the UN "were under the obligation to eliminate race discrimination. . . . It was a task of the UN to uproot social evils such as racial discriminations."[15] The main idea found correct expression, therefore, when the Charter of the UN was defined to be a "convention to abolish discrimination on grounds of race, religion or sex."[16] According to the World Jewish Congress the prohibition of discrimination belongs to the "general principles of law recog-

[12] *Journal*, No. 54. Suppl. A — A/P.V./50, p. 368 (italics mine).

[13] Cf. Stillschweig, *Historia Judaica*, IX (1947), pp. 35-56.

[14] A similar stand was taken in a "Memorandum submitted to the UN Commission on Human Rights, Drafting Committee by the World Jewish Congress" (mimeogr.) (cited henceforth as *Memorandum*) of June 16, 1947: "While there may be differences of opinion as to definition of the human rights to which frequent reference is made in the Charter, there can be no real difference of opinion, in our submission, that these references clearly imply the equal enjoyment of these rights and freedom for all . . . in every member state of the United Nations"; cf. also K. Stillschweig, *Revue de droit international, de sciences diplomatiques et politiques*, XXV (1947), p. 204.

[15] *Journal*, No. 44: Suppl. No. 1 & 6 — A/C. 1 & 6/9, p. 30.

[16] P. E. Corbett, in *Commentary*, I (1945-1946), No. 1; cf. P.C. Jessup,

nized by civilized nations" (article 38, 1 c of the Statute of the International Court of Justice).[17]

Extent and Limits of the International Protection

At the present time, it is doubtful how far the clauses against discrimination can actually go. In the UN, therefore, it was proposed "to define in precise legal and practical language . . . what discrimination is."[18] This suggestion, however, has not yet been realized. Until this is effected, only the practices of the UN can give evidence as to the details of stipulations against discrimination. The following situation thus presents itself:

1. From the resolution in the Indian-South African dispute the conclusion can be drawn that every member state of the UN organization is pledged to grant equality under the law to its own nationals. It may further be inferred that equality in fact shall be guaranteed also, since otherwise the equality under the law could easily become illusory. Equality, however, can be granted to individuals only. No general principle of international law exists at present by which rights would be guaranteed to ethnic groups as such.

2. The prohibition of discrimination is directed only against states. The tension existing between certain members of different ethnic groups is not affected by the prohibition. This tension is merely of sociological interest and might perhaps provoke reactions in the internal politics or the domestic law of the country concerned. However, it has no relevance for international law. If, for example, a Catholic employee is dismissed by his Protestant employer because of his religion; if a landlord refuses to rent an apartment to a Negro; if a union excludes a member because he is a Jew; if an anti-semitic article is published—in all these cases the family of

Commentary, I, No. 3: "Human rights are now matters of international concern"; Robinson, *Human Rights and Fundamental Freedoms in the Charter of the United Nations* (New York, 1946), p. 102 f.

[17] *Memorandum*, p. 3.

[18] Doc. E/CN. 4/AC. 1/3/Add. 1, p. 380.—The Sub-Committee on the Protection of Minorities and on the Prevention of Discrimination shall do preparatory work in this respect and also determine "what is meant by minorities" (Doc. E/CN. 4/6).

nations makes no decision.[18a] Nor are the member states at present bound by the Charter to outlaw antisemitism.

3. Under article 1, paragraph 3, of the Charter discrimination "as to race, sex, language or religion" is prohibited. In practice, however, other points can easily be used as a pretext for discrimination.[19] In the case of Jews, the place of birth plays a considerable role. For this reason, an alteration of that clause has been proposed.[20]

Against whom is the prohibition of discrimination directed? All states shall eliminate any discrimination which might endanger the peace. Under article 39 ff., the Security Council can take action against non-members as well as members. In cases to which article 39 does not apply, the situation is different. According to its legal nature, the Charter is a treaty binding only those who have participated in it or later acceded to it. Consequently, Germany and the former German satellite states will not be obligated by the Charter until after their admission to the UN.[21] However, since discrimination of the most severe kind was committed just in the countries of the former Axis, special international pro-

[18a] However, in the proposed Ives-Fulton Bill against discrimination in employment it is declared: "This act has also been enacted as a step toward fulfillment of the international treaty obligations imposed by the Charter of the United Nations upon the United States as a signatory thereof to promote universal respect for, and observance of, human rights and fundamental freedoms . . ." cf. *Congressional Record*, May 29, 1947.

[19] Cf. Robinson, *op cit.*, p. 54.

[20] Besides the factors enumerated in art. 1, par. 3 it was, for instance, proposed: "color", "class", "national origin", "nationality", "political creed", "political opinion," etc.; cf. Doc. E/C.N. 4/AC.—1/3/Add. 1, p. 359, 379. Concerning place of birth the *Memorandum* states: "There is manifestly no act in the existence of a human being for which he is less responsible than the choice of the place in which he was born; nor does his place of birth throw any light on his character or his capacity to exercise civic rights. Yet on this irrational ground large numbers of persons are denied by civilized States the right to practice certain professions or to establish business, even if they have acquired citizenship by naturalization . . . and there are cases where, by a refinement of absurdity, these disabilities are inherited by native born children. At a time when millions of persons are being encouraged or compelled to seek new homes in countries other than that of their birth, we respectfully suggest that the Drafting Committee might usefully give consideration to this problem."

[21] With regard to art. 2 par. 6 of the Charter, the question is, however, not beyond doubt; cf. P. Guggenheim, *Lehrbuch des Völkerrechts* (Basel, 1947), p. 92; Stillschweig, *loc. cit.*, p. 201.

tection was considered necessary for the minorities living in these countries. Special clauses were embodied in the armistice agreements with the ex-enemy states according to which "all . . . laws involving discrimination on grounds of race, color, creed, or political opinions will be rescinded.[22] Corresponding stipulations with some modifications were later incorporated in the peace treaties.[23] Similar regulations were enacted for Germany according to various decrees of the Allied Control Council and included in the Potsdam agreement. The constitutions of UNESCO, the World Health Organization, and other international bodies also contain provisions against discrimination.

Thus far the international rules against discrimination have not produced the desired results. Proper protection for the Jewish population has not yet been achieved in many countries. Although the Jews are not exposed to legal disabilities at present, they are still often subjected to anti-semitic discrimination through administrative practice. The Anglo-American Palestine Committee, therefore, recommended in 1946 "that our governments endeavor to secure that immediate effect is given" to the human rights provisions of the Charter.[24] The following year the World Jewish Congress proposed that the General Assembly take certain action to this effect.[25] To this date, however, the only action has been a resolution passed on November 19, 1946 by the Assembly. This resolution contains a moral appeal to the

[22] Art. 31 of the armistice agreement with Italy; similar provisions were made in the other armistice agreements.

[23] Signed at Paris on February 10, 1947: Art. 2, 3, Hungary; art. 15, 16, Italy; art. 3. 4, Rumania; art. 6, 7, Finland; art. 2. 3, Bulgaria; cf. art. 4 of the Permanent Statute for the Free Territory of Trieste.

[24] *Report of the Anglo-American Committee of Enquiry Regarding the Problems of European Jewry and Palestine* (London, 1946), Cmd. 6808, p. 1.

[25] The Congress proposed (*Memorandum*, p. 3) that the General Assembly should:

(a) Affirm the obligation of all member states to insure equality before the law for all their inhabitants without distinction as to race, sex, language, or religion; (b) request all member states to enact without delay, and in accordance with their own constitutional processes, such legislation as may be necessary to implement this resolution; and (c) call on them, not merely to prevent infractions of this legislation, but to take positive and continuous action to insure that it is fully and effectively applied by appropriate action through specially designated state organs.

"governments and responsible authorities", and its content does not go beyond the Charter. Preparatory work for the future is under way, however. The Commission on Human Rights established a "sub-sommittee on prevention of discrimination and protection of minorities" (February, 1947) whose functions are described as follows:[26]

> . . . to examine what provisions should be adopted in the definition of the principles which are to be applied in the field of the prevention of discrimination on grounds of race, sex, language or religion, and in the field of the protection of minorities, and to make recommendations to the Commission on urgent problems in these fields.

The Sub-Committee was to hold its first meeting in December, 1947.

International Bill of Human Rights

The prohibition of racial or religious discrimination means merely that a state shall not treat its ethnic minorities worse than it treats its majority. Whatever rights the state wishes to grant to its majority population, however, are still within its domestic jurisdiction. Only after human rights and fundamental freedoms are enumerated and described in an international Bill will the treatment of all the inhabitants of a state become a matter of international concern.[27]

The idea to guarantee a minimum of rights to all men by international law is not new. It was discussed in the League of Nations in connection with the projected generalization of the minorities system. It was supported by the Académie Diplomatique Internationale (1927), the Institut de Droit International (1929), and other scientific societies.[28] During the war this idea occupied the public mind greatly and many proposals were made.[29] At the San Francisco Conference and the London meeting of the General Assembly several governments presented drafts of a Bill. In February

[26] *Doc.*, E/259, p. 5.

[27] Up to now only one authentic definition by the General Assembly exists (Resolution of December 14, 1946) which states that "freedom of information is a fundamental human right . . ."

[28] *American Journal of International Law*, XXIV (1930), p. 560.

[29] Of special importance is H. Lauterpacht, *An International Bill of the Rights of Man* (New York, 1945); cf. Robinson, p. 2 f. notes; p. 98, note 7; United Nations London Information Centre, Press Release, No. 99.

1946, a "nuclear" Commission on Human Rights was appointed by the Economic and Social Council and was instructed to draft a Bill. In June of the same year the "nuclear" commission received the status of a full commission. On March 24, 1947, the Commission set up a Drafting Committee, whose task it was to prepare "a preliminary draft of an International Bill of Human Rights".[30] The Drafting Committee held its first session from June 9 to June 25, 1947. On July 1, 1947, it submitted its report to the Human Rights Commission.[31]

The Drafting Committee includes representatives from Australia, Chile, China, France, Great Britain, the Lebanon, USSR, and the USA. Its delegates declared "that nothing said by any of them during the session was to be considered binding upon their governments."[32] For this reason, the report of the Drafting Committee represents merely a collection of opinions of government delegates.

The report starts with the question what legal form a future bill should have. Some representatives proposed a mere declaration of principles, others a binding convention. The first alternative would mean that the bill was only a recommendation. It would thus be left to the discretion of the individual states to follow it or not. By the second alternative a universal law of nations would be created. The Drafting Committee did not take a definite stand on the question, but prepared two papers, a draft of a general manifesto and an outline of a convention.[33] It was stated:

a) that a Declaration (of principles) . . . would in itself have considerable moral weight; but

b) that a more effective method for establishing human rights would be to embody them in a Convention in which the signatories would recognize them as international law;

c) that the signatories of such a Convention should also accept the obligation to insure that these rights be enforceable by domestic laws in domestic courts.

[30] Doc. E/259 and E/383.
[31] E/CN. 4/21 (=*Committee Report*).
[32] *Committee Report*, p. 5.
[33] *Committee Report*, p. 6 (italics mine).

The future will have to show whether the members of the UN will actually conclude such a binding convention.

What rights are to be protected by the Bill? The UN consists of states with a most diversified cultural, political, and economic structure. Not only are highly civilized countries members of the UN but also countries such as Yemen, where slave trade is still permitted and the punishment for thieves is the cutting off of the right hand. Democracies as well as authoritarian states are among the members of the UN. There are special problems in connection with federal states such as the United States and states without rigid constitutions such as England.[34] It will not be an easy task, therefore, to draw up a catalogue of rights which will be acceptable to all members. Of the numerous proposals, that of the United States may be quoted here as an example. It suggests the following groups of rights to be considered in the Bill:[35]

a) personal rights, such as freedom of speech, information, religion, and rights of property;

b) procedural rights, such as safeguards for persons accused of crime;

c) social rights, such as the right to employment and social security and the right to enjoy minimum standards of economic, social, and cultural well-being;

d) political rights, such as the right to citizenship and the right of citizens to participate in their governments.

These rights cannot be discussed here in detail. Within the limits of the present study this much may be said: the Bill can grant only a minimum which, however, must not be so small as to render the Bill illusory in practice. It will be difficult to draw an appropriate boundary line. Only one question of basic importance will be treated here: Should an individual have the right to address complaints against his own state to an international authority? This question brings up the problem of the implementation of human rights.

[34] Concerning the U.S.A., cf. the statement of Mrs. Roosevelt, in *Doc.*, E/CN. 4/AC. 1/SR. 11, p. 3; on England, *United Kingdom Draft of an International Bill of Human Rights* (=United Kingdom Draft), (London 1947-, p. 8, and the statement of the British delegate in *Doc.*, E/CN. 4/AC. 1/SR. 11, p. 3.

[35] *Doc*, E/CN. 4/4.

The Implementation of Human Rights

The implementation of human rights is a most difficult question. It is obvious that all substantial provisions related to human rights must be of doubtful value unless international machinery secures their observance and enforcement. On the other hand, the establishment of an international authority for this purpose would result in making internal life of a state subject to a large extent to international control. Most states, and above all the Great Powers, would hardly be willing to renounce their sovereignty for such a purpose, even to a limited extent. In the Drafting Committee of the Human Rights Commission several suggestions concerning implementation were made, but there was no agreement on any one: "none . . . was approved by the Drafting Committee, as such".[36] Nevertheless, the problem of implementation is important and interesting from the point of view of existing legislation as well as with regard to a future Bill on the subject.

1. With reference to existing legislation, the above mentioned provisions of the Charter prohibit discrimination against racial or religious minorities. Consequently, according to a report of the Secretary General of July, 1947, "thousands of communications concerning human rights have been received from all parts of the world".[37] Some of these petitions exposed "violation of human rights on various grounds, such as discrimination as to language or race".[38]

Claims of this kind were treated under the minorities system of 1919 according to fixed rules. The latter certainly had many weak points but, at least, they gave the minorities some chance of being heard by the Council of the League of Nations.[39] However, not even a chance of this kind exists at present under the UN. Originally, petitions to the UN were not even acknowledged: "They do not seem to call for any

[36] *Committee Report*, p. 7.

[37] United Nations, *Annual Report of the Secretary-General on the Work of the Organization*, (=Secretary Report), Suppl. No. 1 (New York, July 14, 1947), p. 33.

[38] *Doc.*, A/BUR/14.

[39] Cf. K. Stillschweig, *Die Juden Osteuropas in den Minderheitenverträgen* (Berlin, 1936), p. 171 ff.

acknowledgment or reply." Only later were they referred to the Commission on Human Rights, "for information".[40] The Commission and the Economic and Social Council decided to request the Secretary General "to inform the writers of all communications concerning human rights however addressed, that their communications would be brought to the attention of the Commission on Human Rights."[41] Thus, now at least, the petitioners receive a reply. The Commission on Human Rights, however, being only a deliberative body without coercive functions, recognized explicitly "that it has no power to take any action in regard to any complaints concerning human rights."[42] It is true that the state against which the complaint is directed is furnished with "a brief indication of the substance of the communication,"[43] but it is completely left to the state's own discretion whether it will take any measures and, if so, to choose the measures to be taken.[44] Aggrieved persons or groups can thus be heard before the UN only if a member state takes up their case. Which organ then would have to act depends upon the nature of the matter. The Security Council can handle cases that come under article 39, and can even take compulsory measures. The other organs, however, have no coercive power and their decisions are not binding for the state that discriminates.[45]

[40] *Doc.*, A/BUR/14.

[41] *Doc.*, E/259, p. 6; Doc. E/CN. 4/27; Doc. E/505.

[42] *Doc.*, E/259, p. 7.

[43] *Doc.*, E/505; cf. Secretary Report, p. 34 f.

[44] Informing the state of the petition takes place "without divulging the identity of the author" (*Doc.*, E/505). This is to prevent the state from taking reprisals against the petitioner. This question also played a role in the minorities system; cf. Stillschweig, *Die Juden Osteuropas*, p. 164 ff. The Polish-Czechoslovak treaty of April 23, 1925 (art. 12, par. 2) stipulated: "La défense des droits de minorités ne sera pas considerée comme une acte de déloyauté envers l'Etat"; Herbert Kraus, *Das Recht der Minderheiten* (Berlin, 1927), p. 211. It has been suggested to incorporate a provision in the international bill that "the right to access to the United Nations" must be granted "without risk of reprisal"; *Doc.*, E/CN. 4/AC. 1/3/Add. 1, p. 246.

[45] For details, see Stillschweig, *Revue de droit international*, 1947, No. 4. Special rules are laid down in the peace treaties. In Art. 39 of the Treaty with Hungary, for instance, (corresponding provisions in the other treaties) it is stipulated that the diplomatic representatives of Great Britain, USA and USSR in Budapest, "acting in concert," shall supervise the execution of the treaty, including the provisions concerning human rights. This clause is to become

2. Legislative proposals for the future are, of course, not lacking. It has been suggested that procedural rules should be enacted immediately and independently of the future Bill of Human Rights.[46] Incorporation of pertinent provisions in the Bill itself was also proposed. The latter seems to be of secondary importance only; the decisive point is the possibility of establishing an effective international machinery.

That such machinery is a necessity, has been repeatedly recognized by the UN. The Economic and Social Council resolved on June 21, 1946, "that the purpose of the United Nations with regard to the promotion and observance of human rights . . . can only be fulfilled if provisions are made for the implementation of human rights . . ."[47] The Drafting Committee of the Human Rights Commission distinctly stated that it "acted on the assumption that the international community must insure the observance of the rights" of man.[48] It was not possible, however, for the Drafting Committee to come to an agreement regarding the manner in which the insurance should be realized. The Committee "as such", therefore, took no stand in the problem but summarized some "principal observations made by one or more individual members." These observations contain, *inter alia*, the following points:[49]

d) that among possible deterrents against violation . . . are publicity and international censure which might be achieved by
   (i) petitions by individuals and groups to the United Nations,
   (ii) extension of the powers of the Human Rights Commission or creation of new machinery within the framework of the United Nations to receive, sift, examine, and deal with communications alleging the violation of human rights,
   (iii) requests by the Secretary-General to member nations for reports on their observance of human rights,
   (iv) discussion in the General Assembly;

valid only after the treaty is in force eighteen months. Special provisions exist for Trieste; cf. art. 17 of the Permanent Statute, and *Secretary Report*, p. 36.

[46] Australia: "to implement those rights and freedoms already laid down in the Charter"; *Doc.*, E/CN. 4/21, p. 91 f; cf. also United Kingdom Draft, p. 13.

[47] *Journal of the Economic and Social Council*, No. 29, p. 521.

[48] *Committee Report*, p. 6.

[49] *Committee Report*, p. 6 s.

e) that an International Court of Human Rights, along the lines of the Australian proposal, be established for the adjudication of cases of alleged violation of human rights;

f) that any state persistently violating human rights should be expelled from the United Nations.

The observation under (e) goes back to the well-known Australian proposal made at the Peace Conference. Australia suggested the establishment of an International Court of Human Rights, which "shall have jurisdiction to hear and determine all disputes concerning the rights of citizenship and enjoyment of human rights. . . . The Court shall be open to any person or group of persons".[50]

These and similar suggestions were defined as "utopian," however.[51] Hence, the Drafting Committee declared that:

the United Nations should promote through education the widest possible respect for human rights. It was suggested by individual members of the Drafting Committee that a special international organ might be required for this purpose.[53] The Committee also recognized that protection of human rights could not be completely insured unless conditions of social progress and better standards of living were established.

The Crime of Genocide

The provisions discussed above are intended to influence the attitude of states towards their inhabitants. However, states act through the medium of human beings. A state is, as the British Chief Prosecutor declared in Nuremberg, "not an abstract entity. Its rights and duties are the rights and duties of men. Its actions are the actions of men."[54] If discrimination against minorities is to be forbidden to states, the individuals, acting in behalf of the states must also keep from indulging in discriminatory practices. These ideas played a major role in the Nuremberg trials and led to the punishment of the major war criminals and criminal organizations.

[50] *Doc.*, E/CN. 4/15, of February 5, 1947. Individuals or minorities groups cannot appeal to the existing International Court of Justice; cf. Statute of the International Court of Justice, art. 34.

[51] For instance, by Chile; cf. *Doc.*, C.N. 4/AC. 1/SR. 11, p. 12.

[52] *Committee Report*, p. 7.

[53] Local human rights committees have not as yet attracted much interest from the members of the UN; cf. *Secretary Report*, p. 36.

[54] *Nuremberg Trial*, II, p. 56.

The law which was applied at Nuremberg was, however, merely a special and ephemeral law. In order to transform it into universal international law, it is necessary, as a member of the tribunal wrote to President Truman, "that the United Nations as a whole re-affirm the principles of the Nuremberg Charter. . . ."[55] Consequently the General Assembly passed a resolution on December 11, 1946 to this effect:[56]

> The General Assembly . . . affirms the principles of international law recognized by the Charter of the Nuremberg Tribunal and the judgement of the Tribunal.

The punishment of "crimes against humanity" belongs to these principles. They are defined as follows:[57]

> . . . murder . . . and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal. . . .

Because this resolution of the General Assembly was unanimous, its provision may be considered as a "general principal of law recognized by civilized nations" so that the International Court of Justice can actually apply it.[58] As for future law, the General Assembly pointed out in the resolution that . . . the Committee on the codification of international law . . . treat as a matter of primary importance plans for the formulation, in the context of a general codification of offenses against the peace and security of mankind, or of an International Criminal Code, of the principles recognized in the Charter of the Nuremberg Tribunal and in the judgment of the Tribunal.

The Committee on the Codification of International Law has not yet, however, begun preparatory work. It merely recommended to the General Assembly that the matter be "referred to a proposed International Law Commission."[59]

The acts enumerated in article 6 c of the Statute for the

[55] Quoted from *American Journal of International Law*, XLI (1947), p. 36, note 36.

[56] *Journal*, No. 58: Suppl. A & A/P.V./55, p. 485.

[57] Art. 6, c, of the Charter of the International Military Tribunal.

[58] Art. 38, lc, of the Statute of the International Court of Justice.

[59] *Secretary Report*, p. 60.

Military Tribunal constitute crimes against humanity only if they are connected with crimes against peace or are war crimes. Consequently the Nuremberg Tribunal could not punish acts which had been committed in Germany against the population before the outbreak of the war. This restriction was considered as unsatisfactory in the UN. Hence, the General Assembly adopted a second resolution on December 11, 1946, which supplements the first one in the following manner: [60]

> Genocide is a denial of the right of existence of entire human groups . . .; such denial is contrary to moral law and to the spirit and aims of the United Nations. . . . The punishment of the crime of genocide is a matter of international concern. The General Assembly, therefore,
>
> Affirms that genocide is a crime under international law . . . and for the commission of which principals and accomplices—whether private individuals, public officials, or statesmen, and whether the crime is committed on religious, racial, political, or any other grounds—are punishable;
>
> Invites the member states to enact the necessary legislation for the prevention and punishment of this crime;
>
> Requests the Economic and Social Council to undertake the necessary studies, with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the General Assembly.

This resolution was again unanimous. One can assume therefore, that the punishment of genocide also belongs to the "general principles of law recognized by civilized nations" which may be applied by the International Court of Justice. The resolution distinctly emphasizes that genocide is a crime "under international law." Genocide is thereby put on a level with other crimes by enemies of the human race, *hostes generis humani,* such as piracy or white slave trade. This means that punishment can take place in any state, irrespective of where the act was committed and of what nationality the guilty person is.

However, in order that punishment by the domestic courts of the individual states be effected it is necessary for the international rule to be embodied in the criminal law codes of these states. The convention as proposed in the last paragraph of the resolution is intended to insure the high-

[60] *Journal,* No. 58: Suppl. A—A/P.V. 55, p. 476.

est possible uniformity in this respect. On March 28, 1947, the Economic and Social Council instructed the Secretary General to do the preparatory work, and a convention was drafted by him on June 26, 1947.[61] This draft defines genocide as the destruction of "racial, national, linguistic, religious or political groups of human beings." The crime can be committed in a "physical", "biological", or "cultural" form. Physical genocide corresponds approximately to article 6 c of the Statute of the Military Tribunal. Biological genocide is the "extinction of a group . . . by systematic restriction of births." Cultural genocide is the "destruction by brutal means of the specific characteristics of a group." "A policy of forced assimilation," many examples of which can be found in the history of the Jews of the emancipation era, does not constitute cultural genocide.

Attempts and certain preparatory acts such as "all forms of public propaganda tending by their systematic and hateful character to provoke genocide . . ." are also placed under penalty. The vilest types of antisemitic propaganda are covered by this. The draft emphasizes, however, that "criticism directed against a social group" shall not be prohibited "even if this criticism is unjust, impatient and excessive." Under punishment are all persons who commit genocide, "be they rulers, public officials, or private individuals." The details and procedural suggestions for the establishment of an International Court cannot be discussed here. It may only be noted that the draft also contains a clause on reparations which might develop into something of importance. It reads as follows:[62]

> When genocide is committed in a country by the government in power or by sections of the population, and if the government fails to resist it successfully, the state shall grant to the survivors of the human group that is a victim of genocide, redress of a nature and in an amount to be determined by the United Nations.

The draft convention was referred by the Secretary General to the members of the UN who are to make their comments.

[61] *Doc.*, E/447.
[62] *Loc. cit.*, p. 47.

The provisions concerning human rights are as yet undeveloped. Whether they will be realized or remain a dead letter is a problem of the highest importance for the Jews, particularly those living in the diaspora. It is not, however, a question which concerns the Jews alone. It is a question affecting the whole of mankind. In 1945 the Secretary of State, Mr. Stettinius, wrote to President Truman that the international protection of human rights is "a promise from this generation to generations yet unborn that this war, fought for the cause of freedom, will not have been fought in vain."[63] Will this promise be fulfilled? The reply depends upon whether the United Nations becomes an instrument of peace or is destroyed by the forces of violence. Mankind stands at the crossroads: ". . . the choice is between life and death. The failure of the United Nations would mean the failure of peace, the triumph of destruction."[64]

[63] *Report to the President on the Results of the San Francisco Conference by the Chairman of the United States Delegation, Department of State,* Publication 2349, Conference Series 71, June 26, 1945, p. 119.

[64] Mr. Trygve Lie, in *Secretary Report* of June 30, 1946, p. VI.

PROUDHON'S JUDEOPHOBIA

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I

Biographical and Bibliographical Introduction

FEW, if any, will deny the importance of uncovering the roots of modern antisemitism by laying bare its background and history, particularly through the study of the leading social thinkers. As far as France is concerned, there is hardly any more renowned social reformer than Pierre-Joseph Proudhon, author of *Qu'est-ce que la propriété?* It is well known that his ascendancy is far from being limited to the past. To judge by the number of publications which continue to be devoted to Proudhon, the interest in the famous French socialist is still growing. The fact that the Société des Amis de Proudhon is publishing a new edition of his works, of which fourteen volumes have already appeared, is a very significant one. In a scholarly introduction to this edition, M. Roger Picard observes that there is, so to speak, no one aspect of Proudhon's life and doctrine which has not been examined in studies of great value.[1] The statement is probably correct, but with one exception, since in the whole literature on Proudhon, there is not to be found one single inquiry into his attitude towards the Jews. The present paper proposes to fill this gap.

Pierre-Joseph Proudhon, the son of a brewer's cooper and of a cook, was born in 1809, at Besançon, the birthplace of Fourier. Young Pierre helped his father in the cave and herded cattle in the fields around his native town. He made excellent progress at the *collège* of Besançon but could not

[1] Proudhon, *Système des Contradictions Economiques* (Paris, 1923), p. 6.

complete it because of his parents' poverty. At nineteen Proudhon became a printer's compositor, and then a co-director of a small printing shop. In spite of many handicaps, he continued his education, devouring all books that fell into his hands. In 1838 the award of a three years scholarship by the Academy of Besançon enabled him to study in Paris. Thereafter he obtained a rather important position with a shipping company in Lyons. Subsequently he became a newspaperman. In 1848 he was elected to the Constituent Assembly. The next year, he was tried for breaking a censorship law and was condemned to serve three years in prison. Upon his release, he was again sentenced to a prison term for attacking the Church. He escaped to Belgium, however, and returned to France three years after the political amnesty of 1859. He is the author of a great number of books several of which will be quoted throughout this study. He died in Paris in 1865, leaving numerous manuscripts, more or less completed, and published posthumously. He exercised a great influence on the movement of the French working classes.

Proudhon criticizes private property because, in the present state of society, it possesses the faculty of producing income without work. This faculty is contrary to the equality of men, which is only realizable when their relations are based on the principle of reciprocity of services or "mutualism". Mutualism, a term so frequently encountered in Proudhon's writings, is a formula of justice in virtue of which the members of a society, whatever be their rank, fortune and condition, whether they be corporations or individuals, families or cities, engaged in industry, agriculture or public service, promise and guarantee to each other service for service, credit for credit, value for value, good faith for good faith, property for property.[2] Mutualism cannot be carried out without a previous reform of the exchange and credit system. Products have to be exchanged for products in proportion to the quantity of labor expended, and credit has to be free. The establishment of a bank of exchange would secure the gratui-

[2] Proudhon, *De la capacité politique des classes ouvrières* (first published in 1865; Paris, 1924), pp. 203-204.

tousness of loans. In order to abolish money interest, it is sufficient to substitute for gold and silver currency, non-convertible paper money which would cost the bank nothing and which would circulate by virtue of an agreement between the members of the bank, to accept it in payment of their products. Proudhon is thus far from claiming to suppress private property. While asserting that *la propriété c'est le vol,* he has in mind only property as we know it now, i.e., an institution rendering possible exploitation of man by man. What he really wants is not to abolish property, but to transform, to humanize, to purify it from its right to abuse the labor of others by exacting rent, profit or interest. Property acquired by one's own work is, however, just, and should even be hereditary. Thus Proudhon is not a partisan of collectivism. He is nevertheless a socialist, first because his critique of the capitalist society resembles that of all socialist schools, then because he wishes a greater equality between men, and finally, because, in spite of all his liberal principles, he sees himself frequently obliged to turn to the state in order to carry out his equalitarian projects.[3] He calls himself a "socialist",[4] and most historians consider him as such.

Already Sainte-Beuve, Proudhon's first biographer, draws attention to the serious gaps in his education, especially in the field of history and literature. In fact, Proudhon was not sufficiently informed; he did not read enough, and, what is more, he did not read carefully enough.[5] His knowledge of Jewish history was limited to antiquity. Firmly convinced that the world has not yet arrived at a right understanding of Jewish history, he started in 1838 to work on a history of the Israelites, and continued at the same time, slowly but steadily, his study of the Hebrew language.[6]

[3] Cf. Jules-L. Puech, *Le Proudhonisme dans l'Association Internationale des Travailleurs,* (Paris, 1907), p. 239; Edouard Droz, *Proudhon,* (Paris, 1909), p. 17.

[4] Proudhon, *Correspondance,* (Paris, 1875, 14 vols.), XIV, p. 283; *Oeuvres complètes de P.-J. Proudhon,* (Paris-Bruxelles, 1868, 26 vols., henceforth cited as *Oeuvres*), XIX, p. 157.

[5] Charles-Augustin Sainte-Beuve, *P.-J. Proudhon, sa vie et sa correspondance,* 1838-1848. (4th ed., Paris, 1873), p. 249.

[6] Proudhon, *Correspondance,* I, pp. 69, 144. In spite of his rudimentary linguistic knowledge, he formulates etymologies of Hebrew words: *Le mis-*

Twenty-five years later, he reported to a friend, that the work was very much advanced as far as the collected material was concerned, and that the writing of it would not take much time. In his own words, it is "a quite original study on Mosaism," and the title he planned to give it runs thus: "Physiologie de la conscience humaine, d'après l'histoire religieuse des Hébreux."[7] More urgent work prevented however the completion of the study to which he devoted so much time. As far as modern Jewish history is concerned, he does not seem to have ever studied it. Even when he quotes Jacques Basnage's *L'Histoire et la religion des Juifs depuis Jésus-Christ jusqu'à présent* (1706), he is only referring to Book VI which covers the period from the dispersion of all the tribes up to the eighth century.[8]

Proudhon does not set forth systematically his ideas on the Jews. His thoughts are rather short, and scattered throughout several publications and manuscripts. The most numerous and important of his pronouncements on the subject are to be found in his *De la célébration du dimanche* (1839), *Système des contradictions économiques* (1846), *De la justice* (1858), and in his posthumous writings (*France et Rhin, La Bible annotée, Césarisme et christianisme, Jésus et les origines du christianisme*) based on manuscripts, the date of composition of which cannot always be determined exactly. Those manuscripts are frequently far from having been completed. Thus, for example, in *France et Rhin,* Proudhon planned to write "a few emphatic pages on the Jews",[9] but evidently that was never done, otherwise the editor would have incorporated them in the volume.

The following writings of Proudhon contain brief comments which are, however, none the less useful for the reconstruction of his thought on the Jews: *Qu'est-ce que la propriété?* (1840), Les *confessions d'un révolutionnaire*

erere (1845), *Oeuvres,* II, pp. 292, 294; *De la justice dans la révolution et dans l'église* ([1858], Paris, 1930-1935, 4 vols.), III, pp. 306-309. Cf. also Sainte-Beuve, *op. cit.,* p. 230.

[7] *Correspondance,* XIII, p. 238 (February 15, 1864).

[8] Proudhon, *Césarisme et christianisme,* (Paris, 1883, 2 vols.), I, p. 138.

[9] Proudhon, *France et Rhin,* (Paris, 1868), p. 260.

(1849), *La justice poursuivie par l'église* (1858), *Si les traités de* 1815 *ont cessé d'exister* (1863), *De la capacité politique des classes ouvières* (1865). His voluminous *Correspondance* is indispensable for the understanding of the subject.

There are numerous monographs on Proudhon. The first biography by Sainte-Beuve is necessarily full of gaps. More detailed and better documented are the works of Karl Diehl, *P.-J. Proudhon, seine Lehre und Leben* (Jena, 1888-1896, 3 vols.), and Arthur Desjardin, *P.-J. Proudhon, sa vie, ses oeuvres, sa doctrine* (Paris, 1896, 2 vols.). The writings of Hubert Bourgin, *Proudhon* (Paris, 1901) and Edouard Droz, *Proudhon* (Paris, 1909) are still useful. The study of Daniel Halévy, *La jeunesse de Proudhon* (Paris, 1913), contains important unpublished material. Henri Bachelin's *Proudhon, socialiste national* (4th ed., Paris, 1941) is worthless, while a recent volume, Jacques Bourgeat's *P.-J. Proudhon, père du socialisme français* (Paris, 1943), offers an interesting biography. Curiously enough, none of these monographs examines Proudhon's attitude toward the Jews.

II

Double Meaning of the Word "Jew" in Proudhon's Works

Like many other socialists, Proudhon often identifies the word "Jew" with financier. The fact should not however mislead the reader about Proudhon's ideas on what the Jews are. Proudhon calls them a "race"[10] and—though he uses the word only once—a "nation".[11] It is true that he does not define the meaning of those terms, but there is not the slightest doubt that, ethnically speaking, he considered them as a group apart.

[10] *Ibid.; De la justice,* IV, p. 458.

[11] "Le mosaisme subsiste encore, il est tout aussi vivant que le christianisme, il s'est modifié, mais pas intégralement ni essentiellement transformé; il a des temples magnifiques, à Francfort, à Cologne et dans d'autres villes, des synagogues partout, il est salarié de l'Etat en France et jamais *la nation* ne fut, chez elle, si forte, si nombreuse, si riche, si libre." Proudhon, *Jésus et les origines du christianisme* (Paris, 1896), p. 170. [Italics mine].

He frequently designates by the word "Jew" persons—mostly of Jewish origin—who earn money by unjust and sordid means. Many a time he applies it as a synonym of Jewish—and, sometimes, of even Gentile—exploiters. While designating as "counter-revolutionaries" all those lenders of money and instruments of production "who recognize the Jews as [their] leaders",[12] he undoubtedly has chiefly in mind Rothschild and his colleagues. Once, after having accused the National Assembly of authoritarian trends, he observes that, while he is delivering his speech, the Rothschilds are said to have gathered in Paris to consolidate the European credit. "The Jews, again the Jews, always the Jews! Under the Republic, just as under Louis-Philippe, and under Louis XIV, we are at the mercy of the Jews."[13] Now as long as the Jews take it upon themselves to reestablish credit, the latter will continue to be a "lie" and "the proletarian will continue to be exploited."[14] It is clear that in this speech by "Jews"—Jewish bankers or usurers are meant. The same may be said of another speech thus concluded by Proudhon: "Les Juifs ne reviendront pas; je le leur défend."[15] In still another place, in which he accuses the Emperor of surrendering the souls of the Frenchmen to the Jesuits, and "the patrimony of the people to the Jews,"[16] one may also substitute for the latter word that of "bankers". Sometimes, he states explicitly that he is speaking of a special category of the Jews. Thus he says "*Jewish* and Basilean [money] *lenders* are today the real proprietors of Alsace."[17] Another time he notes: "*Jewish usurers,* Saint-Simonians, leaders of dissolute women, brutal mercenaries (*soudards*), [and] contemptible pedants are leading the country."[18] Finally, while denouncing the "government of the Jews" in France, he also has in

[12] Proudhon, in "Représentant du Peuple," May 10, 1848, *Oeuvres,* VI, p. 181.

[13] Proudhon, in "Représentant du Peuple," May 11, 1848, *Oeuvres,* XVII, p. 31.

[14] *Ibid.*

[15] "Discours prononcé à l'Assemblée nationale le 31 juillet 1848", *Oeuvres,* VII, p. 303.

[16] *Correspondance,* V, p. 242 (September 7, 1853).

[17] *Système des contradictions économiques,* I, p. 230 [italics mine].

[18] *Correspondance,* XII, pp. 54-55 (April 12, 1862) [italics mine].

mind the reign of high finance among which some Jews occupied a conspicuous place.[19]

In no wise does it however follow that Proudhon uses always the word "Jew" as an equivalent for Jewish capitalists or for exploiters in general, whatever their nationality may be. Frequently, he terms by this word the Jewish people. The reader himself will notice it by glancing over a few passages reproduced in the following pages.[20]

III

Parasitism and Domination

According to Proudhon, parasitism is the most striking feature of the Jewish people. "The Jew is by temperament an anti-producer, neither a farmer nor an industrial nor even a true merchant. He is an intermediary, always fraudulent and parasitic, who operates, in trade as in philosophy, by means of falsification, counterfeiting, [and] horse-dealing. He knows but the rise and fall of prices, the risks of transportation, the incertitudes of crops, the hazards of demand and supply. His policy in economics has always been entirely negative, entirely usurious; it is the evil principle, Satin, Ahriman, incarnated in the race of Sem, and which has already been twice exterminated by the Greeks and the Romans, the first time at Tyre, the second time at Carthage."[21]

The encouragement of theft by stealing, swindling, breach of trust, gambling and lotteries is, to be sure, no monopoly of the Jew. He shares this feature with the Greeks, Arabs, and "all the savages."[22] What differentiates him however from other peoples, is his economic sterility: he does not produce, but he consumes. He adores speculation and knows admirably well how to draw profit from it. The passion for trade, much more than the arms of Titus and Hadrian, is in

19 *Ibid.*, p. 65 (May 5, 1862).
20 Cf. *infra*, quotations at notes 21, 26, 43, 48.
21 Proudhon, *Césarisme et christianisme*, I, p. 139.
22 Proudhon, "Qu'est-ce que la propriété?", *Oeuvres*, I, p. 206.

fact responsible for the dispersion of the Jews, who may be said to be "devoted from their birth to mercantile and usurious parasitism."[23]. Moses took measures to make them stay in the country, but without great success; eight centuries later Ezra had great difficulty in bringing them back to Palestine. From Jesus Christ to the French Revolution they did not cease, in spite of the most abominable persecutions, to live at the expense of other nations, practising charity among themselves, but ransoming ruthlessly the foreigners, according to Moses' precept: *Non foenerabis proximo tuo, sed alieno.*[24] Credit is hypocritic and spoliatory, rapacious and murderous. The legislator of the Hebrews knew well what he did when he recommended to his people to lend to other nations but never to borrow from them, and when, on this condition, he pledged to them world domination: For Jehovah thy God will bless thee, as he promised thee: and thou shalt lend unto many nations, but thou shalt not borrow; and thou shalt rule over many nations, but they shall not rule over thee (*Deuteron.*, 15:6). "Often unfaithful to Jehovah, but always faithful to Mammon, the Jews never failed to follow this precept. And one may see today whether the promise of God is fulfilled."[25]

It was said in the past, in order to justify the Jews, that they had no choice of their means of existence; but, since the French Revolution had emancipated them, what did they do to change their economic status? Nothing! "The Jew remained a Jew, a parasitic race, hostile to work, addicted to all practices of an anarchical and lying trade, gambling speculation and usurious banking."[26]

The Jews constitute "a Free-Masonry throughout Europe."[27] Acting in complicity with monarchs, they lay hold on the wealth of peoples, and dominate the nations

[23] Proudhon, *De la justice*, IV, p. 457.

[24] *Ibid.* For other remarks on Mosaism, cf. *ibid.*, I, p. 264; III, p. 37; Proudhon, "De la célébration," *Oeuvres*, II, pp. 123, 137; *Confessions* (Paris, 1929), p. 136; *De la capacité*, p. 152.

[25] Proudhon, *Système des contradictions économiques*, II, pp. 139-140.

[26] Proudhon, *De la justice*, IV, p. 458.

[27] Proudhon. *France et Rhin*, p. 260.

through banks and stock-exchanges.[28] "The Jews own the newspapers and run the politics in Germany just as they do in France."[29]. More than kings and emperors, "they are the sovereigns of the epoch."[30] And what is even more sad is that, throughout Europe, they have made the middle classes, both lower and higher, like themselves, so that to expel them today would be absolutely useless.[31]

A witness of the contemporary power of the Jews, Proudhon believes himself to be in a position to understand better the influence they exercised on the Roman Empire during the century preceding the fall of their small state. He thinks that, after all, their projects of conquering the world were not at all absurd. Indeed, if, at a given sign, the Jews, scattered all over the Empire, would have raised the flag of rebellion, there was, among the poor population, because of their usuries and proselytism, a good chance for a messianic empire and the succession of the Jews to the Romans. "To take the Empire by assault, by trade, by money, by an idea and by arms, was a plan which, even though never avowed by anyone, even though never the result of a council, nor the work of a leader, nevertheless did exist in concrete form (*à l'état concret*), although perhaps never well thought out, among all the Jews in all the world. All that was lacking were the direction and the unity."[32]

This historical comment of Proudhon is here recorded, to show how much attention he devoted to the danger of

[28] Proudhon, *Césarisme et christianisme*, I, p. 139.

[29] Proudhon, *Correspondance*, XI, 354 (January 29, 1862). Willibald Schulze ("War Proudhon Anarchist?" *Deutschland's Erneuerung*, XXIII, (1939), 14-21) is pleased to call attention to this passage and to several others of the same kind.

[30] Proudhon, *De la justice*, IV, p. 458.

[31] *Ibid.*

[32] Proudhon, *Césarisme et christianisme*, I, p. 140. Discussing ancient anti-semitism, Proudhon (*ibid.*, p. 137) observes: "Everywhere an unbelievable hatred breaks out against the Jews [by the year 40 C.E.]; that universal hatred against the Jews had several causes: their fanatical monotheism, their intolerance; their *separatism*, their avowed claims to domination; their speculating mercantilism, full of bad faith; finally, their spirit of exploitation and proselytism." Proudhon does not examine anywhere the causes of modern anti-semitism. However, it follows from several passages in his works that, in his opinion, nearly all the causes enumerated above, continue to act in the contemporary period.

Jewish domination. It would be perhaps exaggerated to say that he was obsessed by that idea, but, in any case, now and again it does not leave him at ease. It is rather interesting, in this connection, to note that fear of Jews is one of the arguments he sets forth against Polish nationalism. Reestablishment of an independent Poland would produce there a political reaction, and increase the power of the nobility; it would secure in France, Belgium and everywhere "the triumph of industrial feudalism, the reign of the Jews, the first cause and the basis of modern pauperism."[33]

IV

Intellectual and Political Incapacity

Proudhon attributes, besides parasitism, several other negative features to the Jews. During their exile in Babylonia, according to him, they acquired certain shortcomings which still characterize them: taste for metaphysical reveries, propensity for narrow and mean criticism, liking for disputes, quest of vain curiosities in speculation, and refinement in practice. The ancient greatness and simplicity of the Israelite genius gave way to the quibbling, cavilling and false spirit of rabbis.[34] The Jews live in the illusion of being in charge of a providential mission to propagate monotheism,[35] not knowing that mercantile races are not missionaries.[36] Because of their monotheism, they consider themselves to be destined to dominate the world,[37] and have no idea that the belief in one God is not of Jewish origin. Hebrew, being devoid of abstract words, is incapable of expressing a metaphysical idea. The people who spoke it could not, therefore, conceive all of a sudden, by an intuition diametrically opposed to their genius, the idea of unity of God, the most metaphysical of all ideas. In short, "monotheism is a crea-

[33] Proudhon, "Si les traités . . ." (1863), *Oeuvres*, VIII, p. 313.
[34] Proudhon, *De la célébration*, p. 132.
[35] Proudhon, *De la justice*, p. 444.
[36] Proudhon, *France et Rhin*, p. 218.
[37] Proudhon, *Jésus et les origines du christianisme*, p. 135.

tion of the Indo-Germanic spirit; it could not emerge but from it."[38]

Political ineptitude is another characteristic attributed to the Jews of which they gave proof already in ancient times. Their treatment of Jesus gives the best evidence of their lack of political sense. The indictment that they brought against him was specious; it shows not only their own moral decay and dishonesty, but also their inability.[39] Instead of accepting his ideas, they uselessly fought against him. Rather than assent to a progressive reform, they associated themselves with idolatrous foreigners, Greeks and Romans. If they had really been patriots, enlightened and unprejudiced, the Jewish reform would have been accomplished peacefully, and the regeneration of the Roman Empire would have followed inevitably.[40]

But they were not true patriots, and because of their messianic obstinacy, they placed themselves "beyond the conscience of the human race".[41] Proudhon detests the stubborn behavior of the Jews, and his hostility towards them is only moderated by his animosity for the Church. "Without doubt," he says," the reform by Jesus would have contained the salvation of the Jew, if it had been accepted; but in order to have had it accepted, it would have been necessary to add a strong dose of superstition; and the experience, so long and so cruel, of Catholicism, singularly cools off the favor that one is at first disposed to accord to innovators, and the hate which the Jews inspire."[42]

The Jews constitute "a race incapable of forming a State, and unable to govern itself."[43] In this they resemble

[38] Proudhon, *De la justice,* I, p. 445. Curiously enough, in another place, Proudhon called the Hebrew language "the most religious one that men have ever spoken" (*Système des contradictions,* I, p. 35). Meantime, he read Renan's treatise on the Semitic languages (cf. *De la justice,* III, p. 231), evidently accepting its critical part.

[39] Proudhon, *Jésus et les origines du christianisme,* p. 122.

[40] Proudhon, *La Bible annotée* (*Noveau Testament*): *Les Actes des Apôtres* (Paris, 1867), p. 57.

[41] Proudhon, *Jésus et les origines du christianisme,* p. 122. Though hostile to all religions, Proudhon seems to be particularly severe with the Jewish faith.

[42] Proudhon, *La Bible annotée,* p. 57.

[43] Proudhon, *France et Rhin,* p. 260

the Gypsies, the Poles, the Greeks, the Armenians, or, in one word, "all those who are vagabonds".[44] It is interesting to note that the lack of concern on the part of the Jews for their national independence shocks Proudhon. "They are the sovereigns of the epoch," he says, "as indifferent, it must be added, to the progress and liberty of the peoples they squeeze as to the reconstitution of their own nationality."[45] Considering this indifference as a permanent feature of the Jews, it is not surprising that nowhere else Proudhon expresses himself about the possibility of reestablishing their national sovereignty.

"Inclination to materialism" is another characteristic feature of the Jewish race, according to Proudhon.[46] The Jewish spirit "always full of vulgar sensualism", seems to Proudhon to be altogether sterile.[47] A "race of brokers and disputers",[48] they act everywhere, in philosophy not less than in commerce, as swindlers of the lowest category.[49]

V

Xenophobia and Antisemitism

The Jews are not the only people attacked by Proudhon. He does not like the foreigners in France. In his opinion, that country has been invaded by Englishmen, Germans, Belgians, Jews, etc. The declaration of the Rights of Man of 1789 and the liberalism of 1830 and 1848 were only profitable to foreigners. In fact, what do they care about the despotism of the government? They do not belong to the country and entered it only to exploit it. The government has thus an interest "to favor the foreigners whose race is insensibly driving out ours."[50]

[44] *Ibid.*

[45] Proudhon, *De la justice, IV*, p 458.

[46] Proudhon, *Césarisme et christianisme*, I, p. 11.

[47] Proudhon, *De la célébration*, p. 139.

[48] Proudhon, *Césarisme et christianisme*, I, p. 14.

[49] *Ibid.*, p. 139.

[50] Proudhon, *France et Rhin*, p. 260.

While the Jews are taking hold of the banks and the commerce of France, hosts of Belgian, German, English, Swiss and Spanish workers are replacing French laborers in industry and agriculture. Foreigners consider the French as good-for-nothings whom one can manage through vanity. They leave them . . . the glory, but appropriate to themselves their wealth. Nothing illustrates better this continuous expropriation than the fact that the English are the owners of all that is best and most beautiful in France.[51]

Proudhon also dislikes the cultural influence of foreign countries on France. To use his own expression, he is offering a systematic opposition to everything that seems to him alien to the sacred soil of Gaul. He wants his nation to return to its original nature, free of all foreign creeds and institutions. Greeks, Romans, Barbarians, Jews and the English have long enough reacted (*déteint*) upon the French race.[52] Proudhon does not express any fear of a possible American influence, but he says explicitly what he is thinking about the New World: America is producing nothing great; she is industrial and commercial; "she is returning to Israel, the Bible makes her crazy".[53]

By such examples, which could be easily multiplied, Proudhon's xenophobia seems to be well established. There is not the least doubt that, in his works, the Jews do not have the monopoly of being hated. But it is of importance to add that Proudhon attacks them more vehemently than any other people. In short, antisemitism is the strongest manifestation of his xenophobia. Yet, he is not a militant antisemite. He is not opposed to the emancipation of the Jews,[64] as he is to that of the Negroes.[55] Compared with Fourier and his disciples, his antisemitism is less violent. In

[51] Proudhon, *De la justice*, IV, p. 458.

[52] Proudhon, *Correspondance*, XIV, p. 285 (December 7, 1849).

[53] Proudhon, *France et Rhin*, p. 218.

[54] Less out of love for them, than because of hostility towards the Church. For that reason, he notes with satisfaction that "England by her bill on the Israelites, is on the eve of abolishing, within her boundaries, even the very last vestiges of State religion." Proudhon, *La justice poursuivie par l'église*, *Oeuvres*, XX, p. 304.

[55] Proudhon, *Guerre et paix* ([1861], éd. Paris, 1924), p. 179.

fact, there are crimes of which he does not accuse the Jews.[56] Contrary to Fourier, he does not reproach them, for example, with exciting the sons of gentlemen to rob their parents. Neither does he suggest, as the author of *Le nouveau monde* does, to eliminate the Jews from commerce.[57] He is also moderate, in comparison with Bakunin, upon whom he exercised a very marked influence.[58] While Proudhon is making no anti-Jewish allusions in his personal controversies, his Russian friend is far from controlling himself when his opponents happen to be Jews. It is known how much Marx has ill-treated Proudhon. Yet in the marginal notes written by Proudhon on his copy of *Misère de la Philosophie,* Proudhon, though reproaching his adversary with "shameless calumny", "lies," and "bad-faith",[59] does not make the slightest allusion to Marx's origin. How different is the attitude of Bakunin! The Russian anarchist recognizes the intellectual greatness of Marx, but in his fight against him does not forget for a moment the ancestors of his adversary. Marx, he says in 1870, "remains hidden behind the fog of London, like Moses behind the thunder-clouds of Sinai. Legislator of the German-Jewish socialists, he is inspiring the words and the deeds of his disciples."[60] Moses Hess is called "the obsequious courtier of the modern Moses [Marx]." [61] Bakunin who hates the German Jews even more than he detests the *pur sang* Germans,[62] is particularly violent, while talking about Eastern Jews. This is clearly seen, for example, in the manner in which he deals with a certain Nicholas Utin (Outine), a revolutionary who, after having fled from

[56] On one occasion, he even seems to show some sympathy for the sufferings of Israel. Speaking of numerous Roman measures against the Jews, he calls them "this unhappy people", *Césarisme et christianisme,* I, p. 210.

[57] On the Fourierist antisemitism, see the author's "Charles Fourier on the Jewish Question," *Jewish Social Studies,* VIII (1946), 245-266, and "The Attitude of the Fourierist School towards the Jews," *ibid.,* IX (1947), 339-362.

[58] Gide and Rist, *Histoire des doctrines économiques* (fifth ed., Paris, 1926), p. 733.

[59] Proudhon, *Système des contradiction économiques ou la philosophie de la misère,* II, pp. 417, 420.

[60] "Lettres à un Français" (posthumous), *Oeuvres de Bakounine* (Paris, 1895-1913, 6 vols.), IV, p. 68.

[61] *Ibid.,* p. 69.

[62] Cf. *Bakunin's Beichte . . .* (Berlin, 1926), p. 52.

Russia to Geneva, was organizing there the Russian section of the International. The alleged intrigues for which he reproaches him do not concern us here. However, he accuses him also of passing in Switzerland for a true Russian. Now, Utin is but a "little Jew", a favorite expression of Bakunin.[63] "Utin—is it necessary to state it?—is Jewish by birth, and, what is even worse, he is a Russian Jew. He looks it; he has the temperament, the character, the manners, the whole nervous nature, at the same time insolent and cowardly, vain and mercantile."[64] One would seek in vain similar specimens of prose in the works of Proudhon. Let us note, incidentally, that Bakunin's attitude towards the Jews differs little from that of several great Russian writers of the nineteenth century. Like Pushkin, Gogol, Turgenev[65] and Dostoievski, he shows hatred for them; like Nekrasov and Saltykov-Shchedrin—contempt.[66] As far as Bakunin's disciples are concerned, their language is even less polished than that of their master. One may cite as an example a passage to be found in *Rabotnik*, their organ published in Geneva. In an article entitled "The Story of a Man Who Has Seen Much," the periodical thus characterizes a clerk who denounced to the police a revolutionary worker: "He was a kike by race, and in the factory, he would make loans to his friends on security. Thus one could recognize the soul of the kike."[67]

VI

Fourierism, Marx and Proudhon

Proudhon's hatred for commerce—or for the Saint-Simonians—is undoubtedly a factor which strengthened his antisemitism, but nothing seems to indicate that it really

[63] *Oeuvres de Bakounine*, IV, pp. 71-72, 361; VI, p. 273; Bakunin, *Sozialpolitischer Briefwechsel* (Stuttgart, 1895), p. 75.

[64] "Rapport sur l'Alliance," *Oeuvres de Bakounine*, VI, p. 273. On Utin, see Tscherikower in Yivo, *Historishe Shriftn* (in Yiddish), III (1939), 79 f.

[65] Before his long sojourn in Western Europe.

[66] Cf. Joshua Kuntz. *Russian Literature and the Jew.* (New York, 1929).

[67] *Rabotnik*, no. 5, May 1875, quoted from Boris Sapir, "Liberman et le socialisme russe," *International Review for Social History*, III (1938), p. 36.

aroused it.[68] How then did his antisemitism originate? By imitating those of his environment, at an early age, by later studies or by some disagreeable personal experience? It is impossible to answer this question, because Proudhon's biographers persist in saying nothing about his Judeophobia. The new edition of his *Oeuvres complètes,* containing many excellent commentaries is not more illuminating. As regards Proudhon himself, he takes care not to reveal what personal experience taught him about the Jews. "I have nothing to say about my private life; it is of no concern to other people."[69] His intimate diary, in which day by day he noted his impressions on men and events, is unfortunately still unavailable to scholars.[70]

The author's own research could not possibly replace the work of a conscientious biographer who, some day, sketching the psychological portrait of Proudhon, will perhaps be tempted to explain, on the basis of all the documents to which he then might have access, the origin of his antisemitism and xenophobia. But we are none the less in a position to name a few writers who, in all probability, have left their mark on the anti-Jewish thought of Proudhon.

It was, in the first place, Fourier, "that dictator of social science who did not leave anything to be discovered"[71] We are not ignorant of the fact that Proudhon denied, on several occasions, having been under the spell of "that dictator". Asked, in 1848, by one of his disciples, J.-A. Langlois, whether, in some respects, he did not consider himself as proceeding from Fourier, Proudhon replied: "I have certainly read Fourier, and I have spoken of him more than once in my works, but, all in all, I do not believe that I owe him anything."[72] Two years later, he signed a letter to Toussenel: "P.-J. Proudhon, a socialist who owes nothing either to Saint-Simon or to Fourier, or to the Jesuits."[73] Yet, there

[68] ". . . je hais le commerce", Proudhon, *Correspondance,* VI, p. 138 (March 7, 1855).

[69] Proudhon, *Confessions d'un révolutionnaire,* p. 172.

[70] Proudhon, *Système des contradictions,* I, editor's introduction, pp. 7-8.

[71] Proudhon, *ibid.,* II, p 301.

[72] Proudhon, *Correspondance,* I, editor's preface, p. XXII.

[73] Proudhon, *Oeuvres, XIX,* p. 157. On his contempt for the Fourierist School, cf. *ibid.,* II, pp. 1-116; *Correspondance,* II, p. 248; XIII, p. 114.

is no doubt that Proudhon is exaggerating. In fact, he has accepted, almost without changing it, the whole critical part of Fourier's works.[74]. Now, it is precisely in that part that Fourier denounces the Jews. If it is not certain that he inspired Proudhon's antisemitism, there is little doubt that he strengthened it.

Traces of Toussenel are also found in Proudhon's works. The latter borrows from him the famous slogan, "the Jews, the kings of the epoch."[75] Moreover, he uses another formula which reminds one of Toussenel: "the Jews . . . sovereigns of the epoch."[76] It is not correct that he "spoke out against the nascent antisemitism of Toussenel's work, *Les Juifs, rois de l'époque,*"[77] as maintained by Léon Daudet without any evidence. All that he does is to praise Toussenel without voicing his own thoughts on the Jews. After having observed that the July Monarchy was essentially a "bancocracy", he adds: "This is what Toussenel, the most spiritual of all socialist writers, expressed in the title of his curious work, *Les Juifs, rois de l'époque.*"[78] That is all that Proudhon found necessary to say about one of the classics of modern antisemitism. The fact that he refrains from condemning Toussenel's judeophobia, is proof enough that he had not the slightest intention of fighting against anti-semitism.

Proudhon read several writings of Leroux, but it could not be established whether he had knowledge of his *Les Juifs, rois de l'époque* (1846). Hence there is no reason to believe that he came under his ascendancy. On the contrary, Marx's influence on the antisemitic thought of Proudhon seems very likely. Marx relates that, during his stay in Paris in 1844, he knew Proudhon personally. He had long discussions with him, which often lasted all night long, and 'infected' him with Hegelianism which Proudhon was incapable to study thoroughly because he had no reading knowledge of

[74] F. Armand, "P.-J. Proudhon et le Fouriérisme," *Revue d'histoire économique et sociale,* XVII, (1929), p. 496; cf also Bourgin, *Proudhon,* (Paris, 1901), p. 72.

[75] Proudhon, *Confessions d'un révolutionnaire,* p. 184.

[76] Proudhon, *De la justice,* IV, p. 458.

[77] Léon Daudet, *Flammes: Polémiques et Polémistes* (Paris, [1930]),p. 74.

[78] Proudhon, *Confessions d'un révolutionnaire,* p. 97.

German.[79] Now, it is precisely in the beginning of 1844 that Marx published his famous pamphlet, *Zur Judenfrage,* considered by some as a masterpiece of Hegelian dialectics. Is it not very probable that, in the course of those long discussions, he communicated the content of his latest work to his interlocutor? And is it less probable that through such an interchange of ideas, Marx re-enforced the antisemitic feeling of Proudhon already discernible in his first published paper (1839)?[80]

VII

Proudhon's Followers

Proudhon left no school. His extreme personality and the constant evolution of his thought rendered difficult a clear and durable grouping of disciples. He had, however, a number of collaborators and devoted friends who popularized the practical conclusions of his system.[81] With one exception, they do not seem to have been interested in the Jewish problem. This is true not only of Alfred Darimon,[82] author of numerous historical works, and Charles Beslay,[83] delegate of the Paris Commune to the Bank of France, but also of the French-Jewish Proudhonist, E. E. Fri-

[79] Karl Marx, *Das Elend der Philosophie* (German translation, Stuttgart, 1885), p. XXIX.

[80] See *supra,* notes 34, 47.

[81] Bourgin, *Proudhon* (Paris, 1901), pp. 75-76; Diehl, *op. cit.*, II, pp. 326-327.

[82] Darimon, *Exposition méthodique des principes de l'organisation sociale* (Paris, 1848); *De la réforme des banques* (Paris, 1856); *Histoire des douze ans* (1857-1869) (Paris, 1883); *A travers une révolution* (Paris, 1884); *L'opposition libérale sous l'Empire,* (Paris, 1886); *Le Tiers parti sous l'Empire* (Paris, 1877); *Les Irreconciliables* (Paris, 1888); *Les Cent seize et le ministère du 2 janvier* (1869-1870) (Paris, 1889); *L'agonie de l'Empire* (Paris, 1891). Darimon is known for having softened and attenuated Proudhon's thought; cf. Sainte-Beuve, *op. cit., p.* 219.

[83] Even while speaking of Rothschild and Pereire, Beslay (1830-1848-1870. *Mes souvenirs,* 3rd ed., Paris, 1874, pp. 142, 267), who as an industrialist felt their competition personally, does not indulge in anti-Jewish utterances. Likewise, Joseph Barberet, another semi-Proudhonian, does not express himself about the Jews. He states, however, that Jesus was not put to death by the Jewish people, as it is generally believed, but by the priests of the Judaic religion (*La bataille des intérêts,* Paris, [1879], p. 58).

bourg, one of the founders of the International, and one of its first historians.[83a]

On the other hand, George Duchêne, continues and strengthens the antisemitic tradition of his master. The Jews, he affirms, are a parasitic people: among themselves they practise charity, but they exploit the Gentiles without mercy. "Agiotage and usury are the essential elements of Israelite customs. That race cannot exist as a homogeneous nation, living on one and the same territory. Unable to subject itself to work, it must scatter itself among peoples to ransom them."[84] The principle of Judaism recommends to its adherents to afflict the non-Jewish citizens in their fortunes and means of existence.[85] Consequently, Duchêne fights against French Jewry and, what he calls, "the Judeo-Saint-Simonism".[86] In his pitiless struggle against Israel, he launches an appeal which, in advance appears to vindicate all antisemitic excesses. "Citizens," he pathetically exclaims, "when you hear it said that in a reputably barbarous country, the population handles the Jews roughly, do not believe one treacherous word: it is simply honest people chasing rascals, usurers, exploiters of labor; religion has nothing to do with this act of high justice."[87] The teaching of Proudhon, as one sees, bore fruit. The disciple surpassed the master: he justifies *a priori* pogroms.

It does not fall within the scope of this essay to examine in detail the influence of Proudhon on later generations. Suffice it to say that Proudhon was studied by a great number of readers, particularly by almost all leaders of the socialist, anarchist and syndicalist movements. A glance at the works of such different writers as Auguste Chirac, Benoît Malon or Georges Sorel, is sufficient to show that their anti-Jewish attitude resembles very much that of Proudhon. There can

[83a] E. E. Fribourg, *L'Association Internationale des Travailleurs* (Paris, 1871). For a short note on Fribourg, see Szajkowski in Tscherikower, *The Jews in France* (in Yiddish), (New York, 1942), II, pp. 100-101.

[84] Georges Duchêne, *L'Empire industriel, histoire critique des concessions financières et industrielles du Second Empire* (Paris, 1869), p. 64.

[85] *Ibid.*, p. 181.

[86] *Ibid.*, p. 232.

[87] *Ibid.*, p. 196.

be little doubt that they all were acquainted with Proudhon's writings. And even if no proof can be furnished that without Proudhon they would not have written about the Jews what they actually did, it is unquestionable that by reading his works, their views on the Jews could only have been strengthened. Even "bourgeois" antisemites, like Edouard Drumont, pay tribute to Proudhon, precisely because of the latter's stand on the Jews.[88] To sum up, it can be safely stated that Proudhon contributed considerably to the development and consolidation of an anti-Jewish ideology in France.

88 ". . . j'ai une profonde reconnaissance intellectuelle à Proudhon, car il m'a appris à bien regarder ces grands coups montés qui s'appellent tantôt l'unité de l'Italie, tantôt le Panama, tantôt l'affaire Dreyfus . . ."; Drumont, *Figures de bronze ou statues de neige* (Paris [1900]), p. 319. See also his *La France juive* (115th ed., Paris [1887]), I, p. 371.

BOOK REVIEWS

General History of the Jews

A HISTORY OF THE JEWS: FROM THE BABYLONIAN EXILE TO THE END OF WORLD WAR II. By *Solomon Grayzel.* The Jewish Publication Society of America. Philadelphia, 1947. Pp. XXV+835. With many illustrations.

THE need for a one-volume work offering a comprehensive presentation of the history of the Jews has been felt for quite a number of years. Not that there is a lack of one-volume works dealing with Jewish history. Indeed, the endeavor has been made more than once, with varying degrees of success. Grayzel's *History of the Jews* presents a splendid effort. It is a well-written account of Jewish experience in all ages and in all climes. Unlike so many of his precursors, the author does not over-insist on the tragic side of the story; his is a record of spiritual and material gain without too much emphasis upon massacre and persecution. He takes full cognizance of the rich social life which the Jews developed in every land of their dispersion. In telling of the role they have played in the culture of their neighbors he also gives an impressive account of the thought and literature of the Jews in so far as they are a reflection of their life everywhere.

Although the author deals with his subject from a moderately conservative point of view his presentation and interpretation of the facts are thoroughly modern. While here and there one may find an inaccuracy in point of detail or the absence of a proper sense of proportion in the appraisal of men and movements, the volume is distinguished by a remarkable comprehensiveness in the presentation of a record that covers a period of three thousand years or so of continuous Jewish experience. The book is enriched with over one hundred and twenty well-chosen illustrations, many of them reproduced for the first time. A few of them are unfortunately wrongly identified. But as a whole they tend to enliven the pages and lend a touch of reality to many of the episodes recorded.

Recent archaeological and historical research has thrown new light upon conditions and events in the long history of the Jewish people, so that many an episode in that history is now understood better than ever before. Grayzel has availed himself of the new knowledge thus accumulated. The pages of his *History of the Jews* demonstrate amply his skill as a historian. His scholarship is ripe and he possesses the gift of clear and fluent narrative, skillful character drawing, and broad histori-

cal perspective. He has woven into a consistent whole the historical knowledge drawn from Jewish sources on the one hand and the information gleaned from non-Jewish records on the other. The author makes the political, the religious and social life of the Jews vivid, often bringing their internal and external affairs into the ambit of world history, while every now and then he endeavors to derive from its internal history an object-lesson for Jewish thought and life.

A History of the Jews tells the story of the Jews from the earliest days to World War II. In its pages is embodied a vast amount of historical data, old and new, from which a perfect comprehension of the development of Jewish life in all its manifestations everywhere is obtainable. It is a work to which one may turn with confidence for knowledge of the Jewish people and for the proper understanding of the role they have played. It also enables one to gain a glimpse into their future. Moreover it is rich in material which may well serve as a useful corrective to much misinformation about the Jews and their destiny, which in recent years has found its way into the minds of many non-Jews as well as of an increasing number of Jews. The volume is a book which can be read with interest and certainly with profit by both the student and the general reader.

The New York Public Library JOSHUA BLOCH

JEWS IN MEDIEVAL GERMANY

RABBI MEIR OF ROTHENBURG: His Life and His Works as Sources for the Religious, Legal and Social History of the Jews of Germany in the Thirteenth Century. By *Irving A. Agus*. The Dropsie College for Hebrew and Cognate Learning. Philadelphia, 1947. Two vols. Pp. XXXIII + 749.

THESE two voluminous books, originally a doctor's thesis, offer a most valuable contribution to the medieval history of German Jewry. Basing his findings almost exclusively on R. Meir's own writings, particularly on his Responsa, the author succeeds in presenting a picture of the religious, social, economic, and political structure of German Jewry at one of the most crucial points of its history. It was in the second half of the thirteenth century that the legal status of the Jews in Germany became virtually that of enslaved subjects of their imperial overlords. From R. Meir's responsa the author proves that German Jewry was not willing to accept this change in its status without protest. They tried to fight it off with their limited means, and, after recognizing the futility of their attempt, sought to retain their liberty by emigrating from Germany to Palestine, where at that time the Latin Kingdom had come to an end and Jews could have a chance for freedom. R. Meir, who had encouraged the German Jewish communities in their struggle for

independence, was himself the leader of the mass emigration. Had he succeeded, the history of the Jews in Germany might have taken an entirely different turn. While he was on his way, however, in Italy, his identity was disclosed to his persecutors by a baptized Jew. He was taken captive and delivered to the German emperor, Rudolph I, who kept him prisoner until his death seven years later. Even afterwards, Rabbi Meir's body was held for fourteen years more until it was ransomed by Alexander Süsskind Wimpfen of Frankfort and buried at the Jewish cemetery in Worms. R. Meir could have been freed had he allowed his coreligionists to pay the ransom which Rudolph requested. But he forbade them to do this, since such a payment would have implied the recognition of the emperor's assumed right to treat the Jews as his property.

The major part of the two volumes is devoted to a translation of numerous responsa of R. Meir, carefully selected from the available sources. From the responsa the author gives proof of the leadership R. Meir exercised not only among his contemporaries but, through his disciples, also on later generations. Many customs observed by Jews today were instituted by R. Meir. Through his disciple, Mordecai b. Hillel, the teacher of Rabbenu Asher, R. Meir also influenced the Spanish Jews, and consequently the author of the *Shulchan Aruch* about four hundred years later. R. Meir's leadership was not based on any office he might have held, but solely on the acknowledgement of his great authority resulting from scholarship, courage, and a deep insight into conditions as they then existed among Jews. In a truly democratic manner R. Meir held that outside his own community no rabbi could claim more authority than other communities and their rabbis were willing to bestow upon him. The description of this attitude of R. Meir is one of the merits of the book.

Another achievement of the author is the exposition of R. Meir's methods of arriving at a decision. This is all the more important as R. Meir can be considered typical of German rabbis, as far down as the last days of Jewish life in Germany. It is, on the one hand, strict adherence to the law, but seeking expediencies when necessary, and on the other hand, leniency when financial losses were involved.

On two points this reviewer cannot agree with the author. One concerns the author's theory on the origin of the status of *servi camerae* in which the German Jews found themselves under Emperor Rudolph I. I still believe that this status was brought about by the German Jews themselves when they were seeking the emperor's protection against the bishops and the cities, and were thus willing to pay for his protection. Later, the emperors misused an erstwhile mutual agreement of two independent parties, oppressing and enslaving the Jewish partner.

The other point is that, according to the author, first R. Meir expected to be ransomed by the Jews and encouraged them to do so, while it was only later that he changed his attitude (p. 131). I cannot

find that the author has proved his point. The two responsa quoted on pp. 131 and 147 are not convincing. Hence, until better proof is presented, I still maintain that R. Meir from the beginning did not want the German communities to collect money for his release; he was afraid the emperor would make it a practice to imprison Jewish leaders in order to extort money from their coreligionists.

This criticism, however, in no way belittles the value of the book which sheds light on many unknown facts. For the first time it offers in a clear and convincing scholarly manner a description of Rudolph's true attitude towards the Jews and also of the struggle of the Jews to maintain the legally more independent status which they had enjoyed before the Interregnum. For all this sincere thanks are due to the learned author.

St. Joseph, Mo. SELIG S. AUERBACH

JEWS IN IRELAND

A SHORT HISTORY OF THE JEWS IN IRELAND. By *Bernard Shillman.* Cahill & Co., Ltd. Dublin, 1945. Pp. 151.

THE author, an Irish lawyer and a leading member of the Dublin Jewish community, presents a comprehensive history of the Jews in Ireland from their early legendary beginnings until today. Having served the Dublin Jewish Congregation as Hon. Secretary, he not only had all the necessary material at his disposal, but was able to relate contemporary events from his own knowledge.

Though legendary Irish history believes the early Irish people to have been descended from the lost twelve tribes, and even relates that the prophet Jeremiah fled from Egypt to Ireland where he died, Jews are not recorded to have settled in Ireland before 1232. The present Jewish community dates back to 1660, and was formed by Spanish-Portuguese Jews. Since then Jews have lived in Ireland without interruption. In the middle and towards the end of the eighteenth century there was a marked decline in the Jewish population of Ireland. Their only synagogue, on Malborough St. in Dublin, had to be closed for want of worshippers, and the two scrolls of the Torah were taken by a woman, probably the landlady, for the arrears of rent. It was with some difficulty that they were redeemed when this woman was about to take them to England. In 1818, only two Jewish families lived in Dublin, and one each in Cork and Waterford City. By 1822, the number of Jews in Dublin had increased so that a new synagogue could be opened. From then on the Jewish community grew steadily as described in the chapters on "Mary's Abbey Synagogue," "Adelaide Road Synagogue," and "The Present Century." Today, Dublin is a leading Jewish community with all the necessary and typical functions and activities. Outside Dublin,

there are only two more Jewish communities in Ireland, one in Belfast and one in Cork. For a while Limerick also had a Jewish congregation. They all are of a later date—in Belfast no Jews were recorded prior to 1814—although a Jewish burial ground in Cork is mentioned in 1747.

Two points of interest should be noted. Dublin had a Jewish cemetery before the oldest one in London (Mile End Road) is recorded. Moreover, as early as 1743 several attempts were made by the Irish parliament to grant the Jews in Ireland full citizenship. It was the British Lord Lieutenant who refused to transmit the bill to London for approval.

Mr. Shillman deserves the thanks of all those interested in Jewish history for his research and the first attempt to present a comprehensive history of the Jews in Ireland.

St. Joseph, Mo. SELIG S. AUERBACH

NATIONALISM

MODERN NATIONALISM AND RELIGION. By *Salo Wittmayer Baron.* Harper and Brothers Publishers. New York, 1947. Pp. X + 363.

IN this book the author has made an important contribution to the elucidation of the world problem of nationalism, and to the sociology of religion. It is distinguished by extraordinary scholarship, critical judgment, and absolute fairness. The work originated in lectures delivered at the Rauschenbusch Foundation of the Colgate-Rochester Divinity School which were later considerably expanded.

The author first discusses the fundamental notions of nationalism and rightly emphasizes the fact that the term nationalism has been put to a baffling variety of uses. Its numerous forms can be divided into two, namely, cultural nationalism and political nationalism. Cultural nationalism springs from the deep-rooted attachment of most men to the language, literature, and customs of their forefathers. Political nationalism is, on its primary level, merely a form of patriotism. In modern times the problem has become complicated by the combination of political and economic nationalism and by subsidiary manifestations such as economic and religious nationalism, racism, etc. In this reviewer's opinion, the fundamental definitions of Baron, although essentially correct, do not go to the roots of the problem. A few words will have to be said about this later.

The ideas of some "nationalist fathers," namely Rousseau, Burke, Jefferson, Fichte, and Mazzini are exposed and those of some "nationalist epigoni", namely, Maurras, Mussolini, and Rosenberg, are discussed. The author is aware that his descriptions of the political philosophies of these men are neither exhaustive nor strictly typical (p. 56).

Yet he suggests "with all due reservations that Rousseau's essentially 'voluntaristic' nationalism clearly differed from the 'constitutional' nationalism of Burke, and the 'democratic' nationalism of Jefferson. These in turn were far apart from Fichte's 'linguistic-cultural' and Mazzini's 'geographical-cultural' nationalism. What is more, these were essentially the dominant features of modern French, English, American, German, and Italian national consciousness in general."

These generalizations surely indicate trends which at certain times were of special importance in the history of the nations mentioned. However, they are valid with great limitations only. The objective criteria of nationality, namely, language, civilization, traditions and territory, as well as the subjective criterion of the people's will can be found in the thought of everyone of the "fathers" of nationalism. As regards their adoption by the public opinion and governments of the nations, it mainly depended on the special circumstances of the time whether this or that criterion was preferred. The French throughout most periods of their history laid great stress upon the "national frontiers" of the Rhine, the Alps and Pyrenees, irrespective of the "will of the people." The English were for a long time by no means prepared to grant self-determination to the Irish, the Welsh, or the French Canadians. If the Germans at some time emphasized the affinity of language and culture, this excluded the appeal neither to self-determination nor to the principle of natural frontiers or security. The author mentions that a colleague of Fichte advocated the "liberation" of Schleswig-Holstein irrespective of the will of the German inhabitants. This must not be considered as a generalization of "the" German principle. Actually, it was the Prussian diplomats who, from 1848 onwards, consistently proposed the partition of Schleswig on the basis of a plebescite, while Denmark rejected it and thereby played into the hands of those German nationalists who wanted the whole of Schleswig. This is now also recognized by Danish historians. Bismarck later annexed Alsace-Lorraine not on grounds of language or civilization but merely for strategic reasons, and if the French had been victorious they would no doubt have annexed the Rhineland for exactly the same reasons. These examples, which could easily be multiplied, show that what the author regards as the national type was really the product of a specific historical situation. If one surveys a longer period of time, one finds the same trends of nationalism everywhere. But special circumstances from time to time produced modifications of ideologies which easily appeared as national diversities.

Baron's analysis very clearly shows certain general tendencies regarding the attitude of nationalism to religion. He points out himself that the five Nationalist Fathers and the three Epigoni reveal a remarkable kinship in their attitude. All nationalism tended toward some form of national religion, although in each country this striving assumed a different form which, in turn, showed variations determined by the time and the political system. "Integral" or extreme nationalism such as Ros-

enberg's mythology, of course, went much farther than the previous moderate forms. Among the extremists there were also considerable differences betwen a Maurras, a Mussolini and a Rosenberg. It is probable, however, that these differences were mainly the outcome of political tactics and not of real convictions.

The succeeding chapters of Baron's book deal more directly with the religious aspects and discuss the attitude of Catholicism, Protestantism, Greek-Orthodoxism, and Judaism. All these chapters are full of interesting and valuable facts and interpretations. The chapter on Jewish Ethnicism in particular is a masterpiece. In his introductory chapters Baron already showed that religion had played a great role in forming nations and keeping them together. Each of them combined a certain measure of nationalism with a certain amount of universalism. Even in epochs when the power of religion had greatly subsided, the traditions formed by a religion remained to a great extent very strong. One could say that religion had a decisive share in creating certain fundamental traditions, often called the national character, though this term has been greatly misused. French mentality owes much to Catholicism, English to Anglicanism and Calvinism, German to Lutheranism, Russian to Greek-Orthodoxism. The author stresses the great contribution which religion has to make to the development of a new sense of world citizenship and of the respect for human rights.

This reviewer feels much tempted to survey in detail the chapter on the development of the relations between nationalism and religion in the Jewish people. However, it is so full of important facts and comments that any discussion would either take too much space or not do justice to the author. It is, therefore, warmly recommended to everyone who takes a serious interest in this problem.

In conclusion I wish to return to the attempt made at the beginning of the book under review, to give a definition of nationalism. The author recognizes the great vagueness of this term which is constantly used in quite different senses. In my book, *Nationality in History and Politics* (New York, 1944), and in other writings I have tried to overcome this difficulty by defining certain fundamental concepts in a more exact way than has been done hitherto. The starting point is national consciousness. This is a complicated psychological structure and may be defined as a striving for national personality. National consciousness has assumed quite different forms. It does not take us very far to say that there is a "good" and a "bad" nationalism, or that nationalism is primarily the same as patriotism. The decisive point is the national ideology which has the function of securing the unity and existence of the nation. The national ideology may be predominantly peaceable or aggressive, recognizing individual rights and morality, or centered in domination, prestige, and power. In my opinion, the term, nationalism, should be reserved for the latter form. This is also the general usage on the continent of Europe.

The English and the Americans, however, call every kind of national consciousness "nationalism" irrespective of whether it is peaceable or aggressive. This leads to endless confusion and makes the concept meaningless, for then almost everybody is a "nationalist". It is much to the credit of Baron that he avoids the pitfalls inherent in this misleading terminology, with occasional exceptions such as when he calls Schiller a nationalist in the dangerous sense (p. 44), completely misinterpreting a passage from an unfinished draft of a poem. But such errors are rare and cannot diminish the permanent value of the book.

Modern "totalitarian" nationalism actually strives to become a religion itself and to degrade existing religions to a mere instrument for its ambitions. Nationalism in this sense is nothing else than the self-adulation of a nation. National fanaticism has, indeed, revived the worst aberrations of the religious fanaticism of former times as is proved by the mass-extermination of Jews and heretics. In former times antisemitism was mainly the outcome of religious intolerance, but now it springs chiefly from nationalism; and that is what made it so difficult to combat it effectively—at least in certain countries where the whole atmosphere was permeated with nationalistic feelings.

London, England FREDERICK HERTZ

HISTORY OF WORSHIP

ISLAMIC INFLUENCES ON JEWISH WORSHIP. By *Naphtali Wieder.* East and West Library. Oxford, 1947. Pp. 102. (In Hebrew).

THE purpose of this monograph is, as the author states in the Preface, to indicate the exent to which the ritual of the Jewish synagogue was influenced by the Moslem surroundings, in countries where Islam was the dominant religion. That the Mohammedan religion is very much indebted for its practices as well as its beliefs to the older of its two mother faiths has long been known. It remains to be shown that the daughter did not only take but give also.

Among the customs connected with the Jewish mode of worship presented by Wieder as being of Mohammedan origin is that of washing the feet before prayer, which is mentioned in the Code of Moses Maimonides as a necessary requirement. There is another practice, borrowed from Mohammedan usage, that had become established as a fixed rule among the Jews of Babylonia since the days of the later Geonim, although it was not recognized as binding by the second Moses: the complete immersion in a ritual bath after sexual emissions, before entering the synagogue. A third instance cited as an illustration of the impact of the Mohammedan world on Jewish religious life is the abolition by Moses Maimonides of the private and silent recitation of the Amidah prior to its repetition *viva voce* by the precentor. This was an innovation intro-

duced by the sage of Fostat in order to eliminate the disturbances and talking during services which lowered the esteem of the adherents of the Jewish faith in the eyes of their Mohammedan neighbors.

Even greater than the admiration of Moses Maimonides was that of his son Abraham for some of the practices that were prevalent among the followers of Mohammed. The elder Maimonides had refused to characterize the latter as idolators as the Christians were often wont to be considered. Himself a mystic, he was very much attracted by the ways of the Mohammedan Sufi saints, whom he described as the spiritual heirs of the prophets of Israel and whose example he urged his contemporaries to emulate. In keeping with this theory Rabbi Abraham reintroduced (sic) the custom of prostration during divine services, which had been suspended since the destruction of the Temple at Jerusalem. He also inaugurated the practice of squatting on one's heels, of facing the East while sitting, of standing up in rows at certain junctures of the ritual in the synagogue and of spreading the hands in prayer—all of them well-known features of the Mohammedan mode of worship.

The evidence marshalled by Wieder to support his thesis is in itself incontestable. There can be no doubt about it that the Mohammedan world, from which they had absorbed a great deal, had made a deep impression on both Moses as well as Abraham Maimonides. That does not necessarily prove, however, that these influences were more than a passing phase in the history and development of the Jewish liturgy. Had they struck deep and permanent roots, the innovations of Abraham Maimonides would have been retained and the silent recitation of the Amidah, which his father had abolished, would not have been restored. While it is not to be denied that locally here and there the Moslem environment put its distinctive seal on Jewish synagogual procedure, more proof is needed to show that it produced lasting effects of a fundamental character.

Johns Hopkins University SAMUEL ROSENBLATT

HISTORY OF HEBRA KADDISHA

COMMUNAL SICK CARE IN THE GERMAN GHETTO. By *Jacob R. Marcus*. The Hebrew Union College Press. Cincinnati, 1947. Pp. XIII + 335.

THIS is the first volume of the Ella H. Philipson Memorial Publications, endowed by Dr. David Philipson. The author has made a thorough and scholarly investgation of the sick care in the "Judengasse" in the Holy Roman Empire between 1500 and 1800. While there are many references to similar institutions in Sephardic communities, the book is concerned exclusively with Ashkenazic customs, and its greater part is devoted to a typical German-Jewish institution, the "Hebra Kaddisha."

The customary spelling in German is Chewra Kadischa. Term and institution are so much part of the Central European Jewish community that this reviewer prefers the continuation of the traditional spelling.

The Chewra Kadischa is very typical of Jewish life in medieval Germany. While the formation of burial and sick care societies probably goes back to Palestine after the Bar Kochba revolt of 135 C. E., and while they were certainly known in Spain before the expulsion of the Jews, the German Jewish organizations have the typical form of the medieval German guild. Like the "Heilige Brüderschaften" of the surrounding Christian environment, the Chewra Kadischa was often an almost totalitarian" institution, a community within a community, embracing prayer, study, and, occasionally, worldly social functions; but the central point of its activities remained sick care and burial. It is in these fields that the author has assembled a large amount of interesting details. We do not only get acquainted with the sick care in the larger Jewish communities like Vienna, Prague, Vilna, Frankfurt, and Breslau, but we also learn about the burial societies and their activities in small communities such as Neu-Raussnitz or Roedelsee. The book does not deal with the rabbinic prescriptions concerning the responsibilities of the individual toward the sick and the dead. It offers a colorful and interesting picture of the local efforts and the local possibilities to cope with such immense problems as health and sanitation, at a time when medieval science was still in its infancy.

A long chapter is devoted to the evolution of the Jewish hospital which developed from a single room for the sick or the transient, located in the beadle's or the rabbi's house, into the first scientifically conducted institutions in Breslau and Vienna at the end of the eighteenth century. This development is, of course, closely connected with the emergence of Jewish physicians, surgeons, and midwives who—originally self-made—were later scientilcally trained. Adolf Kober's and Guido Kisch's books on early Jewish graduates from German and Bohemian universities are widely quoted. We can observe a very early interest in sanitary codes and supervision of mohelim and others who had to care for the physical and mental disturbances of the medieval Jew. Throughout the book, ample notice is taken of the contemporary development of the sick care in the medieval Christian communities. It is most probable that not only were the German customs and institutions the model for certain hospital rules and for the peculiar settings of the old Chewra Kadischa, but that also early female sick care and burial societies and mutual aid societies for youth were stimulated by developments outside the ghetto.

The book is well documented. It contains, moreover, not only an extensive bibliography, but also eighteen appendices. The latter include by-laws and regulations (some of them in Judeo-German) of the old constitutions, lists of hospitals and Chewra Kadischas, short folkloristic notes, and other documents such as the contract between the physician,

Dr. Abraham Kisch, and the Brotherhood for the Care of the Sick in Breslau in 1767.

Contemporary illustrations, certainly available in old books, woodcuts, and engravings, would have enhanced the value of this otherwise highly satisfactory work, the first monograph on the Chewra Kadischa.

New York City WILFRED C. HULSE

GINZBERG JUBILEE VOLUME

LOUIS GINZBERG JUBILEE VOLUME ON THE OCCASION OF HIS SEVENTIETH BIRTHDAY. Editors: *Saul Lieberman, Alexander Marx, Shalom Spiegel. Solomon Zeitlin.* The American Academy for Jewish Research. New York, 1945.. Two vols. English Section, 446 pp.; Hebrew Section, 446 pp.

THE publication of a *Festschrift* is a fitting medium for giving expression to the admiration and gratitude felt by students for some scholar and teacher. No man ever more richly deserved such a tribute than Dr. Louis Ginzberg in commemoration of whose seventieth birthday these volumes have been written. The variety of subjects, the quality of the contributions, and the distinction of the contributors, indeed, combine to make both volumes of the Jubilee publication a worthy tribute to the life-work of the Doyen of Jewish scholarship in America. It was the feeling of the Editors "that the papers should in general be limited to the fields in which Dr. Ginzberg had made such signal contributions and that special emphasis should be laid on work in the realm of Talmud and Halaka." The Editors thus hoped "that these volumes would show a greater uniformity of contents than it is generally the case in such collective volumes." This hope was not, however, fully realized, owing to the great diversity of problems dealt with by forty contributors. As a matter of fact the essays and studies collected in the two volumes cover more or less equally most fields of modern Jewish scholarship: Biblical Archeology and Lexicography; Post-Biblical Hebrew and Aramaic; Midrash, Aggada and Jewish Folklore; Jewish Law—biblical and rabbinic; Religious Philosophy and Mystical Literature; Jewish History and Historiography.

It may be imagined therefore that this is not an easy work to appraise or to criticize. To deal with it adequately and in detail would require an encyclopedic knowledge such as few men possess. All that can be attempted is a sketchy summary of the contents, interspersed with a few critical remarks and comments here and there. For this purpose it is considered advisable to group together the Hebrew and English papers which deal with related subjects, without regard to their order in both volumes.

The introductory essay by *Solomon Goldman*—"The Portrait of a Teacher"—is based on personal memories and impressions and gives a vivid and graphic description of Dr. Ginzberg's personality and influence and deep religious insight. The author sees in his revered teacher a great scholar and sage who understands better than most people "that the greatest teacher of life is life itself," and for whom "the grand themes of religion constitute not abstractions but the flesh and bone realities." The essay is followed by an exhaustive bibliography, compiled by *Boaz Cohen,* which fills one with awe: it covers a period of about fifty years (1894-1945) and contains 115 items apart from the list of 405 articles in the *Jewish Encyclopedia.*

Ten papers, nine in English and one in Hebrew, deal with biblical and apocryphic literature. By a brilliant anlysis of sources *W. A. Albright* proves the historicity of the list of Levitic cities given in Joshua, 21 and I Chronicles, 2, an historicity which has been denied by Wellhausen and his school. *Solomon Gandz* explains the use of "complementary fractions" among the ancient Hebrews and the meaning of related expressions in the Bible and Talmud. *H. L. Ginsberg* calls attention to similarities between some biblical psalms and recently discovered eucharistic inscriptions in Aramaic. *Robert Gordis* presents a study of rabbinic Hebrew in its relation to biblical Hebrew, and makes useful suggestions in the field of Hebrew semantics and syntax. *Shalom Spiegel* brings to light Canaanite relics in the legends of the Jews and shows their relation to the books of Job and Enoch. There is no question that Spiegel's contribution is the best in the two volumes, and few students will quarrel with the editors for permitting it to occupy much more space than that accorded to other papers. From a new angle *Charles C. Torrey* deals with the apocryphic First Esdras. He convincingly argues that the book is but a piece of the oldest Greek version of Chronicles. In a penetrating study, *Ralph Marcus* shows that "the Greek elements in the Septuagint are merely decorative while the Jewish elements are deep-lying, central and dominating." *Elias Bickerman* makes it plausible that the composition of the Fourth Book of Maccabees took place between 18 and 55 C.E., or, to be somewhat more precise, about 35 C.E. As a specimen of his work on the editions of the Targumim, *Alexander Sperber* presents a chapter of the punctuated Targum Jonathan to I, Samuel, 17, this chapter being selected because it contains some hitherto unknown תרגום של תוספתא , reproduced from a manuscript which is housed at Jews' College, London, and which is here published for the first time, with critical notes and references. *M. D. Cassuto,* in the Hebrew volume, endeavors to solve some of the puzzling problems relating to the "Ten Generations from Adam to Noah", yet his ingenious constructions and "numerical" combinations do not provide a final answer to the questions.

In the field of talmudic archaelogy and philology we note the stimulating contribution by *Samuel Krauss* on שער הטדי , in which he

equates טדי with שדה (field), a designation by which the Temple Mount is known; and the explanation of an obscure talmudic phrase by *N. H.Torczyner.*

Halakic issues are dealt with in four studies, two on English and two in Hebrew. *Boaz Cohen* analyses the similarities and fundamental differences between the Jewish and Roman legal system as affecting civil bondage. *Isaiah Sonne* re-examines the views of the schools of Shammai and Hillel. He contends that the essential difference between the two schools lies in their respective method of interpretation of the biblical text. Whereas the Shammaites considered the words in connection with and in relation to the context, the Hillelites were inclined to dissolve the text into its components, and to consider the meaning of every single word as independent unit. Where this theory does not happen to fit in with a particular text there is of course the simple device of emendation ready at hand (see English volume, p. 281, note). The deeper cause of their controversies, is, according to Sonne, their different valuation of the logical *unity* of the concept and the *multiplicity* of its particulars. The author draws a parallel between the difference of these two schools and that of the atomists and idealists in Greek philosophy. He goes even so far as to find a correspondence between the views of the Hillelites and those of the ancient sophists, and reaches the startling conclusion that Hillel's Golden Rule, as seen from the theoretical perspective, rests entirely on the Protagorean principle that "Man is the measure of all things," and like it bears within itself "unmistakably germs of disintegration and anarchy". While there is much to be said in favor of the attempt to discover, what Sonne calls, the "immanent dialectic" of the controversies of the Shammaites and Hillelites, if only as a corrective to the much overdone social and economic motives stressed by modern scholars, it is unsafe to generalize from a small selected number of instances and to build on them a theory which may not likely stand the test of much of the available material. This is especially the case here, where most of the talmudic passages, to which Sonne appeals in support of his claim, have already been utilized by Sh. I. Zewin (*Sinai,* I, 1, Jerusalem, 1937, p. 54 ff.) to illustrate his own particular explanation of the "immanent dialectic" of the controversies of the two schools.

In the Hebrew section, halakic studies are represented by *Samuel Atlas,* who elucidates the principle of legal fiction in the Talmud, and suggests a classification of its varieties; and by *Solomon Zeitlin* who with his usual acumen surveys systematically the different forms of *derelictio* (*Yeush*) and *res nullius* (*Hefker*) in tannaitic jurisprudence.

Problems of the history of Jewish law and of legal procedure are treated in the Hebrew section by *Hayyim Tchernowitz,* in his brilliant article on "The Zuggot and the Temple of Onias," and by *Abraham Weiss* on "The Court of Seventy-One." *Guido Kisch* describes in English the relations of the Jewish and Christian Courts in the Middle Ages, with

all the thoroughness of a subject which he has made his own; and the Hebrew papers by *I.Rivkind* on " A Responsum of Leo da Modena on Uncovering of the Head," and by *A. Marx* on "R. Joseph D'Arles" provide valuable information regarding Jewish religious and cultural life in France and Italy during the sixteenth and seventeenth centuries.

A considerable number of studies is devoted to rabbinic, midrashic and mystical literature. The late *A. Marmorstein* contributed an English paper in which he offers a plausible explanation of the perplexing introduction to *Midrash Genesis Rabbah. Gerhard Sholem* publishes and interprets the Hebrew text of a lost chapter of the *Midrash ha-Neelam* in the *Zohar. J. N. Epstein, M. Higger, A. S. Halkin, Louis Finkelstein, Aaron Freimann,* and *Alfred Freimann* discuss, in the Hebrew volume, philological and bibliographical subjects related to rabbinic texts; and *A. Neuman,* in his English essay, throws light on the historic background of the *Shebet Yehudah,* one of the most important works of medieval historiography. *Saul Lieberman's* study on Jewish and Christian visions of Hell in the Hebrew section is of special interest to students of Jewish folklore and religious history.

Those interested in the Jewish economic history and historiography as well as in the development of modern Jewish scholarship will find illuminating information in the biographical study by *Salo Baron* on "Levi Herzfeld, The First Jewish Economic Historian" (English volume.)

The history of medieval Jewish philosophy has been enriched by valuable contributions of outstanding scholars. In the Hebrew volume, *Julius Guttman* examines the philosophical views of Isaac Albalag in their relation to the ideas of Averroes. *A. Heschel* tries to prove in an Hebrew article that Maimonides was striving to attain prophetic inspiration. The argument, though skillful and ingenious, does not appear strong enough to command agreement with the author's thesis. In the English volume, *Israel Efros* elucidates the connection between Saadia's second theory of Creation and the theories of Pythagoreanism and Platonism. *Leo Strauss* gives a subtle analysis of Platonic ideas as they have been transformed by Al-Farabi, whom Maimonides regarded as the greatest of Arabic philosophers, and as such have an indirect bearing on the history of Jewish thought. *H. A. Wolfson* displays, as usual, vast erudition and critical acumen in a profound discussion of the vexed problem of "negative attributes" in Maimonides' philosophy. He rightly emphasizes that Maimonides uses the negative interpretation of divine predicates only as means of justifying the affirmative form in which certain terms must be predicated of God."

It will be seen from the above sketch that the essays contributed to these volumes taken collectively enrich Jewish knowledge at every point. Viewed as a whole, they may be said to represent American Jewish scholarship at its best, in combining its quest for truth with a reverential

attitude to tradition. In this the *Festschrift* reflects the mood and follows the example of the great teacher in whose honor it has been published, even as the wide range of subjects which it covers illustrate the catholicity of his own scientific and scholarly interests.

Jews' College, London I. EPSTEIN

BIOGRAPHY

ESSAYS IN JEWISH BIOGRAPHY. By *Alexander Marx,* The Jewish Publication Society of America. Philadelphia, 1947. XII + 298 pp.

The twelve biographical studies and memorials of this volume—three of them (on Rabbenu Gershom, Steinschneider, and David Hoffman) here published for the first time—are accounts of the lives and works of scholars. They are written by a man to whom study and research are very dear; which is to say two things: first, that the author treats his subjects with understanding and love; second, that each essay is done with a fastidious attention to detail, with exraordinary erudition, and with emphasis on the well-established fact.

Throughout the volume its author devotes the greater part of his discussion to the scholarship of his subjects. In the first four essays, on Saadia, Rabbenu Gershom, Rashi, and Maimonides, this greater attention to the man's scholarship than to events in his personal life, is the result of the very meagreness of our sources on purely biographical information. Even the manuscript material on which the author always draws with good effect, is of little help in this respect. For example, to this day we cannot speak with certainty of the date of Rashi's birth, what we know about his family can be put in a few sentences. And Rashi was the greatest and most influential of Jewish commentators and teachers! Of events in the life of Maimonides we know a little more; but of Rabbenu Gershon next to nothing is known. As every student of Jewish history is aware, and as the author continues to remind us, "in the long annals of our history, contemporaries as well as subsequent generations were deeply concerned with the opinions, the interpretations and the literary output of great scholars, but paid no attention whatever to the personal life of their revered masters." Occasional descriptions of historical conditions—of interacting and competing powers in the Babylonian Jewish community of the ninth and tenth centuries, or of customs in Germany in Rabbenu Gershom's times—help make more intelligible the little we do know of these sages. But, of course, such descriptions are not a substitute for biographical data, nor are they so intended by our author.

Beginning with the fifth essay he turns to modern scholars, eight builders of *Jüdische Wissenschaft* whom he knew personally and with whose work he was in some way closely associated. In the essays on

Steinschneider and Hoffman—the two longest essays in the volume—and in the one on Schechter, there are the beginnings of a portrait in some personal reminiscences. But here, too, the biography serves primarily as a framework for description of the individual's scholarly works. The same is true of the shorter pieces. In effect, therefore, what we get is a survey and precise characterization of some of the most important critical and scientific literature of the past century.

From the outset this literature was rarely addressed to more than specialists. The appeal of catalogues, technical investigations, editions with critical apparatus, is bound to be limited. These essays then may serve at least to familiarize general readers with the nature of modern Jewish scholarship, and perhaps also help them the better to understand men to whom research into the Jewish past was a principal compulsion of life.

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(*Continued from* HISTORIA JUDAICA, *IX, pp.* 116-118)

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Authors are invited to cooperate by sending reprints to the Editor.

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Historia Judaica

THE SECESSION FROM THE FRANKFURT JEWISH COMMUNITY UNDER SAMSON RAPHAEL HIRSCH

By * * *

London, England

EDITOR'S INTRODUCTORY NOTE

THE religious and cultural development of German Jewry in the past century has not yet found its Graetz or Dubnow. After the decline of the German Jewish community in the years of modern barbarism, there exists no institution that would systematically collect and preserve the raw material for future historians. When the first article printed on the following pages was submitted to the editor for publication, he instantly recognized its value as a historical document. It is a lecture by Mr. Saemy Japhet, formerly Chairman of the Board of Jews' College in London, now in his ninety-first year, delivered in 1935 before the students of that institution. Mr. Japhet is very likely the last survivor of the memorable period in the history of the Jewish Community of Frankfurt am Main of which his study treats. His lecture appears here without editorial changes except for a few explanatory additions enclosed in brackets and the omission of an appeal which was made to the students at the end of his address, upon a specific occasion. Professor Isaac Heinemann, formerly of the Jewish Theological Seminary in Breslau and editor for many years of the *Monatsschrift für Geschichte und Wissenschaft des Judentums*, also a native of Frankfurt, now residing in Jerusalem, spontaneously offered the "Supplementary Remarks," which are published as the second article. To round out the historical picture, the editor deemed it advisable to invite another native of Frankfurt, Mr. Jacob Rosenheim, one time leader of independent Orthodoxy in Germany, who is now in his eighth decade, to contribute his historical reminiscences of the secession from the Frankfurt Jewish Community under Samson Raphael Hirsch. His exposition appears as the third article. [Mr. Japhet wants his name mentioned in an editorial note only.]

In making the historical material contained in these three articles available to scholars, the editor wishes to direct the readers' attention to the principle pointed out on the back cover of every issue of HISTORIA

JUDAICA, namely, that "every contributor is fully responsible for his paper." "HISTORIA JUDAICA attempts to publish only articles which, as a result of unbiased scientific research, make actual contributions to scholarship." Publication in HISTORIA JUDAICA does not imply any approval or disapproval by the editor of the authors' opinions or of their specific evaluation of historical material for whose presentation they are alone responsible.

GUIDO KISCH

IN 1876, because of new legislation, a number of orthodox members of Frankfurt Jewry declared on account of conscientious objections their withdrawal from their community, the "Israelitische Gemeinde zu Frankfurt a.M.," which they considered a reform community. They were mostly members of the "Israelitische Religionsgesellschaft" and were known henceforth as "Austrittler" or "secessionists." Those of their contemporaries who doubted the wisdom of this drastic step and remained under changed conditions within the Community ["Gemeinde"] were known as "Anti-Austrittler" or "Kompromissler."

I have often been asked to give a narrative of the events which took place on that occasion, because I belong to the few survivors of that most exciting epoch which was marked by stern strife and severe dissensions.

Up to the present day I have declined the request, being of the opinion that publications of this kind are better made by scholars or competent research workers. But reliable literature on the subject hardly exists. This explains why the student can only find more or less dressed-up descriptions of facts, but no correct reasons or adequate motives for the unhappy development in those days.

However, people tell me the time has come to lay before those who may be interested, a concise survey of the secession movement or, as it was called, the "Austrittsbewegung," and so I shall try to tell what I know, and this in full frankness.

To understand this movement and its consequences, we must look for its genesis, we must study the underlying conditions in Frankfurt and must find out *why* everything hap-

pened and *how* it developed. In doing this it will be necessary to go back a very long stretch of time.

We all know how the deplorable social position of German Jewry improved in a miraculous way during the period preceding the French Revolution. Just as the art of printing had quickened science and brought humanism into existence, so the encyclopaedists drew the veil from the minds of those who were silently but ardently longing for enlightenment. To them the doctrines of Montesquieu, of d'Alembert, Diderot, Rousseau and Voltaire came as a revelation.

At the same time Lessing and Mendelssohn appeared on the scene. Lessing's "Nathan the Wise" and Mendelssohn's translation of the Bible into German had a sensational effect on the Jews. It seemed to them as if the gates leading into a new and beautiful world were opened. They realized that general knowledge and modern education would promote wisdom, refinement, self-reliance, strength and influence, in short a distinct improvement in a social respect. The ecclesiastical elements discouraged such tendencies and tried to frustrate any attempt to acquire secular knowledge.

With elemental power however events broke forth. Soon the Cheder had lost its sway. Schools were opened in many places, amongst them one in Frankfurt, which still exists and flourishes under the name of Philanthropin. Rabbi Pinchas Horwitz put the school under Cherem but the founders went on. In recent years they had felt the magic power which radiated from the great orators of the French Revolution. Their hero was Mirabeau who, as early as 1787, in an essay about Moses Mendelssohn had paid homage to the unappreciated Jewish genius. Fascinated, they had read the eloquent speeches of Malesherbes, Clermont Tonnèrre and St. Etienne; spellbound they heard of the powerful appeal in favor of the Jews, with which Abbé Grégoire roused the feelings of the French Parliament, when he hurled the glorious words at their ranks: "Tonight fifty thousand Jews will go to bed as slaves and pariahs; it is for you to let them rise tomorrow as free men!" Ecstasy seized the souls of our coreligionists on hearing the wonderful news. They felt the breath of liberty. Was it to be wondered at that soon the

sense of freedom filled their hearts and that they were inspired by it in their actions?

This determination was stimulated by political issues. Invited by the French notables, two Frankfurt men attended the opening of the Sanhedrin in Paris on February 2, 1807. They returned enraptured by the atmosphere of freedom and from that hour dates the energetic open fight for Jewish emancipation in Frankfurt.

Napoleon had by now granted equality of rights to the German Jews. True, the Congress of Vienna, where foreign diplomats were lavishly entertained in the salons of Jewish society ladies, partly reversed the position, but discriminated between Jew and Jew. Metternich himself declared: "Who is a Jew is for me to decide." He conferred nobility on the Rothschilds to the utmost delight and rapture of the Frankfurt Ghetto. One old man was so affected by the news that he exclaimed with tears in his eyes: "Die ganze Judengasse ist geadelt."

Now, what happened in Frankfurt?

The Frankfurt community held a high position in German Jewry. Its age, the size of its congregation, the wealth of its members, and the distinction of many of its individuals gave it a world-wide preponderance and influence. It was a homestead of Jewish tradition. The majority of the community was still conservative and they held the reins in their hands and tried to stem the onslaught of the young liberals. The Ghetto in the old sense did not exist any more, but it took generations before it completely disappeared. I still remeber three synagogues in the *Judengasse.* Many private people lived there. Big grocery shops and coffee houses, etc. remained.

However, youth had left the Ghetto. Youth emancipated itself from the control of the ruling education system and went over to other regions of learning. Youth strove for assimilation. Youth joined the freemasons. Youth formed unions on the Gentile plan. Youth migrated into the world and lastly youth demanded the recognition of its lofty views.

So far the word "Reform" was not mentioned, they spoke only of "liberals." Under the influence of youth and

its pressure, however, perhaps as a concession to the new ideas, liberalism had changed into reform. This is the genesis of the movement and these are at a glance the conditions at Frankfurt.

Time went on. The teachings spread by Friedländer, Jacobson, Salomon, etc. and vigorously taken up and completed by Jost, Geiger, Holdheim, Philippson, Herzfeld, fascinated still wider circles, opposed only by a limited number of orthodox rabbis, most of whom were no match for the reformers. Only one man in the orthodox camp towered far above them, surprised the world by the perspicuity of his writings, a man of whom secular scholars said he was the most forceful polemic writer since Lessing: Samson Raphael Hirsch.

More years passed. The progressive section of the Frankfurt community soon went somewhat too far in using their new liberties. Religious authority having once been thrown over, many deserted their religion and the number of conversions rose appallingly. The orthodox became daunted and felt subdued and the liberals, having attained their ends, became less concerned with the further evolutions which were henceforth directed chiefly by the hierarchy in Jewry. As far as the public was concerned laxity increased.

Towards the end of the first half of the last century it could be seen that the effect of the reform movement had become weaker. Originally, appealing to the longing for enlightenment and freedom, the new orientation had stirred the hearts of the young. But this did not last and even Eduard Gans, one of the pioneers in reform, complained already in 1823 that the latent spirit of contradiction had gradually grown into negative enlightenment, consisting in contempt or abuse of tradition without, however, making any attempt to give the now empty abstraction a new meaning. The rising generation had only one ambition: to appear as educated citizens in the eyes of the world. What we call the Jewish atmosphere faded away, but at the same time so did the belief in the redeeming effect of reform.

The reformers had built handsome temples and engaged brilliant preachers. But they were to realize that what they

had to offer did not attract worshippers for long. Their beautiful synagogues became empty. Fresh efforts were made by convoking several synods. In 1841-42 they formed in Frankfurt a society called "Friends of the Reform." They contemplated nothing less than a new *Shulhan Aruch.* Yet, at that time communal institutions like the hospital and *shehitah* were still conducted on traditional lines, but there was the danger that this would change.

Now, it must be clearly understood, that both, the fight for reform and the defense of traditional Judaism, were conducted by individuals. The management of the Gemeinde tried to remain at least outwardly impartial, and they had in Rabbi Salomon Trier the strictest defender of orthodoxy, but the religious aspect was more or less meaningless to the wardens, and they busied themselves with the management of affairs only. The number of the adherents to conservative principles had in the meantime been steadily shrinking, but there were still a large number of highly educated and deeply religious and learned members of the old Frankfurt community. After the synod of Brunswick and that of Frankfurt in 1845 this circle became alarmed. The "Gemeinde" had in the meantime slightly changed its attitude and engaged a reform rabbi; further fresh activities of the reformers now spurred the orthodox on to resistance; they closed their ranks and after long and protracted preliminaries, they formed in 1851 the "Israelitische Religionsgesellschaft," and selected as their spiritual leader Samson Raphael Hirsch.

As much of what interests us centers round this great figure, it will not be out of place to say something about the personality and character of Samson Raphael Hirsch. Born in Hamburg, the son of cultured parents, he was brought up as a child of the early Mendelssohn era. Haham Bernays, who was one of the first Jewish preachers to deliver his sermons in an advanced German, was his teacher. Samson Raphael Hirsch received his university training at Bonn, where incidentally Abraham Geiger was his fellow student. Hirsch was already in his younger years a man of the world. He made it a point to appear always in faultless apparel, almost stylish, according to the fashion of the period. Nothing in

his manner or figure was to be strange to the crowd. This remained so during his whole life and I can still see him as an octogenarian, immaculately dressed in the finest black suit and top hat, like a born aristocrat. A striking feature was his head, so well shaped and adorned with the most beautiful and brilliant eyes, which kept their fiery lustre up to the last moments of his life. I think nobody could ever forget his countenance, animated by the magnetic glance. And whilst his outward manner was prepossessing and attractive, his character showed a strength and earnestness uncommon for any man, almost too earnest. He did not freely make friends and even his friends he kept at a distance; nor was he easily approached, his serenity and dignity warded off intimacy. Bold and fearless he upheld his convictions. Only once did he yield to outside pressure, when—in Oldenburg—he allowed *Kol Nidre* to be abolished. In later years he made no concessions, no adjustment of views was possible and, in questions of principle, he never accepted any compromise, nor did he permit any of his communities to interfere with his opinions and beliefs.

All this led to frequent clashes and we saw him sever his relations with Geiger, his fellow student, and with Gaetz, his pupil, and of course with Frankel he waged a bitter feud. History and literature were taught in our school—the "Realschule der Israelitischen Religionsgesellschaft," (according to English standards a secondary school), commonly called "The Hirsch-Schule"; I passed through the school (1863-1872); later I became a student of the Frankurt Handelsschule— according to Hirsch's views. The names of Maimonides, Spinoza, Mendelssohn and Graetz were never even mentioned.But in his writings Hirsch branded Graetz's *History of the Jews* as "a product of detestable wantonness and frivolous superficiality"; he spoke with contempt of the Rabbiner-Seminar in Breslau, pitying in advance the communities which should select pupils of Breslau as their leaders. There was never a *Beth Din* in the Religionsgesellschaft. To use a commercial term, it was to all intents and purposes a one-man business. Rabbi Hirsch laid down the law according to his conviction. He was opposed to any form of Jewish

nationalism as well as to Zionism and one of his versions of the translation of "*ki mi-Zion*" was "from where the *Tauroh* emanates, there is my Zion." He sternly rejected the order B'nai B'rith.

As a scholar he lived his own life. His intercourse with other scholars was scanty. He did not need them. Feared as an antagonist, he was a born fighter and he hit hard. Mendelssohnian tolerance was unthinkable for him. He lived in his study amidst his books and papers, where the air was thick with smoke clouds, issuing from his long much-loved pipe.

Needless to say, the Religionsgesellschaft was very proud of their rabbi. His reputation as one of the greatest living scholars was a source of the deepest satisfaction, but it was in the first place his eloquence that thrilled their minds. He spoke always spontaneously, without any notes; all his addresses were presented extemporaneously. He was a marvelous orator; his noble language, the rapid flow of his speech, the originality of his thoughts, the force of his arguments, together with his whole personal appearance, made his sermons irresistible and secured him a magic influence.

In their relations with the "Gemeinde," the members of the "Religionsgesellschaft" had, however, never been able to remove the chief source of their discontent. By law they belonged to the Gemeinde and were liable to taxation. But they had no influence whatever on the management of the Gemeinde, especially in ritual questions. Yet, as the Gemeinde treated them rather fairly, they had an earnest desire to avoid any possible friction. What the Gemeinde denied to them, they provided themselves regardless of financial sacrifices. They set themselves the task of creating model institutions to satisfy all requirements of strictest orthodoxy plus the demands of cultured citizens.

They started with great energy. A great beautiful synagogue was built—the money was given by the Rothschilds, and (thanks to the generosity of the small body of supporters) a secondary school was opened on modern lines. The synagogue was an attraction, the school was still more important. It was conducted by a splendid staff of first-class Jewish teachers and was to be the spiritual home of Germany's

new orthodoxy. Enthusiasm and happiness ruled all round, membership increased and even the reformers did not withhold their respect for Samson Raphael Hirsch's achievements. For years harmony crowned the work—golden days for Frankfurt orthodoxy.

But gradually conditions underwent a change and this for two reasons.

Rabbi Hirsch was not satisfied with the role his Society has to play. He wished his Religionsgesellschaft to outshine and to eclipse the ancient Frankfurt Gemeinde. He wanted to separate from the old chief body and to raise the Religionsgesellschaft to the rank of an independent community with fiscal rights. By word of mouth as well as by his writings he prepared the ground. Always referring to religious objections he tried to familiarize his followers with the idea of separation. It was an ambitious scheme, which in no way appealed to the majority of his congregation. Devoted as they were to their leader they did not want a separation and Hirsch realized it was a delicate problem. He decided to bide his time, but one could not help feeling that he had brought uneasiness into the minds of many.

The second question was of a different nature. It transpired that Rabbi Hirsch contemplated a permanent dual-leadership of rabbinate and rectorate of the school, so as to establish a dynasty; his first successor was to be his son. Nobody, I believe, would have opposed the scheme, had there been fair play. But there was not. In order to pave the way for the successor, several Jewish teachers with university degrees had to be removed, they were partly replaced by Christians, who were not eligible for the post of principal, and the congregation deplored the fact that their orthodox institution now preferred Gentiles to Jewish teachers. It was widely and deeply resented.

This digression was necessary to explain how it was possible that the rabbi who was adored in the beginning, made many enemies.

There were now two factions in the Religionsgesellschaft: the partisans of Hirsch and the disillusioned section. The latter, peace-loving as they were, trusted from year to

year in the beneficial influence of time which would help them to forget unpleasant events; but it turned out differently.

In 1873 it happened that as a consequence of the so-called "Kulturkampf" which Bismarck waged against the Roman Catholics, a bill was introduced in Germany allowing members of a church to leave it on account of conscientious objections without ceasing to be Christians. Protected by this law, Bismarck tried to disintegrate the Catholic communities.

Now Rabbi Hirsch saw his chance to do the same. Through the medium of Edward Lasker, the famous Jewish lawyer and deputy, he laid his case before Parliament. He had worked Lasker's mind into ecstasy, but alas, misguided ecstasy in religious affairs has often been responsible for untold suffering and injustice. Lasker himself was a Jew only by name.

Subsequently Rabbi Hirsch caused several of the old orthodox rabbis—amongst them the venerated Dr. Israel Hildesheimer—to exercise their influence with the younger members of the clergy by asking them to sign the petition to grant to the Jews the same religious facilities as to the Roman Catholics. Hildesheimer supported Hirsch, because he loved peace; many of the old rabbis took up the same attitude. A number of the younger orthodox rabbis declined to endorse Rabbi Hirsch's petition, among them Marcus Horovitz; they questioned the necessity of going to this extreme.

Let us hear just what Marcus Horovitz wrote about it: "In the autumn of 1873 my great master, Rabbi Dr. Hildesheimer, forwarded to me the draft of a petition asking the Prussian Diet to issue a law, by virtue of which Jews should be allowed to resign membership of their communities without ceasing to be Jews, and he asked me in the name of Rabbi Hirsch to sign that petition. I answered without delay that I did not believe such a law would serve the true interests of Judaism. I proposed instead a law compelling each community to arrange their religious institutions in such a manner that even the minorities could be fully satisfied. I formulated my suggestion in an explicit proposition, which I sent to the revered master. He answered that, whilst personally fully

agreeing with my proposal, he would imagine that all this could be better achieved if and when the law of secession had been passed. At the present stage he was afraid communities were not inclined to grant new demands. Anyhow, continued Hildesheimer, I advise you to send your report to Mr. Lasker." This answer provides sufficient proof that Hildesheimer considered a secession law merely as a means of bargaining. "I approached Lasker, who replied that he had given my proposal most serious consideration and he thought it a very good one. But he himself (and here we see the lawyer) could scarcely be the right advocate for me, having already bound himself to Rabbi Hirsch. Lasker recommended to engage Mr. von Denzin, M. P., as my parliamentary representative; but this gentleman declined, reasoning that he could hardly hope for success in a Jewish affair, when his opponent was an authority of the rank of Edward Lasker."

The law was passed on July 28, 1876. The members of the Religionsgesellschaft received it with mixed feelings. The Frankfurt-born members loathed the idea of secession. Deep-rooted affection for beloved traditions and innate loyalty formed ties with the Gemeinde, which they did not intend to break. Many, on the other hand, among them rabbis, considered the bill a potential instrument to extract concessions from the community. Others again saw beyond their own circle; they did not engage in parish pump politics. They foresaw the ruin and break-up of many small Jewish communities, because their members, on the strength of the that bill, could escape the burden of maintaining their societies, and as a matter of fact, within a few years more than a hundred small Kehillas disappeared. Synagogues and school buildings had to be sold. In Niederursel, for instance, and in other places they had to bury the *Sifre Torah,* which they were unable to sell. It happened as it had been predicted.

Rabbi Hirsch ignored all warnings and difficulties, rejected every suggestion of peace with the Gemeinde and steadily pursued his plans.

On September 17, 1876, he celebrated his twenty-fifth jubilee. Answering the ovation which was enthusiastically offered to him, he maintained that this was in reality the

jubilee of the congregation and he suggested solemnizing it by leaving *ad hoc* the mother community and escaping once and for all the influence of the reformers. But nobody seemed inclined to follow his advice.

This appeal was repeated from the pulpit on *Simhath Torah* in a passionate sermon and now it transpired that Rabbi Hirsch, his sons and several members of the council had in fact informed the lawcourts that they had withdrawn from membership of the Jewish community of Frankfurt.

The news came as a bombshell. By far the great majority of the members of the Society never intended to separate from their old community, and now their rabbi himself had done it without making the slightest effort to obtain the recognition of their just demands, without any struggle for their rights. It seemed incredible to them. They quoted the Bible and reminded him that even in actual warfare one was obliged to offer peace by negotiation to a city which was to be attacked. They wanted to act as practical men and not as zealots.

Those who opposed secession convoked a general meeting of the Religionsgesellschaft. This took place on October 15, 1876, and was presided over by the chief of the Hirsch party, Emanuel Schwarzschild, who under the influence of his leader refused point-blank to negotiate with the Gemeinde, claiming that secession was a purely private affair and therefore there was no reason for treating the matter officially. For years, he said, the Gemeinde had deliberately suppressed orthodoxy. For years the members of the Religionsgesellschaft, which he considered the only true guardian of traditional Judaism, had complained; now they should act and leave the Gemeinde. Mr. Michael Mainz, a scion of one of the oldest Frankfurt families and son of the revered Rabbi Moses Mainz, opposed secession. He admitted the various sins of omission on the part of the Gemeinde, but warned against an open breach. Wholesale secession would leave all power in the hands of the Gemeinde, all the institutions, the management of the charities, including the hospital and cemetery, would be left to their arbitrary power, whereas by means of negotiation much could be gained and some-

thing built up that would be a *Kiddush Hashem.* If properly approached, the Gemeinde would be sensible, and he proposed the election of a committee to treat with the Gemeinde. The chairman rejected this, but suggested individual "Austrittler" ("sessionists"), on giving legal notice, should inform the Gemeinde that they were ready to pay also in the future to the various charitable institutions including those involving burial rights. Now this shows clearly beyond any doubt that even the chairman of the Religionsgesellschaft was not yet prepared to sanction a complete break. Mainz warned them again, saying the Gemeinde would not accept a *dictum* and asked them to put his motion to the vote. This the chairman emphatically refused; he said this was not a matter which could be decided by a majority. In point of fact he knew only too well that the majority was against him.

The meeting ended without result. Some people signed the declaration recommended by the chairman, but the great majority refused.

And yet the meeting was a memorable one, because from that date hostilities on the part of the Hirsch party against the Gemeinde became more and more pronounced. This campaign was pursued for years in an unworthy manner; the weapons of the Austrittler were a grave distortion and gross travesty of true facts, false rumors and a perversion of the truth, creating confusion and unhappiness all round.

Whilst his partisans disgraced themselves by their outrages, Rabbi Hirsch himself shot his bolts from the pulpit. His arrow was his eloquence.

The first action of the Hirsch party was to spread the news that the Gemeinde had accepted the notorious Schwarzschild formula. Surprising as this seemed, it created delight in the ranks of the adherents because it meant peace and several of them did now, what had been intended by the circulation of the alleged news, they signed the formula.

The rumor was a deliberate lie and the Gemeinde made that clear. Subsequently they addressed a letter to the Religionsgesellschaft stating that, whilst they must positively refuse to deal with Austrittlers, they were inclined to grant far-reaching concessions to those who would remain members

of the Gemeinde. The Religionsgesellschaft's answer was non-committal in form and ambiguous in matter, to such an extent that the Gemeinde considered the correspondence terminated.

Those who decided to remain members now communicated with the Gemeinde and formed a committee to find ways and means to avoid in future any responsibility for the management of such institutions as synagogue and Philanthropin, which were not conducted in an orthodox manner, and yet remaining within the brotherhood under full and ample guarantees for the satisfaction of their demands.

No sooner had Rabbi Hirsch heard that the Gemeinde was seriously inclined to grant concessions than he declared: "Never mind what the talks between the parties may be, it is an *issur* to remain in the old Kehilla," and Emanuel Schwarzschild informed the Committee accordingly. Their spokesman, the learned Dr. Heinemann, a noted *lamdan,* who already at the early age of 21 possessed *Hatarath horaah,* answered that the whole orthodoxy would willingly submit to Rabbi Hirsch, if he could prove the *issur* from the *Shulhan Aruch.* Schwarzschild duly reported this answer; the reply came from the pulpit in one of those sermons which amazed the world. It was the Sabbath of *Parshat Toledoth.* Rabbi Hirsch spoke with unparalleled vigor; he scorned Heinemann's request, stating that things which are self-evident are never mentioned in the *Shulhan Aruch,* for instance, that Jews should not embrace Christianity. He strongly protested against the misuse of rabbinical knowledge; he called the Gemeinde *minim ve-appikorsim,* (heretics and dissenters), and stigmatized anyone who remained with them as being a *min* himself. He concluded his sermon with the words: "You *must* listen to my words. *Ki sifthe kohen.* For the lips of the priests, etc." [Mal., 2, 7].

Whilst Hirsch remained adamant, the Gemeinde showed great understanding. Negotiations went on in the Committee, but Hirsch's party went on fighting. Yet the progress of segregation was slow. New stunts were required. On *Parshat Vaychi* Rabbi Hirsch said, beginning quite mildly: "I come today not as a preacher, but as a friend, as your father."

He quoted the words, *ve-shimu el Yisroel avichem,* and he went on: "If the man appointed to teach the truth errs, the responsibility is his, but the community must obey." In fact, a kind of declaration of infallibility.

The pourparlers between Gemeinde and Committee made progress. To destroy this effect Hirsch's partisans resorted to strange methods. They influenced the butcher, a man named Sundheimer, who provided meat for the hospital, to declare his withdrawal from the community, anticipating that the Gemeinde would retaliate and cancel their contract and this would incidentally constitute a breach of the new agreement, which *inter alia* stipulated that meat for the hospital should be bought from a butcher of the Religionsgesellschaft. But the Gemeinde rose to the occasion. Spontaneously they decided to reorganize their own *shehita* and to put it under the sole agency of the Committee; until then they would continue to buy from Sundheimer. Much was due to the conciliatory influence exercised by the various members of the Mainz family, and Hirsch saw in their senior, R. Moshe Mainz, his most feared adversary.

Rabbi Moshe Mainz was the doyen of Frankfurt's *lamdanim,* a man of extraordinary learning and of ascetic piety. He was one of the eleven founders of the Religionsgesellschaft, who had extended a call to R. Hirsch to be their spiritual leader, but not to crush that Gemeinde which they still honored.

Mainz emphasized over and again that segregation from the community would jeopardize the true interests of Frankfurt Jewry, and would especially injure the charitable societies and all other humanitarian institutions; and he had frequently declared that the casuistic arguments of R. Hirsch on this question were not conclusive; and the public believed him, as it was known that he was the greater *lamdan* of the two.

To conquer the opposition of Moshe Mainz and to win him over to their side, the Hirsch party approached Rabbi Seligmann Baer Bamberger of Würzburg, commonly known as "the Würzburger Rav," who had in 1872 signed the so-

called Spitzer declaration and who had recently, when consulted, expressed himself in favor of secession.

Bamberger was the greatest living talmudist in Germany. He was a perfect saint, a man who in the proverbial way taught peace and pursued it. It was for the sake of peace that he had advised some friends to submit to the dictum of Hirsch, whose partisans now tried to force the hands of Bamberger and make him fight their battle.

Two secessionists, Isaac Bing and Adolf Dann, were rushed to Würzburg, to invite Bamberger to Frankfurt, so that he should influence Mainz and break his resistance. The most dramatic phase in the whole movement was reached.

Bamberger heard now *for the first time* the full story of the case and this even from the Hirsch party. He was not convinced; he too had so far considered the problem rather as one of expediency, because he was led to believe that a divorce from the reformers in Frankfurt was in the interest of orthodoxy. After having closely interrogated the messengers, he did not at all feel sure that his previous views would continue to hold good, especially when he should have heard those of a mastermind like R. M. Mainz. He refused to go, but when his visitors, deeply disappointed, exclaimed: "So our journey has been in vain," Bamberger tried to comfort them and proposed they should go back and give him all their arguments once more in writing. He would then study the position again and consider what was to be done. Bamberger received in due course a series of notes, signed by Bing, *but not by Dann.* Soon afterwards when a Mr. Eisenmann repeated a pressing invitation and Rabbi Fromm, the son-in-law of Bamberger, supported Eisenmann, Bamberger went to Frankfurt to meet R. Moshe Mainz.

He went reluctantly. The result of the momentous meeting between the two Gaonim was the following: Rabbi Moshe Mainz refuted all the talmudic arguments of Hirsch, one by one, and proved that adherents to the community under the proposed new agreement would not commit any *issur,* because the Gemeinde pursued many and various laudable purposes besides synagogue and school.

The most essential point, however, which was unknown

to Bamberger, was that the Gemeinde had already yielded to the well-known objections of the conservatives.

Whilst Bamberger accepted the deliberations of Mainz, as far as they were based on talmudic grounds, he now wanted to know what practical advantages for orthodoxy could be expected from a covenant with the Gemeinde.

The answer was given in precise terms:

1. The Gemeinde will reorganize the *shehita* on traditional lines together with the sale of meat.

2. The Gemeinde is to build a ritual bath.

3. The Gemeinde gives guarantees for the orthodox conduct of hospital, conservative synagogue service and cemetery.

4. No part of the taxes paid by the subscribers to the new covenant are to be spent on expenses for liberal service or liberal schools.

5. The Gemeinde puts all its religious institutions under the management of a "Ritual Commission," consisting of seven members; two of them to be delegated by the Gemeinde, but five from the ranks of the orthodox members, for life, and the decisions of that commission should be final.

6. A *Dayan* is to be appointed who must have *hatarath horaah* from a recognized orthodox authority, to inspect and to control all these arrangements.

Bamberger, having now heard both parties, declared that no blame could be put on those who remained within the Gemeinde under this new agreement.

The effect produced by this decision was overpowering. The Hirsch party had counted on Bamberger implicitly. They were furious and stigmatized Bamberger's declarations as a breach of faith. Rabbi Hirsch arrainged Bamberger in a pamphlet written with the full force of his brilliant dialectics and called his action a *bêtise,* maintaing that it was not permissible that one *Talmud hacham* should negative any legal decision of a colleague, but he ignored the fact that *his own people had asked Bamberger for his opinion.*

Bamberger replied. His answer breathed truthfulness, but he was not a match for Rabbi Hirsch. Whilst Hirsch's challenges were built up on the logic of illusion, poor Bam-

berger's answer contained facts only. He proved the negative value of Hirsch's assertions, he showed the mistakes in Hirsch's statements. The scholar could follow Bamberger's account, but the layman found his story weak, his language almost apologetic. In connection with the Spitzer case Hirsch had charged Bamberger right out with duplicity; in vain Bamberger protested that the problems of Vienna and Frankfurt were not analogous Bamberger begged to discontinue further public controversy and asked for arbitration, stating that since time immemorial, divergencies between *talmide hachamim* had been settled by consultations with the various great men. Indeed the basis of our halachic literature was *sheeloth u-teshuvoth.* In vain!

Rabbi Hirsch, in a second pamphlet hit out once more, hammered pitilessly on his adversary: he unearthed a certain statement which Hatham Sofer had written sixty years earlier, but which was according to grammarians not quite correctly translated; he called Bamberger's suggestions childish and his intimations grandfatherly admonitions. And from the pulpit, on *Shabbath ha-gadol* he shouted into the room: "For a lifetime I have considered that stalwart in the old city on the Main a pillar of strength in orthodoxy. I looked up to him with reverence and deep respect. I regarded him as our great master, but that I should live to see this man support *avodah zorah* wounds me to the core." His words were: "Dass ich diesen Mann der *Awaudoh soroh* die Stange halten sehen muss, tut mir in der Seele weh!" This passionate outburst certainly secured some more "Austritt" declarations, but it alienated scores of educated young men from orthodoxy and this for ever. Bamberger was never forgiven. When a year later he died, hundreds of rabbis followed his coffin. Jews and Gentiles vied to show their respect, even the Prince-Regent of Bavaria sent the horses for the hearse. Neither Rabbi Hirsch nor the Religionsgesellschaft were represented at the funeral.

The Gemeinde took no notice of all these outbursts. They conducted the negotiations in a statesmanlike manner and the new covenant was signed by both parties in Feb-

ruary, 1877. An atmosphere of mutual confidence was established.

For the members of the Religionsgesellschaft the position was in the meantime as follows: In the beginning "Austritt" seemed a practical step; later Rabbi Hirsch turned it into a religious duty. After Bamberger's *Halachah* this did not hold good any more. So they stamped it a political question and the deplorable feud in Frankfurt's orthodoxy, which undermined the peace of a peace-loving community, became more and more aggravated.

It was therefore a purely political move when R. Hirsch asked his community to acquire a cemetery of its own; he knew a Kehillah without a cemetery is not independent and he wanted to wipe out any association with the reformers. But this time there seemed to be no response to the suggestion. Once more he entered the pulpit. He started his address calmly in a matter-of-fact form and went on to tell the audience, the first question after death, when you appear before God would be: "Are you 'ausgetreten'?" (Have you left the community?), and he asserted the necessity not only of secession but of having a cemetery of their own. Stronger and stronger became his entreaty, like thunder sounded his challenge, and his tirades culminated in the fearful words: "Rather be buried in Sachsenhausen under the sign of another faith than in communion with those." (The Christian cemetery was in Sachsenhausen.)

The whole congregation trembled. We were shaken with excitement. That day we left the synagogue in grave apprehension and we asked ourselves, was this the voice of the very same man to whom we were used to listen rapturously when he expounded the beauty and greatness of Israel's eternal laws and their religious and ethical values? Was it necessary still to brandish the rod when the Gemeinde offered the olive branch?

And now the moment has arrived when *two important facts must be recorded.* One gives information about conditions at the time of the formation of the Religionsgesellschaft; the other throws more light on the actual result of the "Austritt" movement.

1. In sermons and in writings, when dwelling on the marvellous achievements of his young Kehilla, Rabbi Hirsch loved to emphasize that eleven men built up the Religionsgesellschaft. Well, in their unbounded loyalty, his followers granted to his genius the privilege of publishing his own version, which was so often repeated that soon nobody doubted the correctness of the story; it became a beautiful legend. But nobody can tell anymore with certainty who all the eleven were. The names perpetuated in the entrance hall of the synagogue on a bronze memorial tablet differ from those which came to us by the contemporaries. And yet, people who know next to nothing about Frankfurt, know the tale of the famous eleven. But it is a fallacy. The eleven were the signatories of the petition which had to be presented to the government. Behind them stood a body of many distinguished, high-minded, orthodox, Frankfurt-born *baale batim.* I feel I must give you some names, of course outside the eleven:

Wolf Bass, M. H. Bass, Meier Goldschmidt sen, Benedict Goldschmidt, David Rapp, Luder Rapp, Moses H. Schiff, Juda Kulp, Moses Michael Oppenheim, Mich. Mainz, senior, Meier Mainz, M. Is. Oppenheim, Baron Anselm Rothschild, Baron Willy Rothschild, M. J. Kirchheim, Menko Kulp, Nathan Marcus Oppenheim, M. B. Kann, Elias Schuster, Herz Weiller, Ph. Abraham Cohen, and scores more.

These gentlemen soon formed the backbone of the new society, and without their support, there would not have been a Religionsegesellschaft, nor would Rabbi Hirsch have been invited to come to Frankfurt. The first general meeting of the Religionsgesellschaft dealt already with eighty members, not with eleven.

2. The second point is likewise most instructive. I mentioned the increase in the membership of the Religionsgesellschaft, but the new members were nearly all newcomers to Frankfurt and not Frankfurt-born people. It was the time when the influx from the provinces into the big cities was considerable, and those Jews who were religious were attracted by the Religionsgesellschaft, by its service as well as by its school. All these new arrivals had not the slightest interest

in the Gemeinde of which they had automatically become members. No memories connected them with the *Beth Olam*, no tradition with the old Gemeinde; therefore they could have left it with a light heart, the more so as the law of secession would have meant for them financial relief. Even of these, only a small number answered the command of Rabbi Hirsch. When the official list was published, it was disclosed that of 355 members—this figure represents the number of members of the Religionsgesellschaft previous to the "Austritt" movement—of the Religionsgesellschaft, only 85 had left the mother institution. An analysis of this figure showed that the list was composed of officers of the society, the staff of school and synagogue, and others dependent on influential members, and a number of people who had come to Frankfurt from the provinces. But for this motley crowd, the Austritt movement in Frankfurt—as it was originally planned—would have been a complete failure.

We cannot get away from the fact that 75% of the congregants did *not* obey the command of their rabbi.

Rabbi Hirsch himself never found the way to the old Frankfurt Jewish inhabitants. And, what was worse, he never sought it. Rabbi Hirsch was never a member of the ancient and celebrated *Shash-Hevrah,* he never joined any of the many learned Jewish societies, he never took part in the management of the various humanitarian and charitable institutions; on the other hand, he belittled the so-called Frankfurt *minhagim*, he kept aloof from everything which was not strictly connected with his own community. He even boycotted the orphanage because he disliked its synagogue service.

The Gemeinde carried out their contract faithfully. The appointment of the new *Dayan* was proceeded with; it offered difficulties because the candidates were intimidated by the Hirsch party and withdrew almost immediately on hearing of the wrath of R. Hirsch and the risks of their prospective position. One candidate, a Dr. Plessner, inquired to which faction Baron Rothschild belonged, he was anxious to know on which side the bread was buttered.

When in the end [Rabbi Marcus] Horovitz was elected

as a rabbi of the Community he received scores of threatening letters and many warnings: even friends feared that through his presence the feud would flare up afresh. One man wrote: "Beware, when Hirsch hates, his hatred knows no mercy." Rabbi Hildesheimer felt likewise uneasy and afraid of further trouble. Only two men congratulated Dr. Horovitz unreservedly: Dr. David Hoffmann and Professor Jacob Barth.

Horovitz's election was a lucky one; his activity was crowned with success from the start. His community increased enormously and soon the Gemeinde had to build a new orthodox synagogue and it was in this wonderful house of worship that a few years later on one of his begging tournees Dr. Israel Hildesheimer, now wholeheartedly with Horovitz, delivered first a rabbinic discourse and later a halachic lecture. This was deeply resented by Rabbi Hirsch and he could not abstain from attacking even Hildesheimer in a sermon. With caustic comment he derided the methods of the wandering parson, who thanks to his physical strength is able to appear everywhere. "But," he added, "*lo be-hayil ve-lo be-koah ki im be-ruhi*" ['Not by might nor by power but by my spirit'].

It is not my task to put on record more examples of the acrimonious manner in which the strife was waged, but it is highly interesting to note that the *whole position was essentially altered.* It was not any more the fight between conservatism and neology, it had changed into a clan quarrel between orthodox and orthodox: brothers were against brothers, fathers against children, pupils against masters, and the air was filled with venomous slander. The institutions under the control of the Ritual-Commission were at once declared *pasul* and taboo for the members of the Religionsgesellschaft.

Today after sixty years when events belong to history, the question is raised, was all that necessary? The answer is bluntly: "No."

For nearly twenty-five years Rabbi Hirsch strove to crush the Gemeinde and to gain the lead in Frankfurt's religious affairs. Was it piety that prompted him in his action,

or was it ambition? It is not for me to judge. Even historians so far seem disinclined to pronounce a sentence; they write comparatively little about the movement and they studiously avoid going into details. Some critics, amongst them Louis Ginzberg of New York, who ought to know something about Frankfurt, have rejected Hirsch's attitude in this separation question in plain words.

I repeat, I cannot judge, I can only speak of the results of the fight, and paradoxical as it may sound, to that very same Gemeinde which no effort was spared to reduce, new lustre was added, new life was infused. The Gemeinde was strengthened more and more, and in due succession three distinguished pious and learned rabbis, each one an adornment of his profession, were working there with splendid success, endearing themselves to their community. New orthodox institutions were established which formed, as Mainz had predicted, a *Kiddush Hashem.* Above all: actual recognition of uncurbed orthodoxy on traditional lines within the old Gemeinde was procured. Today the Gemeinde has three orthodox synagogues and two orthodox rabbis, and of course an orthodox *Beth Din* and orthodox religious classes; the Ritual Commission still fulfils its functions and the conservative party is adequately represented on the council of the Gemeinde.

The movement as such was a matter of the past. It came on like lightning and was carried out precipitately and the chief action lasted only from September to February. The movement was revolutionary in all its aspects. Nothing betrayed thoughtfulness, nor discretion and it was pushed on recklessly regardless of the consequences. Consequences? In 1852 the young Religionsgesellschaft was a circle where harmony ruled and there was unity and enthusiasm. In 1877 it presented the picture of a cockpit, where spitfires displayed their passions. This was one of the consequences of the Austritt movement.

Samson Raphael Hirsch made one mistake. He worked on the surface only and did not enter into the depth of the problem. He worked for the immediate future only and did not do full justice to the nobler feelings of his flock. For once

the great and world-renowned master missed that clear vision in which he used to excel in all his doings and he ignored the time-honored words of our sages: "*Al tifrosh min ha-tzibur*"; "Do not separate thyself from the community and do not use the Torah as an aureole wherewith thou canst aggrandize thyself."

The evolutions of a whole century have been before us. First we saw just one generation after Mendelssohn's death, liberals inspired by cherished ideals fight for emancipation from the alleged yoke of old pietism. One generation later we saw conservatives, who in the meantime had gained worldly education and accomplishment, rally under the flag of neo-orthodoxy, struggling for a place in the sun against liberal pretensions. And when another generation had gone by, we witnessed the noisy movement of secession, which appears now as a passing episode. Finally, however, we saw things right themselves, thanks to the conquering force of common sense. Liberals and conservatives of the old Frankfurt Gemeinde once started the contest as earnest antagonists; they ended by being friends, who now, though on different roads, are walking hopefully and harmoniously together towards a common and honorable goal.

SUPPLEMENTARY REMARKS ON THE SECESSION FROM THE FRANKFURT JEWISH COMMUNITY UNDER SAMSON RAPHAEL HIRSCH

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[Translated from the German by Hilde Kisch]

TO the memoirs of Mr. Japhet I wish to add some supplementary remarks on the rise and development of the Frankfurt community statutes. In so doing I am relying on notes and reports written by my late father, Dr. Heinrich Heinemann, (1844-1898), school principal and rabbi in Frankfurt, who participated in the negotiations between the "orthodox"[1] members and the executive board of the "Gemeinde" in a leading capacity and who later was a member of the Ritual-Commission. In addition, I am making use of my own reminiscences (I left Frankfurt in 1919) and of material kindly placed at my disposal by Mr. Willy Mainz, a former member of the executive board of the Gemeinde and of the Ritual-Commission.

The men who after the issuance of the "Austritt" law contacted the Gemeinde board did not originally think of founding a unitary community ("Einheits-Gemeinde") in the later meaning of the term. They did not intend to separate from Rabbi Hirsch and the institutions of the "Religionsgesellschaft." They had also to take into account the fact that in those days the majority of the orthodox rabbis in Germany considered "Austritt" from a community de-

[1] The opponents of the Austritt movement did not like to designate themselves as "orthodox," but rather as "traditional" or "gesetzestreu" (Torah-true). In the English language the term "orthodox" is less sharp. The English word "fundamentalist" corresponds to the German usage.

sirable if the latter maintained a synagogue where a reformed prayerbook was used during services, and this even if that community otherwise provided for the religious needs of the orthodox members. They merely wanted to keep up the then prevailing conditions, that is, to use the institutions of the Religionsgesellschaft as well as the charitable institutions, the hospital, and the cemetery of the Gemeinde. For the time being they desired only a change in the legal status. After the legal obligation to membership in the Gemeinde had been removed, they desired, according to the records of my late father, to decline unequivocally any responsibility for its reformed institutions by "stepping out of the Gemeinde and becoming members of a larger community." As members of this body, they had to pay lower taxes, had to forego franchise and eligibility for the various communal bodies but obtained, on the other hand, the right to vote in the Gemeinde as well as eligibility for the Ritual-Commission, mentioned by Mr. Japhet. When it became necessary to secure the meat supply for the hospital independently of the Religionsgesellschaft they demanded the appointment of an orthodox inspector with rabbinical qualification for the supervision of *shehita* and the hospital. Had they restricted themselves only to these demands the character of the Gemeinde as a liberal community, which in some points complied with the desires of its orthodox members, would not have changed at all.

To understand the later development, it must first be clarified why the leaders of the "Gemeinde-Orthodoxy" group in contrast to their rabbi declined to separate from the Gemeinde. In his knowledge of rabbinics a man of the caliber of Rabbi Moses Mainz was not outshone by Rabbi Hirsch; as far as "orthodoxy" was concerned, he even surpassed him: he took serious offence at wearing a rabbinical robe and "Bäffchen" as was done by Hirsch; choral singing was against his liking.

In the records of my late father it is often mentioned that his group, because of its orthodox point of view, would not consent to leave the commonly used institutions of the Gemeinde which, up to that time, had been administrated in an unobjectionable manner "to the arbitrariness of the lib-

erals." In reading the essays and writings of Rabbi Hirsch on the "Austritt" question, it becomes clear that the difference of opinion between the members of that group and their rabbi had deeper roots. Only through the knowledge of this difference can one understand why Hirsch did not restrict himself merely to the demand for Austritt from the communities but going far beyond many of his close associates wished to cut the cloth completely between the orthodox and the "neologists" in all matters Jewish.[2]

The basic sentences of Hirsch's formulation of the idea of Austritt are the following: "Prior to emancipation the Jewish communities were occasionally of a mixed political and religious character. Since the civil equalization of the Jews there exist only Jewish religious associations ("Religicnsgemeinschaften"). In all civil matters the Jew has been absorbed by the general civil and state community of his dwelling place and his country."[3] To judge from the context this surely means above all that the *state,* disregarding all controversial points between orthodoxy and liberalism, would not recognize Jewish communities without a synagogue. The first words about the Kehillah before the emancipation, however, clearly prove that Hirsch considered the community as nothing else but a religious association of like-minded people. From this it followed that an association lost its meaning as soon as the likemindedness of its members on which it was based, had ceased.[4]

This conception of the Jewish community, however, was not in accord with the historic reality or with the feelings of

[2] Hirsch has expressly stated that he only objected to the "religionsgemeindlichen Zusammenhang mit dem Abfall" ("the religious connection of the community with the defection"), advocated from the pulpit and in the schools; Hirsch, *Gesammelte Schriften,* (Frankfurt a.M., 1902-12), IV, p. 388. In fact, though, Hirsch has declined all cooperation with Jewish organizations that were not conducted in a strictly orthodox manner, for instance, with lodges and relief societies. In this respect he went even further than the followers of Israel Hildesheimer.

[3] S. R. Hirsch, *Gesammelte Schriften,* IV, p. 299.

[4] In this connection Hirsch's attitude toward Jewish "nationalism" cannot be considered. It cannot be believed that in rejecting the national idea his standpoint was and remained so close to that of Geiger as Max Wiener, especially, has tried to prove in his valuable book, *Jüdische Religion im Zeitalter der Emanzipation* (Berlin, 1933). The national tinge of his conception did not influence his attitude in the question of Austritt.

many orthodox Jews. The medieval communities were not "occasionally of a mixed political and religious character"; those among them which were fully developed, represented, rather, "political bodies," and "exercised all functions of a medieval municipal authority except the military."[5] It was this character of the communities which caused the Jew to consider them not only as associations of like-minded people but as living members of the organism of *Klal Israel.* This feeling was and continued to be especially strong in Russia; that is why the "Austritt" ideology was never understood there; the unity of the communities remained untouched, even after the establishment of a number of reform synagogues and of a net of secular schools, which were outspokenly anti-religious.[6]

In so far as Hirsch's conception differing from that of the Russian Jews was the result of a sympathetic attitude toward European civilization he might have been backed by a great number of his confrères in Germany, especially from his Frankfurt congregation. Partly, however, his rejection of the medieval conception of the Jewish community was rooted in a trait of his character bound to meet with strong opposition in the very city of Frankfurt: that is, his absolutely unhistorical way of thinking. It goes without saying that Hirsch was strictly orthodox; but he was in no way conservative. To him the teachings of Torah and Talmud were untouchable; but historically hallowed customs did not mean much to him. When, one generation later, a liberal rabbi[7] asserted that by "Thauro" ("Torah") Hirsch understood "all Jewish institutions down to the last unimportant custom" his Frankfurt opponents knew better. My father, a native of Oldenburg, knew that the young "Landesrabbiner"

[5] Fritz Baer, "Gemeinde," *Encyclopaedia Judaica,* VII, p. 191.

[6] In 1912 a member of the Frankfurt Gemeinde with separatist leanings asked Rabbi Ch. O. Grodsenski if it was permissible according to religious law to retain membership in it. This took place after the executive board had made a statement, not approved by the orthodox group, in reference to the "Richtlinien zu einem Programm für das liberale Judentum." Rabbi Grodsenski declared that this matter had nothing to do with Halacha ("dass es sich hier nicht um eine Frage der Halacha handele").

[7] Caesar Seligmann, *Geschichte der jüdischen Reformbewegung* (Frankfurt a. M., 1922), p. 95.

had abolished the *Kol Nidre* prayer.[8] Raphael Kirchheim reproachfully pointed out to Hirsch that it was offensive to tradition to perform marriages in a synagogue, that is, to allow men and women to be present there in the main room at the same time. Above all, it was Rabbi Salman Geiger, the codifier of the Frankfurt ritual customs, who surpassed himself in alluding rather maliciously to the new "Gaon," who unscrupulously disregarded everything that was considered law in the Jewish life of Frankfurt.[9] The feeling for the historic ties with the old Jewish community of Frankfurt happened to be strong just in those very circles that were leading the opposition against Hirsch's view on the Austritt question, especially in the Mainz family which had settled in Frankfurt for several generations.[10] However painfully the defection of the old community from Jewish tradition was felt by these men, they tried nevertheless to keep up the relationships as far as their conscience permitted them to do so. That is why the Frankfurt ritual was practiced much more strongly in the orthodox synagogues of the Gemeinde, especially those on Börne Square and Hermes Road, than in those of the Religionsgesellschaft.[11]

This historic feeling for *Klal Israel* and for the hometown community at first caused the orthodox members of the Gemeinde only to maintain the *status quo,* to avail themselves too of the communal institutions of the Gemeinde as far as they were untouched by reform. How did it come about, however, that the Gemeinde founded additional institutions which were intended for the adherents to tradi-

[8] The impression which this step made in Hirsch's native town Hamburg is described by one of Hirsch's former students, young Graetz, in his diaries, M. Brann, "Aus H. Graetzens Lehr- und Wanderjahren," *Monatsschrift für Geschichte und Wissenschaft des Judentums* XXVIII (1920), p. 144 ff.

[9] Processions carrying Torah scrolls on the eve of Simhath Torah may not be customary: רק החנוני מקיף (allusion to Hirsch's occupation as a merchant in his youth and to Mishnah, *Avoth,* III, 16. Certain other rites of the Religionsgesellschaft may not exist either: לפני שב"ר גאון (allusion to the disapproving verse Prov., 16, 18; שמשון בן רפאל = שב"ר . Both quotations were called to my attention by my late father.

[10] In 1807 Michael Mainz signed a memorandum of the community submitted to Prince Dalberg; I. Kracauer, *Geschichte der Juden in Frankfurt,* II (Frankfurt, 1927), p. 367.

[11] Cf. *infra,* note 15.

tion only, and thereby created an "Einheitsgemeinde" in a special sense of the term?

The first step in this direction was made by the executive board of the Gemeinde through its resolution to establish a ritual bath. This decision is in no way to be considered as a concession to the orthodox group while negotiations were carried on with the latter. The orthodox group was willing to use the ritual institutions of the Religionsgesellschaft also in the future. In that action the will of the Gemeinde became apparent to save future newcomers from the necessity of becoming members of the Religionsgesellschaft by giving them the opportunity to lead a traditional life within the Gemeinde.

The second step was the appointment of Dr. Marcus Horovitz as rabbi.

If Hirsch may be considered as the most passionate representative of the Austritt idea, Horovitz's lifework is based on his belief in the organizational unity of Judaism. Whereas Hirsch was backed up in his views on communal politics in principle by the overwhelming majority of his orthodox colleagues, Horovitz stood almost alone in the eighteen-seventies. It is true that a man like the Distriktsrabbiner Salomon Baer Bamberger in Würzburg had declared it permissable to remain a member of the Gemeinde of Frankfurt in considertion of the concessions made by its executive board, but in principle he had approved of Austritt from "Reform congregations." Horovitz, on the other hand, was one of the very few orthodox rabbis who refused to sign the petition for the Austritt law. In this attitude he also differed from his highly esteemed teacher, Israel Hildesheimer, who even dissuaded him from accepting the position in Frankfurt. If he did not follow this advice, it was not because of material considerations. The position was not for life and not highly paid. Moreover, the prospect of having such a ruthless polemist as Hirsch for his adversary was not at all tempting. The determining factor for Horovitz was the hope of being able to justify in a conspicuous place the correctness of his conception, namely, to prove that different religious convictions can exist in one and the same community, and that especially

a strictly "Torah-true" Judaism can develop fully and purely in an "Einheitsgemeinde."

The contrast between these two men may partly have its root in the difference of their personalities. Despite all the firmness he had to show to people standing left or right, Horovitz was of a conciliatory nature in that he did not disdain "moral conquests" even if he could not fully convince. Above all, Horovitz, who was regarded as an excellent talmudist and had gone through a rabbinical training after the old pattern, showed much more sympathy for the historic formulation of the *Klal* idea as it was alive in Russia than for the confessionalism on which Hirsch's communal politics were based. He therefore always professed Jewish "nationalism" in public, as for instance in his argumentation and modification of the well-known declaration against Zionism[12] and also in the circle of his students.[13] The experiences he had had in his youth with Hungarian separatism could only serve to strengthen him in his views; for to Hungarian orthodox Jews all secular education of a rabbi was taboo. This is why men like his teacher, Hildesheimer, and himself could not feel at home in either of the two groups in which Hungarian Jewry was divided.[14] Not artificial cleavage but the maintenance of the unity of Judaism regardless of all difference of opinion seemed to him a necessity. For this reason he also endorsed obligatory religious instruction, since he did not look at it from the orthodox angle exclusively but also from that of a general Jewish standpoint.

The main question was, of course, whether the guiding idea could be put into practice, that is, whether consideration for the whole did not make a sacrifice on the part of orthodox ideology imperative. Horovitz answered this question through the example of his activity in Frankfurt. To

[12] *Verhandlungen und Beschlüsse des Rabbinerverbandes* (1898), p. 19 ff. I have dealt in greater detail with Horovitz's attitude toward nationalism in the Hebrew periodical, *Sinai* (1944), p. 166ff.

[13] Communication by Rabbi Dr. Isak Unna.

[14] Hirsch's like-minded grandson, Dr. I. Breuer, did not belong to any congregation in Jerusalem—neither to *Kneset Yisrael* because of its collaboration with neutral Zionist organizations, nor to the so-called Ashkenasic community because men with a European education are considered there as second-rate Jews.

anticipate the result, the following must be said: the fact that he could serve Jewry there as a whole while adhering strictly to his own conviction gained recognition for his point of view far beyond the confines of Frankfurt.

Horovitz made his acceptance of office dependent on the condition that the Gemeinde build a larger synagogue where the traditional ritual was to be observed[15] and he would have to officiate; he also wanted to be regarded as "Gemeinderabbiner" as was the rabbi of the liberal synagogue. This demand was perfectly in line with the efforts of the executive board of the Gemeinde to enable all newcoming fellow-believers to satisfy their religious desires within the Gemeinde, independently from the Religionsgesellschaft. Therefore, the erection of a synagogue was sanctioned and soon carried through. A remnant of the originally planned conditions for his appointment was recognizable merely in the fact that Horovitz, according to old tradition, was only obligated to be in the pulpit on the Sabbaths before Passover and Yom Kippur. In fact he always delivered a sermon on the first holiday and, in addition, once a month on a Sabbath.

Horovitz's work was not at all limited to the institutions established for followers of his religious ideology. He deployed vast social activities not only in behalf of local institutions but also for Palestine associations and the Hilfsverein der Deutschen Juden, etc. He took care of the badly neglected religious instruction of pupils attending municipal or state schools. The society, "Israelitische Religionsschule," which he founded is to be credited with the erection of two school buildings including synagogues. Under his leadership the "Verein für Jüdische Geschichte und Literatur," as well as a conservative and a neutral youth organization came into being. Among the members of the B'nai B'rith lodge, in which he was the only Frankfurt rabbi, even men who had

[15] In his letter to Mannheimer, printed in *Matte Levi*, II, 92 a, Horovitz stresses the fact that the executive board had promised him the retention of the "old Frankfurt ritual" in the synagogue where he officiated. This letter is very informative for judging Horovitz's conception of his office. Cf. *ibidem*, p. 2 b. (against the saying of Kaddish collectively, a custom contrary to the Frankfurt ritual).

nothing to do with religious activities became his sincere admirers.[16]

This work in behalf of the "Gesamtgemeinde" was limited, however, in two respects by a barrier distinctly set up by Horovitz himself: he had no relation of any kind to the liberal synagogue. Though the executive board had invited him to perform marriages there (probably before the completion of the new synagogue), Horovitz declined this offer. It is true that he let his sons attend classes in secular subjects at the Realschule of the Gemeinde, but it was only on condition that they be exempted from religious instruction. On the other hand, he made it a point to be asked for his competent judgment in all matters related to other Gemeinde institutions, and it goes without saying that he always decided them according to his religious conviction. Not only did he guarantee the ritual management of the hospital, but he also gave his expert opinion on the admissibility of performing dissections which he approved if any progress could be expected making it possible to save human life. When, upon the construction of a new liberal synagogue which was entrusted to a non-Jewish firm, the intention became apparent to go on with building on the Sabbath, his standpoint was especially characteristic. Horovitz stated that, as long as the synagogue had not been taken over by the liberal "Kultuskommission" the "Gesamtgemeinde" was responsible for it. In his opinion it was not permissible for the Gemeinde to violate the Sabbath publicly.[17] This was accepted by the executive board.

Horovitz's activity which was in accordance with his obliging but at the same time firm behavior in personal intercourse, mitigated considerably the attacks of his adversaries on both the left and right. If the liberals had originally complained about the "black clouds" covering the horizon

[16] Ismar Elbogen, *A Century of Jewish Life* (Philadelphia, 1945), p. 410, emphasizes the special significance of the Frankfurt Gemeinde during the period immediately preceding the First World War; among its rabbis he calls attention only to the "scholarly, versatile and energetic rabbi," Marcus Horovitz.

[17] For evidence, cf. *Matte Levi,* II, 10 b.

of the Frankfurt Gemeinde,[18] they could no longer deny that the precipitation out of these "clouds" had benefitted the "Gesamtgemeinde." Even though Austritt was urged now as before from the pulpit of the Religionsgesellschaft, the latter nevertheless entrusted the chairmanship of its executive board to a man who was a member of the "Reformgemeinde."

The greatest importance, however, must be attributed to the fact that the obliging attitude and understanding shown to Horovitz by the executive board had a strong influence on the inner relations of the orthodox members toward the Gemeinde. It is true that from the beginning they had relied on the board's faithfully keeping its promises; but a condition of real trust had originally not existed. For it must not be forgotten that in previous years the executive board had attacked orthodoxy in such a systematic way as to cause Hirsch to compare the membership of an orthodox Jew in a reform congregation to that in a missionary institution (not in a Christian congregation). Besides, Horovitz's followers were cautioned by the circumstance that the Berlin Gemeinde conducted its educational institutions exclusively according to liberal principles. In order to prevent the board from assuming an influential position, the orthodox group at first did not accept any subvention from the Gemeinde; it was only decades later that such support was asked for and granted, as the expansion of the institution had made greater expenses necessary.

The flourishing of the Frankfurt "Gemeinde-Orthodoxy" was also favored by the fact that Horovitz, during the last years of his activity, had been successful in inducing the orthodox group to worship more often in his synagogue. Although the men who had appointed him made use of the ritual institutions under his supervision, for the most part they attended services in small synagogues or in that of the Religionsgesellschaft. The younger generation, however, especially the members of the aforementioned orthodox youth

[18] I remember having read this expression in *Monatsblätter zur Belehrung über das Judentum*, edited by A. Brüll, the liberal teacher of religion at the Philanthropin.

organization constituted the nucleus of regular worshippers for the new Gemeinde synagogue.

Outside of Frankfurt, too, a change in favor of Gemeinde-Orthodoxy and in disfavor of separatism made itself felt.[19] In the large communities of Germany and in many of a medium size, synagogues were founded which practiced a reformed ritual. They were sometimes established in addition to others of a traditional character. Only in few communities, however, a separation was effected through Austritt, and only a few Austritt communities really flourished. It became more and more apparent that it was impossible to build up orthodoxy on a separatist basis. The orthodox Rabbinerseminar in Berlin declined to bind its graduates to adopt the Austritt point of view. The *Jüdische Presse,* the organ of Hirsch Hildesheimer, openly took sides with Horovitz. If in the eighteen-seventies he had stood almost alone, now the "Verband traditioneller Rabbiner" ("Association of Tradition-Observing Rabbis") founded by him in 1896 was at least equal to the "Verband orthodoxer Rabbiner" ("Association of Orthodox Rabbis") under the leadership of Hirsch's successor.[20]

This change inside and outside the Gemeinde brought about the new Gemeinde statute of June 7, 1899. According to it, the taxes of such Gemeinde members "who for orthodox-religious reasons entertain scruples to contribute to the support of the Realschule and main synagogue" are to be put on a separate account and not to be used for the mentioned purposes. However, "franchise and eligibility are to be preserved for those members." In this way was removed an inner contradiction which lay in the fact that the Gemeinde actually had to accommodate both groups whereas only the members of one took part in the administration. At the same time it was stipulated that in case of new elections the Ritual-Commission had to supplement itself on the

[19] In this connection it is impossible to describe even briefly the background against which this development took place, the steadily increasing collaboration of men with differing ideologies in general Jewish associations and the abatement of the pugnacious mood in the Jewish liberal circles.

[20] The change in the estimation of the "Gemeindeorthodoxie" was not limited to Germany. When in 1925 the Gemeinde advertised the position of an assistant rabbi, there were also representatives of the Hungarian "separatist orthodoxy" among the applicants.

basis of its own proposals, thus keeping up its orthodox character. Its influence on the administration of the hospital and the cemetery was again confirmed. The appointment of the rabbi to be charged with the supervision of the ritual institutions was to be made according to the proposal of the Ritual-Commission. It was also to be consulted before the appointment of all other rabbis holding office in conservative synagogues. Moreover, its approval was required for the appointment of all officials in the ritual institutions.

Only through these regulations, put into force on April 1, 1900, did the Frankfurt Gemeinde become an "Einheitsgemeinde." This was effected in keeping with all the principles laid down in the reorganization statute of the eighteen-seventies. The tradition-observing character of the institutions used in common with the orthodox could not be affected by the composition of the executive board—Bamberger had already considered this as the decisive characteristic of the reorganization[21]—and they were removed from the sphere of influence of the liberal rabbis. Whereas for instance in Breslau rabbis of both groups belonged to the ritual commission and only institutions having ritual functions were subordinated to its authority, the Ritual-Commission in Frankfurt was of a strictly orthodox character. It had the right to participate in the decision on matters concerning all institutions to be used in common with the other faction (hospital, cemetery). Moreover, it had a decisive influence on the religious orientation of the rabbis holding office in synagogues of the tradition-observing type, while, for instance in Berlin, it was possible for liberal rabbis, too, to officiate in such synagogues up to the last time. It goes without saying that no estrangement between the two factions was brought about in this way. In front of Rabbi Nobel's pulpit there sat also men who had nothing to do with traditional Judaism. Men and women of all factions worked together in the various committees and since 1912 also on the executive board. The unity of the community was preserved not through effacement of its factions but while their individual character was distinctly stressed.

[21] In his "Offene Antwort," printed in Hirsch, *Gesammelte Schriften*, IV, p. 532.

THE HISTORICAL SIGNIFICANCE OF THE STRUGGLE FOR SECESSION FROM THE FRANKFURT JEWISH COMMUNITY

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[Translated from the German by Jacob Breuer]

TODAY it seems more than ever imperative to scrutinize closely the drama that unfolded during the second half of the nineteenth century in the old Jewish metropolis on the Main and to examine it in the light of historical development.

It would be gross, nay illicit, superficiality to hand down these historic events to posterity as incoherent, incidental events lacking all spiritual relations. These historic events include: the founding of the "Israelitische Religionsgesellschaft" in Frankfurt in the year 1851; the calling of Rabbi Hirsch to Frankfurt; the establishment of his high-school; the winning of the struggle for the right to separate from the compulsory local community because of religious reasons; the sustaining of the opposition to the neologue-orthodox, *neutral,* uniform community ("Einheitsgemeinde"); and finally, the gaining of governmental recognition for the orthodox "Religionsgesellschaft" as a community with equal rights in general and especially with the right of taxation.

All these events unfold before those who survey them in the light of historical development, as *phases* of *one great universal struggle* for one of the *fundamental ideas* of the Torah-Weltanschauung, for מדת מלכות, for the problem of the Kingdom of God over the Jewish *communities* as the visible bearers of Jewish nationhood.

The Kingdom of God is embodied in the *sovereignty of the revealed Torah-Law* over the Jewish people and its representative corporate bodies.

This universal-historical struggle for the Kingdom of God—which has in our days led to a crisis among the peoples of the world within the United Nations and which, analogously within the Jewish people, has led to a present-day struggle for *democracy or theocracy* in a Palestine-Jewish Commonwealth—basically provided the theme for the great spiritual controversies between Samson Raphael Hirsch and his opponents in and outside of Frankfurt, even though the participants hardly realized this.

I. The Beginnings

When Hirsch came to Frankfurt in 1851, the old "Israelitische Gemeinde," to which for centuries all Jews of Frankfurt had been compelled to pay taxes, had ceased for more than fifty years to be a *Jewish Kehilla;* for it had ceased to recognize the *obligatory power* and the *divine character* of the Torah. Basic Jewish truths were rejected by proclamation from the pulpit of its temple; prayerbook and school had been completely adapted to the spirit of the times. These facts proved decisive, not the lack of reliable institutions of "religious ritual." This trend of the times—although it originally reflected only the humanistic rationalism of the period of enlightenment together with its prerequisites in the sphere of biblical criticism— was about 1850 already on the point of passing over into philosophic materialism and the religious negation embodied in the theory of evolution.

Thus the institutions of the Gemeinde, in most unmistakable terms, proclaimed their refusal to shoulder the עול מלכות שמים the "yoke of God's sovereignty" on the part of the Jewish people.

One need not be surprised that the small group of adherents to the old Torah-tradition in Frankfurt—who had sought refuge in gathering for a regular *Minyan* in an old, rickety, gloomy place on a dim side alley and who had even kept a *Shas-Hevrah* and several *Minyanim* for the older people—took exception less to the *spirit* of apostasy prevalent in the pulpit and in lecturing than to its *practical consequences* in the community life. Even men like Rabbi Moses Mainz

and other real *talmide hachamim*—who spent their days within the four cubits of the *Beth Hamidrash*—even they took exception, perhaps exclusively, to the lack of reliable *kashruth* and *taharah*-institutions and a decent religious service unblemished by the use of an organ.

Quite different was the attitude of the genius who, as if by divine providence, was called away from his high office as "Oberlandesrabbiner" of Moravia to become the spiritual leader of the Religionsgesellschaft.

To this genial leader—who deeply understood the metaphysical and metahistorical indications of his time, and who, in several immortal works, had paved the way for revival of Torah-Judaism from the grave of apostasy and modern skepticism—the institutions of synagogual reform, neglected *kashruth,* and closed or obstructed *mikvaoth* were only *external symptoms* of that profound and life-endangering mental illness, which threatened to destroy the Jewish people under the assault of revolutionary materialism and criticism.

In his opinion there was no other remedy than, first, to render the divine truth of the Jewish religion accessible to all —and this in the face of the prevalence of misguidance through foreign culture. For the individual this was to be done through education in the ways of God both in Torah and in the sciences. Second, for the community it was to be done by reestablishing true Jewish communities which were to proclaim the eternal and exclusive reign of God over the Jewish people, their sons and daughters, and the world at large.

II. "Austritt"

As early as 1863, in his famous article "The Trial of a Jewish Craftsman," published in *Jeschurun,* Hirsch had protested against the religious and moral confusion of principle which presumed to authorize the raising of taxes from conscientious orthodox Jews for the upkeep of institutions of reform communities, their pulpits and schools, on behalf of the government.

Thirteen years later, on July 28, 1876, when the bill on

the "Austritt" from church communities became law, the long-awaited moment had come for S. R. Hirsch to end this confusion of ideas and principles in public life by calling upon the members of his small congregation—at that time it numbered about three hundred—to demonstrate by the act of "Austritt" their legal and public renunciation of Reform and its ideological system. It never occurred to Hirsch to use this "Austritt" as a *weapon* or means of *blackmail* to obtain *concrete* concessions from the Gemeinde for the benefit of ritual institutions. In the same year 1876 he wrote the following on the relationship between orthodoxy and neology:

> Jewish orthodoxy and Jewish neoolgy, the latter forming the basis for the contemporary reform congregations, are absolute antitheses, completely excluding each other. What the one affirms is denied by the other, and vice versa. Jewish orthodoxy fully adheres to the eternal and inviolable binding force of the Jewish religious laws as based upon Bible and tradition. Neology denies this binding force. If thus orthodoxy is absolute truth, neology must be a lie. If neology is the truth, orthodoxy must be a lie. They are essentially and emphatically opposite ideologies, opposing one another like "yes" opposes "no." They can never be combined at the same time without being toyed with in a most frivolous manner. A Jew who calls himself orthodox and lives accordingly, but at the same time voluntarily belongs to a neologue reform congregation, denies through this attitude the sincerity and truthfulness of his name and life. He thereby pronounces that to him the denial and derision of the Law are as justified as its sanctification before God. It is as if a Jew were to submit to baptism and yet continues to keep the Jewish religious laws. His attitude would be as frivolous in playing with the Christian religion and Judaism alike, as that of an orthodox Jew who voluntarily joins a reform congregation.

Little wonder that the vast majority of the Frankfurt *baale batim* was hardly prepared to understand this purely philosophical attitude toward the opposing religious ideas within the Jewish bodies. Only 85 members, a small minority, which included the teachers and employees of the Religionsgesellschaft, participated in the "Austritt." Strangely enough, some of them hesitated to admit to the judge that their own conscience—and not only the demands of their spiritual leader—had caused them to take the step. *The majority of the members preferred to remain voluntarily in*

the reform community, be it that they feared the social consequences of the "separation," or because they were determined not to pass up the chance of obtaining practical concessions or, finally, because out of subconscious Jewish national feelings they placed this emotional national unity represented by the "old" *Kehilla* with its cemetery, *above* the *genuine* Jewish national unity, as perceived in its full extent by S. R. Hirsch *alone,* a unity which culminates in the homogeneous subordination of the *people's will* under the *sovereignty of the Torah-Law.*

For this reason the struggle for the "Austritt" was, from the very beginning, practically lost for S. R. Hirsch, especially since his opponents succeeded in obtaining far-reaching practical concessions from the Gemeinde for the orthodox minority. True, the *unity* of the community under a uniform neologue board of trustees was upheld but under a comparatively autonomous "Ritual-Commission" an orthodox synagogue came into being besides the neologue one, an orthodox rabbinate besides the neologue one, and also all other required ritual institutions (but no orthodox school).

Replying to this blow, on January 26, 1877, S. R. Hirsch made the following statement in the course of an extensive comment on the "additional rules" created by compromise with the Gemeinde:

> He who agrees to these "additional rules," i.e., to membership in the *orthodox-neologue* community, and makes a declaration to that effect *denies to a much higher degree* all the sacred principles of Jewish orthodoxy than he who fails to meet his religious duties by the mere fact of his non-"Austritt."
>
> He who fails to make his decision for "Austritt" proclaims thereby his *tacit* agreement with the principles of Reform, a tacit recognition which places a heavy responsibility upon the sincere follower of orthodox Judaism.
>
> He, however, who declares his intention of remaining a member of the Gemeinde in accordance with these "additional rules" *sanctions in the most outspoken manner the apostasy of Reform and denies orthodox truth; for he has chosen to remain a member of the reform community and thus recognizes formally the justification of Reform; he does not cease but continues to renew his obligation to support with his means and with his contributions the cultural and educational aims of Reform.*

One can see from this statement that for Hirsch it was *purely a fight for ideas,* a fight for the essence of the Jewish community as a body and the exclusive submission of the *Jewish national* will under the demands of the Divine Law. It certainly was not a fight for practical living conditions for orthodox Jews within an un-Jewish majority.

III. The Halachah of "Austritt"

That S. R. Hirsch was not privileged to witness the triumph of his communal-political ideas in his own circle, was, aside from the three above-mentioned psychological causes mainly due to the intervention in the Frankfurt struggle of a leading rabbinical personality of that time, Rabbi Seligmann Baer Bamberger of Würzburg. Bamberger, a *talmid hacham* of the old kind and influenced by Rabbi Moses Mainz, declared the "Austritt" as no longer required ("nicht mehr geboten") in view of the promised practical concessions of the board of trustees of the Gemeinde. The fact that Bamberger grossly contradicted himself after he had declared the "Austritt" in Karlsruhe and Vienna as an absolute religious duty because of far milder deviations from the tradition, was impressively brought home by Hirsch in the ensuing polemics. Bamberger's reply could not weaken this proof. For posterity, however, it may be important to note that *in fine* Bamberger's minimum conditions were not met even in Frankfurt where the neologue board of trustees with its *mehallele Shabbath* represented to the last the national unity of neology and orthodoxy, that is to say, *equality of faithfulness and betrayal* among the Jewish people.

Bamberger's intervention produced the historically significant result that S. R. Hirsch, who until now had more or less fortified his "Austritt" demands with arguments of an *ideological* nature, now, in his defense against Bamberger, carved out that memorable *halachic* foundation for his "Austritt" doctrine which brought the entire dispute to the roots of Torah science and bestowed upon it the *eternal value of Torah itself.*

The essence of the "Austritt" *Psak,* which has been

characterized as "*irrefutable*" by no less a personality than Rabbi Esriel Hildesheimer in a letter to Rabbi Marcus Horovitz in Gnesen, is to be found primarily in the identification of the modern מינות ואפיקורסות with עבודא זרה and in the thorough study and application of the halachic concept of מחזיק ידי עוברי עבירה in all its deviations. This entire material which nowadays, in the age of the nascent Jewish state in Palestine, has achieved surprising actuality, and regrettably cannot be treated here because of space limitation. A reprint of the whole Hirsch-Bamberger polemics has appeared in 1908 in Volume IV of Hirsch's *Gesammelte Schriften.* It includes Bamberger's defense.[1]

IV. Posthumous Victory

On December 31, 1888 (5648), S. R. Hirsch died, an octogenarian. There still rings in my ears his last moving *Teshuvah* sermon in Tishri, 5648, in which he, in the midst of a lengthy speech of admonition, suddenly as from the bottom of a desperate heart, exclaimed: " . . . and *yet* it must be said again and again: *There still lives a grave sin in our midst*: the non-"Austritt."

However, the wise saying, "greater are the just ones after their death than during their lifetime" was also to come true with regard to Samson Raphael Hirsch.

In 1898, ten years after Hirsch's death, a lawsuit concerning communal Jewish taxes, before the highest court (Moos contra Israelitische Gemeinde) brought to light that the right of the Gemeinde to compulsory taxation was nothing but a legend and legally did not exist. In the wake of the Napoleonic disorders in the Grand-Duchy of Frankfurt it had been simply forgotten to revive in the territory of the "Free City of Frankfurt" the former law on which the right

[1] The halachic controversy which deserves to be made accessible to the rabbinic world by translation into Hebrew was revived during the years 1926-27, forty years after Hirsch's death, between Rabbi Dr. Klein, now in Haifa, and Rabbi Dr. Unna, who recently died in Jerusalem. This fact is proof enough for its timeless character. See also "Die wissenschaftliche Diskussion über die Austrittsentscheidung," in Jacob Rosenheim, *Ohole Yaakov*: *Ausgewählte Aufsätze und Ansprachen*, I (Frankfurt a. M., 1930), p. 370.

of taxation of the Gemeinde was based. Thus the Jews found themselves in a complete legal vacuum, enabling the Israelitische Religionsgesellschaft, whose membership had grown considerably, to obtain legal recognition of the right of taxation while a new communal statute for Frankfurt was prepared. The relationship between Gemeinde and Religionsgesellschaft was now formulated in such a manner that formal "Austritt" was no longer necessary. Instead, anyone, upon completion of his twenty-first year, by positive declaration could choose to which of the two Jewish communities he preferred to belong. This could be done within three months and with no interference of the courts. With *one* stroke all the factors were eliminated which in the past frequently had rendered difficult or even prevented *exclusive* membership in the orthodox community. An illustration of the consequences, is the situation during the period of 1900-1930. Of about 1200 members of the orthodox community not more than 100-150 belonged *simultaneously* to the Gemeinde to which they also paid taxes, while *all others,* in accordance with the will of the great leader, belonged exclusively to "Kehal Adass Jeshurun."

In justice to historical truth it must be stated that, during these three decades, hundreds, perhaps even thousands of more or less Torah-true individuals joined the orthodox-neologue "Israelitische Gemeinde." They were for the most part the numerous immigrants from Russia and Poland who lacked any understanding of the significance of the communal struggle in Frankfurt and who obviously found all they wanted in the ritual institutions of the religiously neutral Gemeinde, which were exemplary for all practical purposes. Social factors—the greater financial capacity of its social and charitable institutions—increased the attractiveness of the religiously neutral Gemeinde for those who came from the rural districts or from other countries to settle in Frankfurt. Thus the basic contrast between independent Orthodoxy and the so-called "Gemeinde-Orthodoxy" became an ideological concept of far-reaching import for the future historical development.

V. The Liberal "Richtlinien" and Zionism

On December 1, 1912, the boards of trustees of the two largest "Einheitsgemeinden" of Germany, namely, those of Berlin and Frankfurt-on-the-Main, made public the following declaration:

We are led to publish the folowing statement:

1. Within German Jewry there exist manifold ideologies and factions which are held together by the Jewish communities. This inviolable unity can be shattered neither by declarations of liberal rabbis nor by statements of orthodox or traditional Torah-true rabbis.

2. No religious group within Judaism can claim the right to deny another group the privilege of belonging to the religious community or attach to it the stain of religious inferiority.

3. We regret and disapprove of the fact that a number of rabbis of a certain group claims the right to declare as *not valid or dangerous the religious decisions and functions or the religious instruction of the rabbis elected by the Jewish communities.*

4. In the selection of rabbis we take into account the different religious trends existing within the community. We are determined to prevent any attempt to violate the authority of our rabbis to whatsoever religious group they may belong.

Berlin, December 1, 1912.

Board of Trustees and Assembly of Representatives
of the Jewish Community of Berlin
Board of Trustees of the Israelitische Gemeinde
of Frankfurt-on-the-Main.

This statement was the immediate reaction to the profound excitement which took hold of the entire *Torah-true* Jewry, including a large part of the "Gemeinde-Orthodoxy" in the face of an open declaration of the *liberal* rabbis for the so-called "Richtlinien" of liberal Judaism.

As Dr. Joseph Wohlgemut proved at that time with scientific clarity and exemplary objectivity, these "Richtlinien" amounted to a confession which was "*closer to liberal Christianity than to historical Judaism.*" In contradiction to the unanimous vote of almost *all* Torah-true rabbis of Germany, *this* confession inspired by liberal-Protestant theology, was now to be forced upon the two communities *by their official representatives* as "*a Judaism not less worthy*

and acceptable as recognized community Judaism" with no regard for their Torah-true members. This happened *thirty-six years* after S. R. Hirsch with prophetic insight had condemned the pious "additional regulations" of the "Israelitische Gemeinde" as an abandonment of the traditional Jewish truth. It was a tragic justification of S. R. Hirsch's clear judgment. It was a declaration of bankruptcy of the theory that liberal-orthodox "Einheitsgemeinden" could exist within the framework of historical Judaism. It meant essentially a *de-confessionalizing* of the Jewish community which thereby was reduced to a *mere racial community of individuals of different denominations.* In the face of such betrayal, what could a "Ritual-Commission" mean?

The development of the religious-neutral community which Hirsch aimed to *prevent* by his decision on "Austritt," joined with the spiritual trend that in the meantime had arisen within Judaism: the trend of the *confessionless, polless, political nationalism.*

Zionism has defined its attitude toward Torah in the short slogan: "*Religion is everyone's private affair*" or, as formulated by Herzl: "We shall confine our rabbis to the synagogues as our soldiers to their barracks."

Liberal Reform and secular nationalism apparently are basically opposed to each other. Yet both are but milestones on the disastrous road which deprives the Jewish people as a whole and the Jewish *Kehillah* as a representative of the nation of their unique historical character. Thereby the community's recognition of the *revealed Law of the Torah* is replaced by a subjectivism of the individual belief or by faithless national self-adoration.

I may be permitted to conclude this article with a few sentences which I wrote in 1926 on the occasion of the fiftieth anniversary of the "Austritt" law. In view of the decisive struggle for the character of the Jewish community in Eretz Israel, they seem to me more timely than ever:

The historical significance of the Prussian "Austritt" law—regardless of the motives of its supporters and its creator—does not lie in the release of a number of individuals from a taxation which they considered a restraint on their freedom of conscience or in the fact that a liberal

board of trustees of a Jewish community could be forced into a tolerant attitude, but rather in the legally created possibility of forming *independent Jewish bodies which are solely based on the Divine Law.* The replacement of a Jewish community, based only on common *territory* and common *racial* origin, by a *community of religious duty,* the replacement of merely materialistic, comparatively superficial ties of community by an *ethical* motive, that means, by the authoritative, socially creative power of the Torah-Law, *this is the ideal meaning and the historical significance of the Prussian "Austritt" law for the entire Jewish community.*

For two milleniums the Jewish Galuth community had been, in absolute identity, a community, bound by territory, blood and duty alike.

The Reform erased the duty. What remained was a *national* structure, hiding under the false veil of a confession, which bound together Jews of all denominations on the basis of their common dwelling-place and their common descent. By its very existence it threatened to destroy the historical consciousness of the call to obedience at Sinai not only of the individual community but of the Jewish people in its entirety.

The men who fought successfully for the "Austritt" legislation, Hirsch and Hildesheimer, did not originally act with these trends of thought in mind (as evidenced by their writings). They acted as tools selected by Providence which shapes the fate of the people; they acted upon the demand of the hour and above all upon the depth of their halachic conviction which prescribed their course in complete clarity, although they must have realized the extreme difficulty of their mission. They knew that only few would be able to muster the strength of father Abraham on the day of the *Akedah* to place their adherence to God above the call of blood and despite all social, personal, economic and even psychological obstacles—the latter resulting from the manifold experiences of their common history—to complete the separation, for the sake of God, the fateful and positive significance of which for the preservation of the national adherence to the truth they could not even have begun to visualize.

The interdependence of German Orthodoxy, spiritually trained by the ideal of community independence, and the east-European giants of Torah, still deeply rooted in unadulterated Jewish history, created *Agudath Israel* which, no longer on the basis of the individual community, but on a nation-wide scale, struggles with a historical Zionist nationalism for the soul and the spiritual future of the Jewish people.

In conclusion, it seems worthwhile, therefore, to quote a few sentences from the fundamental resolutions at which the Grand Rabbinical Council of World-Agudah arrived in

1937, in reference to a Jewish state in Palestine. They clearly demonstrate the inner connection between this most modern problem with the history of the struggle for the character and shape of the Jewish *Kehillah.* Following are excerpts from these resolutions translated from the original Hebrew text:

> The existence of a Jewish state is possible only if the Torah-law is recognized as the constitutional basis (חוקה יסודית) of the state, and if the rule of the Torah is clearly expressed in the administration of that state. A Jewish state which is not based on the principles of the Torah and its laws constitutes a denial of the original Jewish source (מקור ישראל) and a negation of the essential and true character of the Jewish people, an *undermining of its very existence. . . .*

Seventy years ago in the city on the Main river the fight was waged for the *supremacy of the Torah in Israel.* On the outcome of this fight on the soil of Eretz Israel and over the entire sphere of history will depend *the redemption of Israel and mankind* and the erection of the מלכות שמים, the Kingdom of God on earth.

NATIONALITY AMONG CZECHOSLOVAK JEWRY

By Bruno Blau
New York City

A Jewish settlement in Prague can be traced back to the tenth century. About the middle of the thirteenth century Jewish communities were founded in Brno (Brünn), České Budějovice (Budweis), and in other towns of Bohemia and Moravia. A hundred years later more Jews immigrated from German countries and from Austria into Bohemia and Moravia-Silesia, so that towards the end of the fourteenth century about 3000 Jewish inhabitants are estimated to have lived in Prague. Some time later we find Jewish communities in 28 townships. In contrast to Germany, where Jews were permitted to engage in a few occupations only, there were originally no restrictions in Bohemia and Moravia-Silesia, and Jews could become farmers as well as artisans; while many Jews were weavers, miners, masons and sailors. Thus a close contact could develop between them and the other inhabitants, and their every-day language was Czech. In works of the medieval rabbinic literature written in Hebrew in Bohemia Slavic glosses are inserted. Jews had Czech first and family names; and an official register of the Jews of Prague dated 1546 contains a great number of typically Czech names.

After the Thirty Years War the use of the German language spread increasingly in Bohemia and Moravia. It was acknowledged as the official language equal to Czech which until then had been the only official language. Although in this period correspondence between Jews and the authorities and nobility was mostly written in Czech, about half of the private correspondence of this time was already in German. Through the influence of Jews from Germany Yiddish became more widely used.

In the second half of the eighteenth century the Austrian government tried to assimilate all nationalities of the empire and to give German precedence over all other languages, while endeavoring to exterminate the Czech language as far as possible. This program of Germanization was applied also to the Jews. The use of Hebrew was forbidden except in religious services, and laws were issued according to which all contracts, invoices, business-books, wills, and all legal and private documents had to be written in German, or else they were null and void. Jewish schools in which all subjects of instruction had to be taught in German were founded with governmental support, the first school of this kind being opened as a model-school in Prague on May 2nd, 1782.

The Jews resisted these measures for religious reasons and the government had to use force against them as well as against Czechs to press these efforts at Germanization. At that time Czech was considered a decaying language, but there existed a belief that the Jews would persist in continuing the use of Hebrew and Yiddish. Therefore, most of the governmental decrees were directed against the Jews and they were forced to use the German language. Passing of a language test in German was, for example, made one of the conditions for obtaining a marriage license. An imperial decree ("Kaiserliches Patent") of July 23, 1787, ordered the assuming of German instead of Hebrew and Yiddish names.

Similiar legislation was enacted in the period after 1848 and the German-Jewish schools in particular played an important part in the Germanizing policy of the Austrian government. Thus it happened that many Jews were forced to use the German language—against their own will.[1] Consequently a great number of Jews used the German language in their private life at the time of the foundation of the Czechoslovak Republic (1918). As early as the end of the nineteenth century, however, a movement developed in the so-called "historic" countries, that is, Bohemia,

[1] This development has been described in detail by Guido Kisch in his essay, "Linguistic Conditions among Czechoslovak Jewry," *Historia Judaica*, VIII (1946), pp. 19-32, on which the above summary is largely based.

Moravia, and Silesia, to encourage the use of the Czech language among the Jews and to assimilate them to the Czech nation. This movement of the "Czecho-Jews" gained momentum after the First World War and its increasing success can be proved from statistics before the Nazi invasion of Czechoslovakia.

Czechoslovakia was one of the few states which recognized the Jewish nationality as equal to all other nationalities in the country. Every inhabitant had an inalienable right to choose the nationality to which he desired to belong. Hence part of the Jewish inhabitants of the Czechoslovak Republic declared themselves to be of Jewish nationality, others again of the Czech, German, Hungarian or other nationalities. During the first twenty years of the existence of the Czechoslovak Republic such a declaration had generally no practical significance as all nationalities had absolutely equal rights. It was only important inasmuch as certain provisions for national minorities were dependent on the percentage of that nationality in the population. Until the occupation by the German there was no reason for anyone to declare himself in favor of a nationality which was not in accordance with his true sentiments. Nobody had any reason to influence anyone else as no advantages or disadvantages could originate from such a declaration. In the same way everybody was free to send his children to whatever school he liked.

From entries made in the Czechoslovak census of 1921 and 1930 and further, from statistics on education before 1939, can be seen the relations of the Jews to the members of the state nationality (Czechs and Slovaks) and whether there occurred any changes in these relations during that period. In determining a person's nationality the "mother tongue," namely, the language in which school education had been received and the language which that person generally spoke was important. Czechoslovak statistics called all who professed the Jewish religion "Israelites;" the name "Jews" applied only to those who claimed for themselves Jewish nationality. The picture obtained from official statistics — all figures quoted in this article are taken from

the official publications of the State Statistical Office in Prague — about the Czech and German nationality of the Jews are therefore not entirely exact, because among the nationalities recognized in Czechoslovakia there was also the Jewish nationality, nationals of which could not be counted as either Czech or German nationals, and which therefore must be considered as neutral.

Of 354,342 "Israelites" living in Czechoslovakia in 1921, 180,191 professed Jewish nationality, 72,203 declared themselves as Czechs, and only 48,629 as of German nationality.

According to the census of 1930, the number of Israelites in Czechoslovakia amounted to 356,930, of which 204,427 declared themselves to be of Jewish nationality, 87,489 of Czech nationality, and 45,732 of German nationality.

It is, therefore, not true that German nationality prevailed among Czechoslovak Israelites. In both census there were far less German than Czech Israelites; the number of German Israelites was only approximately 1/7 of all Israelites living then in Czechoslovakia. In the period between the two census, the number of Czech and Jewish nationals rose, while those of German nationals fell. The following tabulation gives a clear picture:

	1921	1930
Jewish nationality	53,62%	57,20%
Czech nationality	21,84%	24,52%
German nationality	14,26%	12,82%

If we disregard the Jewish nationality as off little importance for the present study, we find that proportionately many more Jews considered themselves as Czechs than as Germans. In 1930 the number of Czech Israelites was nearly double the number of German Israelites. The proportional gains of Czechs and the losses of German nationals can be seen from this statistical tabulation.

In the province of Bohemia of 79,777 Israelites declared in 1921

37,234	Czech nationality
26,058	German nationality
10,983	Jewish nationality

Of 76,301 Israelites declared in 1930

35,418	Czech nationality
23,660	German nationality
15,463	Jewish nationality

The total number of Israelites in Bohemia shows a decline of 3,476, the number of Israelites of Jewish nationality a rise of 4,214. This rise is due to a decline of Israelites of Czech and German nationality. The decrease amounts to only 1,816 Czech, but to 2,398 German Israelites. The proportional rates of Israelites in Bohemia were

	1921	1930
Czech nationality	49.9%	46.4%
German nationality	34.6%	31.1%
Jewish nationality	14.6%	20.2%

The decline in the number of Israelites of Czech nationality was not in favor of that of German nationality, but entirely in favor of the Jewish nationality; and the number of Israelites of Czech nationality remained—despite the decline in 1930—one half of all Israelites, whereas the number of Israelites of German nationality was less than one third.

In all other provinces of the Czechoslovak Republic the number of Israelites of Czech nationality rose between 1921 and 1930; in

Moravia-Silesia	from 6,116 to 7,251
Slovakia	from 29,136 to 44,009
Carpatho-Russia	from 717 to 811

As to the statistics for Carpatho-Russia, where more than 4/5 of all Israelites declared for Jewish nationality, the numbers of all other nationalities among Jews were negligible.

In Moravia the number of Israelites of Czech nationality increased in that period by 1,135, the number of Israelites of Jewish nationality rose from 18,630 to 21,315, i.e., 2,685 more, while the number of Israelites of German nat-

ionality decreased from 13,571 to 11,997, i.e., 1,574. Most remarkable was the increase of Jews of Czech nationality in Slovakia; it amounted to 14,873, i.e., 51%. During the same period the number of Israelites of Hungarian nationality fell from 21,584 to 9,728, a decrease of 11,856 or 50.9%. The comparison with the Hungarian nationality, too, shows a trend to the Czech nationality.

A clear illustration of the trend toward Czechization among the Jews in the Czechoslovak Republic between the two world wars can be gained by a study of the conditions in education. The picture presented by the statistics of educational institutions is more exact than that offered by the statistics of nationalities, because there were no schools with Hebrew or Yiddish as the language of instruction, except the Hebrew High School at Mukacevo. Therefore, the Jews had a choice only between Czech or German schools or schools of another nationality, such as Hungarian, Polish, etc. For the present study only German and Czech schools are of interest. The following tables show the number of Jewish students in German schools shortly before the German occupation and ten years earlier.

	1926/27	1936/37	or	1935/36
Universities:				
Czech	1,157	1,669		
German	1,034	552		
Technical Colleges:				
Czech	338	221		
German	963	223		
High Schools:				
Czech	3,200	5,694		
German	3,042	2,051		
Secondary Schools (Bürgerschulen):				
Czech	3,468			7,254
German	708			758
Primary Schools:				
Czech	12,943			19,649
German	3,369			1,504
Commercial Schools:				
Czech	798	610		
German	735	410		

Furthermore, during the term 1936/37 the following schools were attended by Jewish students:

Technical schools and schools for craftsmen:	
Czech	666
German	362
Technical schools for trainees:	
Czech	1,123
German	267
Agricultural schools:	
Czech	66
German	19
Israelite Primary Schools in Slovakia:	
Czech (Slovak)	3,497
German	385

Finally, during the term of 1935-36 2,239 Jewish children attended Czech, and 364 children German, kindergartens and schools for small children.

In nearly all kinds of schools, of which we have statistics for comparison, the attendance at those with Czech as the language of instruction rose considerably during the ten years previous to the occupation of the country by the Germans and, vice verse, the attendance at German schools declined. Only the German secondary schools ("Bürgerschulen") show an increase of 50 students, which is negligible compared with the increase in Czech secondary schools of over 100% from 3,468 to 7,254.

We find a similar situation in the technical colleges, in which the number of Jewish students declined considerably. The decline in Czech technical colleges must be explained by this general decline, whereas the decline in German schools of the same type was 77%, in Czech schools only 34%. The numbers of Jewish students in Czech and German technical colleges were approximately equal during the term of 1936-37, while during the term of 1926-27 the German technical colleges had about three times the number of Jewish students compared with Czech technical colleges. The comparatively high number of Jewish students at German technical colleges can be explained by the presence of numerous students from eastern European countries

where "numerous clausus" provisions existed. When these students came for study to Czechoslovakia, they attended German colleges because most of them understood German.

It is obvious even from the figure showing a decline in schools of both nationalities that there was no preference for German schools among Jews; indeed quite the opposite trend prevailed.

The remarkable growth of this preference in comparison with the time of the old Austro-Hungarian Empire can be seen from the figures of Jewish students at Charles University in Prague. Before World War I the highest number of Jewish students in any term was 106; during the first term after the war it was 257, and this number rose later to 1,669. On the other hand, during the last ten years of the nineteenth century the number of Jewish students at the German University in Prague averaged over 50% of all students; in the academic year of 1936-37 it was only 11%.

All kinds of schools with Czech as the language of instruction were preferred by Jewish pupils and students:

	Czech	*German*
Universities and colleges	75%	25%
High schools	73%	27%
Secondary schools ("Bürgerschulen")	90%	10%
Primary schools	93%	7%
Israelite primary schools	90%	10%
Commercial schools	60%	40%
Professional schools	65%	35%
Schools for professional trainees	80%	20%
Agricultural schools	76%	24%
Kindergartens	86%	14%

It must, therefore be considered an established fact that in pre-Nazi Czechoslovakia a steadily growing number of Jewish parents had their children educated in Czech schools with Czech as their native language and that only a comparatively small number of pupils and students grew up in the German language. If the development had been undisturbed, the use of the German language among Czechoslovak Jewry would doubtless have further decreased.

JEWISH CARTOGRAPHERS

A Forgotten Chapter of Jewish History

By Anita Libman Lebeson
Winnetka, Illinois

The Beginning of Cartography Among Jews*

THE medieval traveler with his eyes fixed on the stars, his feet stumbling over the pitfalls of strange roads, his ears cocked for tales of wondrous lands and curious inhabitants, was an inaccurate or partial reporter. His descriptions of the wonders of small, unknown places provided excitement, dispelled the ennui of the sedentary citizen.

Out of the vague mixture of hazy fact and fiction brought back by the traveler there developed the art of the mapmaker. The navigators were more practical than the land travelers. Their sketches which outlined harbors and indicated safe passage were as accurate as they could make them. So the portolani were used as the basis for the more accurate maps which gradually emerged from the fog of legendary lore. As the descriptions of overland routes became more exact they were combined with the portolani into more precise and scientific maps.[1]

* In the preparation of this paper, the writer received invaluable assistance from Dr. William Brooks Greenlee whose scholarship and friendly interest were unfailing. The writer also wishes to express her thanks to Dr. Ruth Lapham Butler, Custodian of the Edward E. Ayer Collection, Newberry Library, Chicago; to Mrs. Barbara Boston McNeil; to Mr. Peter Petcoff of the Division of Maps, Library of Congress, who most generously assisted her in assembling important data in this field; and to Miss Eleanor Senn who, working in the geographical section of the Bibliothèque Nationale in Paris, verified numerous references and assisted in translating them. The present article is the result of preparatory studies for the author's forthcoming volume, *Pilgrim People* which will deal with the participation of Jews in the discovery and settlement of America, to be published by Alfred A. Knopf.

[1] Jules T. E. Hamy, *Portolan Charts of the XVth, XVIth, and XVIIth Centuries* (New York, 1912); Edward L. Stevenson, *Early Spanish Cartography*

While the portolan chart-makers were bound by tradition and the conventions of their craft, there was yet room for imagination, for individual skill, for virtuosity. "In some of them the work of the miniaturist of the period is seen at its best."[2] Compasses or wind roses became very elaborate. Brilliant colors were utilized and border designs enhanced the total effect. There were certain conventions. The Red Sea was shown in vivid red. Other bright colors were also employed. All of these devices served to intrigue, to awaken the imagination, to make travel alluring.

George Kimble describes these maps as works of art, rather than of information. Their authors were creating something very different from the modern cartographic sheet that stands on its own merits as an essentially utilitarian document, scientific in construction. Such maps, if properly read, revealed much of the belief, the knowledge, the wishful thinking of the men who created them. Old Testament stories were celebrated over the appropriate locale. Kimble sees the importance of Jerusalem to early cartographers as influenced by the words of Ezekiel who had predicted that all the nations of the world would cluster around it.[3]

As geography developed, legendary and fictional materials gave way to verified data.[4] One of the most prized maps in the history of geography, was the "Catalan Atlas" of 1375 of "Cresques lo Juheu."[5] Perhaps it was because the many Jewish travelers made contact with each other or because Cresques had his finger on the pulse of exploration that he was the one to transmit to later generations much of the information about the then known world. The Catalan

of the New World, with Special Reference to the Wolfenbüttel-Spanish Map and the Work of Diego Ribero (Worcester, 1909); Edward L. Stevenson, *Portolan Charts: Their Origin and Characteristics* (New York, 1911).

[2] Stevenson, *Portolan Charts*, p. 26.

[3] George H. T. Kimble, *Geography in the Middle Ages*, (London, 1938) [cited henceforth as Kimble], 185 ff.

[4] Francisco de Borja P.M.A. Sousa Holstein, *A. Escola de Sagres as Tradicoes do Infante D. Henrique* (Lisbon, 1877) [cited henceforth as Sousa Holstein], 34-35; see also article "Maps" *Encyclopaedia Britannica* (11th ed.), XVII.

[5] "Atlas Catalan de Charles V, par Cresques le Juif." Photostat in the Edward E. Ayer Collection, Newberry Library, Chicago, from the original in the Bibliothèque Nationale, Paris, Ge CC54.

school of cartography of which the Catalan Atlas is the finest example is beginning to emerge to a place of honor. "It is a tribute to the intergrity of these men that their work contains so much that subsequent investigation proved true," says Kimble. In fact, it is this careful sifting of evidence that constitutes on of the chief merits of the Catalan school of cartography, in an age when intellectual honesty was none too common. . .and we are hardly surprised to find that the Catalan Atlas of 1375 has the finest delineation of Asia the world had seen up to that time."[6]

Abraham Cresques, the virtuoso who drew the Catalan Atlas, was attached to the royal household of Jean, the prince of Aragon. His official title was impressive: "Astrologer, Master of World Atlasses and Compasses." Prince Jean was his enthusiastic admirer and patron. In his professional work Abraham Cresques was happy. His maps were prized. A *mappa mundi* of his making was the gift *par excellence.* There is fine detail in his work. There is serenity and deftness, proof of true virtuosity. He died four years before the major persecutions of Jews (which compelled his widow and his son to change their religion), so that to the last he could glory in the title "Cresques lo Juheu." His fame endured. His Catalan Atlas was the best example of the finest of portolani. Five hundred and fifty years after its completion, the head of the *Bibliothèque Nationale* described it as "la quintessence des connaissances geographiques du moyen âge. . ." Niles Nordenskiöld discusses this atlas at some length. "The Atlas Catalan," he says, "forms the most comprehensive work of the fourteenth century. It is particularly rich in historico-geographical mythical legends in the interior of countries."[7] Jules Hamy refers to a Cresques map ordered by King John in 1387. Two years later the author received sixty livres eight sous for this *mappa mundi.* [8]

[6] Kimble, 194.

[7] Niles A. E. Nordenskiöld, *Periplus, An Essay on the Early History of Charts and Sailing-Directions* (Stockholm, 1897) [cited henceforth as Nordenskiöld], 58-59.

[8] Jules T. E. Hamy, "Jaffuda Cresques (Jaime Ribes), Commentaires sur Quelques Documents . . . Publiés par D. Miguel Bonet sur ce Géographe Juif

In the library of the King of Aragon to which Cresques had free access, there were the accounts of the travels of Marco Polo. The record of the journey of Francesch de Valers made along the Tartary route in 1354 was also available to him. One is safe to assume, says Charles de La Roncière, that Abraham Cresques also knew of many Jewish travelers, disciples of Benjamin of Tudela, who had not only followed the coast but penetrated into the very heart of Africa. Theirs was a unity of discourse which was indisputable. Cresques' wife was called Cedatar. That is a most unusual name. And yet a similar name was borne by the youngest daughter of a Jew of Sidjilmassa, a member of a family that had lived for a century in Catalonia.[9]

Royal favor did not in itself guarantee a life of peace and serenity. His coreligionists looked down upon any one engaged exclusively in secular studies. Abraham Cresques was viewed with suspicion by his Jewish neighbors. Because the prince had exempted him from wearing the ignominious *rouelle* on his clothing, they called him a renegade. Petty annoyances multiplied.[10] For example, Cresques was given royal permission to open a public bath at his residence in Majorca. This concession was a much-needed communal privilege. Besides, the income from the public bath was to augment his other earnings. His fellow-Jews decided to boycott the enterprise. Next, the butchers of Majorca took up their cleavers in the interest of religious solidarity. They blacklisted the two greatest scholars in their midst, Cresques *père* and *fils*. It took the personal intervention of the King to stop this petty persecution.[11]

Catalan," *Bulletin de Géographie Historique et Descriptive, Année* 1897, no. 3 (1898) [cited henceforth as Hamy, "Jaffuda Cresques], 381-388. See also Jules T. E. Hamy, *Cresques, lo Juheu: Note sur un Géographe Juif Catalan de la Fin du XIV Siécle* (Angers, 189-) [cited henceforth as Hamy, *Cresques, lo Juheu*].

[9] Charles G. M. B. de La Roncière, *La Découverte de l'Afrique au Moyen Age, Cartographes et Explorateurs*, 3 vols. (Cairo, 1924-1927) [cited henceforth as La Roncière], I, 128-129; Hamy, "Jaffuda Cresques," 381 ff., confuses Abraham with Jehuda Cresques.

[10] La Roncière, I, 122.

[11] Joseph Jacobs, *The Story of Geographical Discovery*, (London, 1899), 210.

They continued at their drawing-boards. "And why should they not surpass themselves? Was not one of these maps destined for the new King of France, Charles VI, the successor to Charles V? In the absence of Abraham Cresques sailors had to explain to the bearer of the gift how to use the *mappa mundi* of 'Cresques lo Juheu'." Abraham Cresques continued his performance with unflagging energies until the day of his death in 1387. "He died, the compass in his hand, on the eve of finishing a new chart for his royal patron."[12]

Jewish and Arabic Mapmakers at Work

There was a noteworthy difference between the maps of Jews and those of their Arabic contemporaries. Arab geographers proclaimed the glory of Islam and of Arabians in their maps. Nomenclature followed closely this chauvinistic pattern. "There is nothing of the kind in the cartography of the Jews of Majorca. Theirs are not political maps at all. These are caravan routes, routes familiar to their brethren."[13]

There was still another characteristic of Jewish mapmakers, quite evident also in the work of Abraham Cresques, which made their maps so unmistakably unique. It was their respect for lunar influences. Abraham Cresques classified the days of good omen and the days of bad omen in accordance with the accepted interpretation of the lunar calendar. He used the Old Testament for reckoning the fast and feast days. Thus the following were considered auspicious days: the first, second, fourth, sixth, eighth days of the moon, corresponding to such propitious events as the birth of Adam and of Eve, the building of the arc by Noah, the marriage of Isaac, the benediction of Jacob, the passing through the Red Sea. The days of ill omen, he listed as the third, fifth, seventh and thirteenth days, on one of which occurred the crime committed by Cain, on another the

[12] La Roncière, I, 123-124.

[13] La Roncière, I, 129-133, (italics mine) and 125, whence the following quotations are also taken.

planting of the vine by Noah. A neuter day was the twenty-fourth, birthday of the Pharaoh. In this atmosphere of superstition and scholarship the Catalan Atlas of 1375 was drawn. Here were traced the major avenues of trade and commerce. The evolution of foot-trails into roads and caravan routes is logical. First came the isolated, lonely traveler, driven by personal motives. Commerce followed in his wake. Bands of travelers, caravans of merchants came next. As products of one country were exchanged for those of another, treaties and political alliances developed out of private enterprises. La Roncière traces this logical development of early trade routes into the highways along which flowed the artifacts of one culture en route to another.

The development of the art of mapmaking is related to the growth of commerce and transportation. The King of Aragon made numerous treaties with the chiefs of Bougie, Tiemcen, Marrakech, Fez and Sidjilmassa. Commerce was facilitated. Jews who had pioneered in the travels which had opened up these hitherto little known regions were quick to utilize the commercial opportunities that ensued. They were ready too to spread the word among themselves of Jewish settlements which they found along the way. Ibn Ezra knew of the Hebrew colony of Quargla. Other travelers brought back news of little settlements of Jews, of faraway places where the scattered folk found refuge or a temporary foothold.

Exchange of commodities between Majorca and the Barbary lands soon followed. But more important than the flow of goods along these arteries was the knowledge that the ill wind which blew over their destinies and which might overtake them on the Iberian peninsula, might also drive them to seek and find refuge at places like Algiers and Tunis. The Jews of this period were like seasoned aviators who make mental note of possible landing fields in case of trouble. They were realists. This is proved in many ways. Not the least of these was evident in the nomenclature which the Majorcans gave to the Sahara country. For here they used "a versatility of expression that proves their close contact with reality."

There are other ways in which Jews superimposed their own characteristic prejudices and beliefs on the geography of their period. Says La Roncière: "Let us make a small psychological observation: although all the anonymous maps bear the legend regarding the pilgrims of Mecca, the neo-Christians, Mecia de Viladestes and Gabriel de Vallsecha passed over it in silence." Instead of tracing the meanderings of Mecca-bound pilgrims, Jewish mapmakers preferred to call attention to the importance of a city like Tagost, some sixty miles from the ocean where there were hundreds of Jews whose principle industry was the making of cloth which they then sent on to Timbuctu; or to the port of Messa with its temple said to have been made in part of whale-bone,—the very bones of the whale that swallowed Jonah, so the legend goes. Between Massat and Agadir, there is a fertile valley whose rivers are known to the makers of the Majorcan planispheres. Here the caravans stopped to rest and obtain water; and not far beyond is the marker which warns travelers in Greek that here are reached the limits of safe journeys. For those who dared to go beyond the known boundaries were not likely to return. But some intrepid souls, Jews among them, ventured beyond these limits.[21] The Jewish mapmakers were particularly careful to note those places where brass- and coppersmiths carried on their trade. "And one knows that Jews were specialists in such crafts."

Why did Jewish cartographers permit their relationship with the Moslems to influence their work? The issue was not one-sided. Many were the bitter humiliations which fanatical Mohammedans heaped on their Jewish neighbors. From biblical days Jews were no strangers in Africa. The most famous exodus in all history was the one which marked their farewell to Egypt. The collective sigh of relief has been re-echoed by Jews of all generations annually. But that did not put an end to Jewish penetration of Africa. When Christianity rode triumphant over northern Africa, Jews came in for the accustomed amenities.—the violent persecution, the strategy of terror. It was a relief then to

welcome the Arab conquerors in the seventh century. There followed a period of security and freedom from fear.

The mountains of Africa breed intrepid souls; and the Jews of these areas, like the Arabs, organized into tribes, tasted power and occasional victory. A famous Jewess, the priestess Dahiya, led military campaigns against the Arabs.[14] But unlike Joan of Arc who is still dear to the French, this bold Jewish women warrior who was killed in battle at the beginning of the eighth century, has been consigned to oblivion. The Jews of Africa fought now on one side, now on the other.

The Jews who fought side by side with Arabs must have had no antipathy for them, for many of them became converts to the more militaristic religion of Mohammed. Those who remained Jews were allowed to practice their religion, to found schools, to participate in the conquest of Spain. For three centuries following the death of Dahiya the Valiant, there was a great center of Jewish learning at the academy of Kairowan. Fanaticism, however, rode in the saddle with the Moslems. Jews had to fight it out. They were outnumbered. They lost. But they could avenge such military losses at their drawing boards. Consigned to the status of tributary peoples, made to wear a colored belt which marked them as Jews, forced to pay a poll-tax, compelled to limit their transportation to donkeys and then forced to hang their feet over the side,—were not these marks of oppression hateful to a proud people?

So they went traveling. And, so we are told by a Moslem historian, on their travels they put all these galling practices behind them. Mounted on horse-back, bedecked in gorgeous robes, turbaned, wearing boots and spurs, they sat erect and proud. "All these things are a hateful and a detestable action," complains one Moslem chronicler, refusing to accept their claim that such attire is necessary to their

[14] *Universal Jewish Encyclopedia,* I, 108. As late as 1840, George B. Greenough, President of the Royal Geographic Society of London, referred to Africa as largely an unexplored continent; see his *Presidential Address* (London, 1840), 19. Yet, it had been well known to Jews for hundreds of years.

safety. "They are liars," he wails, "for we have witnessed the full security they enjoy among the Arabs, Bedouins and town-dwellers,—because of the profit which the latter (Arabs) hope to make on them. That goes so far that the Arab would readily die, he and his whole family, to save the Jew in whose company he is." Allowing for exaggeration induced by passionate partisanship, the situation is hardly creditable to the Arabs.[15]

The issue was joined. There were Arabs who loved gold. There were those who were tolerant and understanding and accepted Jews. There were fanatics who would tear out every Jewish landmark, root and branch. Yet there were synagogues built in the oases of the Sahara. Many Moslems wanted Jews destroyed. When warring factions attempted to take the matter to the courts, contradictory decisions were handed down. "To tear down a synagogue is a sin," said the court of Tiemcen. "Every Musulman should make it his business to demolish the synagogue of Tamentit, for it is a most praiseworthy act in the holy wars," said the advocates of violence in another city. The disciples of violence won. A Jew's life was not worth much. Massacres were followed by songs of triumph. A civilization was wiped out.

"At Touat," says La Roncière, "when you talk about the past, again and again you hear them say: 'At the time of the Jews.' The memory of this ancient society is still alive after four hundred years; and that shows us the violence of the blow. They still show you along the roads the tombs in which the victims had been buried by the dozens. The ancient Tamentit, with its synagogue succumbed to the storm. Even today, on certain holy days the women go to the ruins to weep. . ." This was repeated at Gourara, at Touggourt, at Timbuctu . . . over all of North Africa. In the last-named place, the chief of that city, even though he had a reputation as a scholar and a connoisseur of fine maps, forbade a Jew ever to set foot in his domain. The

[15] La Roncière, I, 168 ff.

meanest merchant who was known to deal with Jews could have his possessions confiscated.

The small psychological revenge which was possible to Jewish cartographers, that of ignoring settlements of the enemy who had exterminated them, becomes understandable. We learn that a Majorcan craftsman who moved to Malta left out a number of inhabited places in a map made as late as 1574. In place of inhabited areas this geographer had drawn only "vague giraffes and shapeless lions." Was the quill then mightier than the sword? For fume and fret as they did, yet Mohammedans were forced to use these hated maps. The prestige of their Jewish authors was undimmed. Maps found in many places bear this out. An Arab mapmaker of Kairowan, cribbed shamelessly from the crypto-Jew Vallsecha and very reluctantly acknowledged his indebtedness: ". . .copied from a compass made by the people of Majorca. May God exterminate them." Piously did the followers of the Crescent assist God in this undertaking. Painstakingly did Jewish cartographers retaliate by blotting out all traces of the enemy, pretending that he did not exist, that his cities were mirages. In this work of expunging the enemy, both Cresques were adept.

Jehuda Cresques was educated by his father. Abraham taught his son all that he knew. At first Jehuda was a pupil, then a collaborator of his father's. When Abraham Cresques finished at last the work which he so loved, "le Juif des boussoles" (*el Judio de las brujulas*), knew that his son would go on with the making of maps.[16]

There is still considerable confusion as to the identity of the two Cresques. Hamy claims that Abraham Cresques was also known as Jaime Ribes. Kayserling cites numerous authorities to the effect that Jaime Ribes was in reality Cresques *fils*.[17] In this he is right. La Roncière has still

[16] Joaquim Bensaude, *L'Astonomie Nautique au Portugal à l'Epoque des Grandes Découvertes* (Bern, 1912), [cited henceforth as Bensaude, *L'Astronomie*], 92-95; Hamy, *op. cit.*

[17] Hamy, *Cresque, lo Juheu*, 6 (gives his name as Jacobus Ribes); Meyer Kayserling, *Christopher Columbus and the Participation of the Jews in the Spanish and Portuguese Discoveries* (New York, 1894), [cited henceforth as

another identity for the son of Cresques. He says: "Ce fils d'un Cresques prit au baptême le nom d'un jurisconsulte ennemi des massacres: Juan de Vallsecha."[18] Bensaude also confuses Abraham Cresques with his son. He gives the years 1381, 1389, 1391 as those which marked the "travaux cartographiques de Jafuda Cresques pour le Roi d'Aragon."[19] Gabriel Llabrés makes the identification of Jacome of Mallorca, forcefully and authoritatively.[20] On one point there is complete agreement. Jehuda Cresques was forced to accept baptism. His baptismal name was Jacobus Ribes. Before the pogrom of August 2, 1391, he had enjoyed the amenities of life on Mount Zion Street in Palma. Two of his co-religionists who also worked for D. Fernando (1367-1383) are included in the list of forced converts. They are Mecia de Viladestes in 1413 and Gabriel Vallsecha in 1439, both of Majorca.[21]

The Secrecy and Mystery of Map Making

When John I of Portugal cast a covetous eye in the direction of Africa and at Ceuta, the city of seven hills, the age of Portuguese expansion began in earnest. The year 1415 which saw the conquest of Ceuta was the turning point. This fortified town was across from Gibraltar; its possession was a symbol of security and a pledge to a policy of continued aggression. The expedition against Ceuta was not without special interest to the Jewish historian.

Kayserling], 5-8; Solidonio Leite, *Da Influencia do Elemento Judaico no Descobrimento e Commercio do Brasil (seculos XVI e XVII)*, (Rio de Janeiro, 1938) [cited henceforth as Leite], 18; Gomes Eannes de Azurara, *The Chronicle of the Discovery and Conquest of Guinea*, 2 vols. (London, 1896-1899) [cited henceforth as Eannes de Azurara], introduction to vol. II, p. CXI.

[18] La Roncière, I, 127.

[19] Bensaude, *L'Astonomie*, 277; Hamy, "Jaffuda Cresques."

[20] His article, originally published in *Boletin de la Sociedad Arqueológico Luliana* (Palma, 1890), is reproduced in Bensaude, 264-266.

[21] There are many gaps still to be filled. See Joaquim Bensaude, *Lacunes et Surprises de l'Histoire des Découvertes Maritimes*, (Coimbra, 1930); Luciano Pereira da Silva, "A Arte de Navegar dos Portugueses desde o Infante a D. Joao de Castro," *História da Colonizacao Portuguesa do Brasil*, I, (1921), 29-104; Francisco M. de Sousa Viterbo, *Trabalhos Nauticos dos Portuguezes nos Seculos XVI e XVII*, 2 vols. (Lisbon, 1898-1900); Gerald R. Crone, *The Voyage of Cadamosto* (London, 1937), p. XIX.

Jaime Cortesâo notes that the Paris map of Abraham Cresques bears inscriptions which show that he had access to accounts of early travelers who brought back the news of gold in the African country. "This atlas may be presumed to have been known to and to have influenced the Portuguese at this time."[22] But whatever the influences at work, "nowadays it is widely accepted that the Portuguese were the founders of nautical science."[23] Belatedly we turn the spotlight on some of the Iberian Jews whose lives were devoted to the development of this science in Spain and in Portugal.

There was feverish activity in the world of affairs in contrast to the quiet of the scholar's study. The Portuguese were undergoing a change in outlook. The rulers dreamed of empire. Entrepeneurs conjured up blue-prints for expanded business enterprise. The unskilled fisherman became the seasoned sailor. The forests of Portugal were transformed into caravels.[24] It was a period of transition—a humming, busy, bustling, noisy, magic time.[25] The atmosphere of the large cities, the ports, the research centers was cosmopolitan. Yet the Portuguese nation was in terms of modern concepts of demography but a handful of men; for the total population did not exceed two million.[26] Within this small nation unifying forces were at work. They had a common enemy to fight. They shared a dream of empire. In their ranks were men who spurred the vision, who documented the available knowledge, who acted as catalysts. Some of them must for the present remain forgotten foot-

[22] Edgar Prestage, *The Portuguese Pioneers* (London, 1933), p. 20, n. 1.

[23] Kimble, 227.

[24] Henrique Lopes de Mendonça, *Eestudos sobre Navios Portuguezes nos Seculos* XV e XVI (Lisbon, 1892). Eannes de Azurara, II, p. CVIII. Jaime Cortesao, "Do Siglio Nacional sobre os Descobrimentos." *Lusitania,* (1924) [cited henceforth as Cortesao], 45-81. José Amador de los Rios, *Historia Social, Politica y Religiosa de los Judios de Espana y Portugal,* 3 vols. (Madrid, 1875), especially III, 113 ff.

[25] Leite, *passim.*

[26] William B. Greenlee, "The Background of Brazilian History," *The Americas,* II (1945), 151.

notes in the pages of history.[27] The period of Portuguese maritime expansion coincided with the coming of age of the three elder sons of John I,—Duarte, Pedro and Henry. Two of his sons, Duarte and Henry, accompanied the King on his expedition against Ceuta. But there were others who went along, the anonymous soldiers, the forgotten men of every campaign. Among them were Jews.[28]

We have noted how their maps spurred the dream of empire. Jews helped equip the navy through the fleet tax.[29] But they did more. They took part as soldiers in the battle of Ceuta and died for the glory of Portugal and for the privilege of extending its boundaries. It was on this expedition that Prince Henry the Navigator tasted battle and conquest. His enormous curiosity and his thirst for knowledge grew into a life-long insatiable craving. He began to ask questions, interrogated men of every rank. He called in Jewish and other travelers for information about the south coast of Guinea and the interior of Africa.[30]

How close this interfaith collaboration was is difficult to estimate. It was the working together of scholars which raised the heavy curtain separating the little world of pre-discovery from the larger world of the post-Columbian era. Thus does the gestation process which gave birth to the New World prove to be a long and cooperative enterprise.[31] A curious dichotomy exists. On the one hand, there was a passion for knowledge and for hard facts. On the other hand, there was a desire to hide from prying eyes of non-Portuguese all the knowledge that had been wrested from the expeditions of exploration and discovery.[32] The Portuguese always insisted on secrecy. Samuel E. Morison dis-

[27] This is literally true. Much of the information contained in the present article is found scattered in footnotes; cf. Bensaude, *L'Astronomie*, 64, n. 2.

[28] See William B. Greenlee, "A Descriptive Bibliography of the History of Portugal," *Hispanic American Historical Review*, XX (1940), 491-516.

[29] Kayserling, 4; Leite, 9.

[30] Prestage, 24-26.

[31] Luciano Pereira da Silva, "A Concepçao Cosmológica nos 'Lusíadas,'" *Lusitania* (1925), 265.

[32] Samuel E. Morison, *Portuguese Voyages to America in the Fifteenth Century* (Cambridge, Mass., 1940), 76-82; Jaime Cortesao, "Le Secret Portugais des Decouvertes," *Lusitania* (1924), 160-162.

cusses at some length this "politica de sigilo" or "politica de mistério," the policy of secrecy or of mystery. The psychological implications are most interesting. Were they just playing at adventure and enhancing its excitement by surrounding themselves with mystery? Or were they so deeply involved in the method because many of their advisers and mentors were Jews schooled by necessity in vanishing overnight? The Portuguese leaders were surrounded by secret Jews who had learned the bitter lesson of psychic isolation, of never trusting anyone, of always seeing the black-robed shadow of an inquisitor behind them.

Between Prince Henry and his Jewish and New Christian advisers there had developed close, intimate contact. Prince Henry is supposed to have had a "fondness" for foreigners. Whatever the reasons, a fog of secrecy surrounds this exciting, adventurous, romantic age. Morison cites Cortesâo: "The documents were sequestered; to record new lands on the maps was forbidden; the nautical works became secret books; prohibitory tales were spread; and the navigators forced to keep the oath of silence."

Jehuda Cresques and His Disciples

The most famous among King John the First's sons was Prince Henry "the Navigator." He was born in 1394, when Portugal was already embarked on her great maritime era. He was of good physique, strong and fair. His expression was stern and forbidding, and when angry, he was harsh and unapproachable. But his intentions were excellent and his inclinations honorable. "Neither luxury nor avarice ever found a home in his breast," says a contemporary eulogist. He worked unceasingly and was a severe taskmaster, driving himself day and night, following self-imposed fasts, living as an ascetic, preoccupied with his intellectual pursuits, chiefly astronomy, navigation, cartography.[33] "Oh

[33] Eannes de Azurara, I, 12; Prestage, 158-159.

how often did the sun find him on its rising seated in the same place where it had left him the day before, watching throughout the circle of the night season without taking any rest, surrounded by people of various nations. . ."[34] He overlooked no document. He snubbed no scholar who could contribute to his knowledge. His familiarity with the great portolani of the Jews of his era is therefore not surprising.

The author of the Catalan Atlas had long been numbered among the dead when Prince Henry the Navigator began to collect around himself the most eminent scholars of his age who, under his guidance, built at Sagres a great center of learning.[35] Here Prince Henry was usually in residence. The "school of Sagres" may or may not have been a formal university, but it was a dynamic center for those whose interests lay in cosmography, exploration and discovery.[36] It was a naval arsenal with a straggling town around it where ships might seek harbor in passing. But when Henry began to refer to it as his own, it took a new lease on life. New homes, ample fortifications, a royal palace and other buildings were added. Many great scholars were attracted to Sagres. Here was a group of scholars at work "whose scientific studies prepared the way for the many important Portuguese discoveries and enterprises in the fifteenth and sixteenth centuries.[37]

The undisputed head of this group of scientists was Jehuda Cresques whom Hamy calls "l'illustre fondateur de l'École de Sagres." Beazley identifies Jehuda Cresques as a

[34] Eannes de Azurara, I, 23-24.

[35] There are many references to Jewish scholars at the court of Prince Henry in Bensaude, *L'Astronomie*, especially, pp. 99-101.

[36] Sousa Holstein, *passim;* see also Eannes de Azurara, II, p. CVI, CXI ff.; Kayserling, 5 ff.; Charles R. Beazley, *Prince Henry the Navigator* (New York, 1895), 161; Luciano A. Pereira da Silva, *Astrolábios Existentes em Portugal* (Lisbon, 1917).

[37] Gilberto Freyre, "Some Aspects of the Social Development of Portuguese America," in *Concerning Latin American Culture*, ed. by Charles C. Griffin (New York, 1940), 79.

skilled navigator, instrument and mapmaker, who was destined to teach the Portuguese navigators all that he knew of these sciences. "Our Mestre Jaime," says Kayserling of the man he calls "director" of the school of Sagres . . . "early gained the reputation of a great mathematician, and was very skillful in the manufacture of maps and nautical instruments. His real name was Jafuda or Jehuda Cresques. He was the son of Abraham Cresques of Palma. . . ."

Of the circumstances which preceded Jehuda Cresques' move to Sagres, there are several accounts, all of them in fairly close accord with each other. Prestage tells us that in the Villa do Infante of Prince Henry, at Cape St. Vincent, many ships put in for repairs and refitting. From the navigators aboard, Henry always sought information about their latest discoveries. Each new discovery was duly recorded on the maps which Henry tried to keep up to date. "This last task was performed by Master Jacome, an expert cartographer and maker of nautical instruments, whom he persuaded to come from Majorca and enter his service in exchange for a high salary."[38] Master Jacome or Jehuda is praised and recognized as a great scholar by many competent historians.[39] It is to La Roncière that we are indebted for the best and most well-documented information.[40]

Jehuda Cresques was in his own right a scholar of great stature. Not content with inheriting his father's reputation, he added to it. He was attached to the royal household and, like his father was designated as a master map- and compass-maker. His maps were deemed worthy of being used as royal gifts. At one time King Jean I of Aragon sent a num-

[38] Prestage, 29; Eannes de Azurara, II, pp. CVI-CXVI, CXIX.

[39] On "Mestre Jaome, homem mui docto na are de navegar," see also Joao de Barros, *Da Asia*, 13 parts in 25 vols. (Lisbon, 1777-1788), cap. XVI, 133; Bensaude *L'Astronomie, passim.*, especially, 99 ff.; Cortesao, 48; Fontoura de Costa, *A Marinharia dos Descobrimentos* (Lisbon, 1933), 4.

[40] See, also with reference to the following quotations, La Roncière, I, 121 ff.; 126.

ber of gifts made by Jehuda Cresques,—an astrolabe, a map of the world, an hour-glass and an almanac for the ensuing three years,—to the Count of Foix,——in exchange for two pedigreed greyhounds. Says La Ronciere:

Jaffuda Cresques lived in a big mansion near the door of the Temple of Majorca. When the new King of Aragon, Martin, wishing to have him near, invited him to come to Barcelona with his mother, Cedatar, the invitation was sent not to Jaffuda Cresques, but to Jaime Ribes, also to his mother Anna, inasmuch as both he and she had changed their names and their religion.

The ill wind of death ("une rafale du mort") had swept in 1391 over the ghettos of Spain. Jews had to bow down or perish. A number of Jews had preferred baptism to death. Jaffuda Cresques had not been the only cartographer to take this course.

To the school he brought a new point of view, that of scientific inquiry, the stressing of fact over fantasy, the importance of actual voyages over mere speculations,—the laboratory method in place of the current romantic approach.[41] Thus Jehuda Cresques, a true pupil of his great father, founded a school, established a scientific dynasty, tore apart the opaque draperies of ignorance, prepared the way for the great adventure. His place as court cartographer was secure. In addition to his other duties, Jehuda Cresques was also a teacher. Unfortunately many maps of this period were lost in the earthquake of 1755, so that it is more by reputation than through his portolani that he is known. [References to him are numerous.]

There were disciples and famous colleagues of the Cresques. They made history as well as did their masters: Gabriel de Vallsecha whose name shed glory on the Majorcan school; Mecia de Viladestes, whose map dated 1413 is in the *Bibliothèque Nationale* of Paris. This portolano was at one time in the library of the convent of Val de Cristo.[42] It

[41] Nordenskiöld, 117; Sousa Holstein, 59; Eannes de Azurara, II, p. CXI; Kimble, 228.

[42] It is called a "Catalan portolano," similar to the Atlas Catalan; Eannes de Azurara, II, pp. CXXVI-CXXVII.

traced the navigation in African waters of Jacome Ferrer of Majorca. The Viladestes map is largely based on the Catalan map of Abraham Cresques. Mecia de Viladestes was listed as a convert in 1401 and in that year was issued a permit to leave Sicily.[43] He was better informed about the interior of Africa than even Abraham Cresques and knew all the trans-Saharan routes from Tacort to Timbuctu. He did not hesitate to take issue with Abraham Creques or with his son. "Cresques et Viladestes appartiennent à une même école judéo-catalane," says Hamy, " . . . Viladestes est un élève de Cresques, et c'est probablement de son atelier, transféré en Italie après l'exode de Sicile, que sortait un peu plus tard (1435) le fondateur de l'école d'Ancône, Grazioso Benincasa." Mecia de Viladestes, furnished more accurate documents than Abraham Cresques, and described and drew costumes and shields. Like his colleagues he also knew and noted places where Jews lived. In 1413 and 1415, he identified many places in the African mainland which but for his efforts would have been unknown. He confirmed other places which were found on the planisphere of Dulcert and Dalorto. "In 1922," says La Roncière, "Citroen tanks rumbling along the road to Timbuctu followed the same trail that Mecia de Viladestes had shown."

The torch is passed from hand to hand. The Cresques, Mecia de Viladestes and then another illustrious name—that of Gabriel de Vallsecha.[44] His map became famous because it was used by Amerigo Vespucci. It also made curious history, lending itself to confusion, because of the carelessness of George Sand who spilled a bottle of ink over its delicate traceries, with its fine illuminated border, thus obscuring some of its marks of identification and befuddling many

[43] La Roncière, I, 126-127, 134-139. Cf. *Jewish Encyclopedia*, VIII, 398; Jules T. E. Hamy, *Mecia de Viladestes, Cartographe Juif Majorcain du Commencement du XV Siècle*, (Macon, 1902) *passim*, especially, p. 5.

[44] Jules T. E. Hamy, *Notice sur une Carte Marine Inédita du Cosmographe Majorcain Gabriel de Vallescha* (n. p., 1896), 111-120.

generations of scholars.[45] We are indebted to Hamy for discovering, identifying and describing this portolan chart which was drawn for the Duke of Calabria. It was signed by Gabriel de Vallsecha of Majorca and dated 1447. It is on vellum, embellished with miniatures and oriental medallions with a large compass rose in the north. The coat of arms of the Duke of Calabria is painted on this portolano. The simple signature reads: "Gabriel de Valsecha la affeta en mallorcha ay MCCCCXXXXVII." "The chart is beautifully drawn and of remarkable exactness," says Hamy. There are three known charts by this cosmographer. One of them was drawn in 1439, called the Palma Chart, was once owned by Amerigo Vespucci, who wrote that for this "geographical skin" he, Vespucci, paid 130 gold ducats.[46] A number of maps by Gabriel Vallsecha were presented by D. Pedro to his brother. One of these maps, drawn between 1434 and 1439, "is our authority for the earliest known Portuguese voyage to any part of the Asores."[47]

Abraham Farrisol of Majorca and Avignon (born in 1451) saw in the caravans, tortuous and heart-rending, an endless search for the life-giving commodity—salt,—"that universal remedy." A sixty days' journey on camel-back, he wrote, brings you to the edge of high mountains. These are climbed with backbreaking fatigue and superhuman exertion. Articles used for exchange are carried on the heads of porters. The goal—that wondrous land of plenty where a measure of salt may be traded for a measure of gold! He was the author a a descriptive geography titled "Id est Itinera Mundi . . . Cosmographia."[48]

There were many others, fleeting names, anonymous and lost to history, like crumbling gravestones, too long ex-

[45] La Roncière, 127, 138.

[46] Hamy, *Portolan Charts.*

[47] Eannes de Azurara, II, p. CXVI; Pereira da Silva, 23.

[48] Published in Oxford, 1691. "Este nempe Disputatio contra Christianos Hebraice Scripta," 151; La Roncière, I, 138.

posed to time. Holstein mentions a noted scholar because he had been the pupil "do celebre astrologo Rabbi Menahem." Another associate was Moyses, "D. Moyses, judeu, era physico mor de D. Joâo I," who in many books is not identified as a Jew. Still another fleeting shadow is cast by Guedalha, "physico e astrologo de D. Duarte e D. Affonso V."[49] They may not have been the only ones. Some day scholars will rediscover them.

[49] Sousa Holstein, 21. Neither Moyses nor Guedalha are mentioned in Harry Friedenwald, *The Jews and Medicine*, 2 vols. (Baltimore, 1944). Their main contributions lay outside the field of medicine.

REVIEW SECTION

RECENT LITERATURE ON HEINE'S ATTITUDE TOWARD JUDAISM

By Hugo Bieber
New York City

THE debates on the significance of Heine's Jewish origin for his mentality and art began as soon as the poet's first book was published. For a long time they were dominated by the problem of whether or not Heine should be considered a genuine German poet. While the question of the German or anti-German character of Heine's poetry and political writings continued to divide the public and its spokesmen into two parties bitterly opposed to each other, the efforts to define Heine's Jewish character slowly but steadily gained momentum. After Gabriel Riesser and Berthold Auerbach had refused to recognize Heine as a representative of Judaism and were vigorously contradicted by the historian Heinrich Graetz, many and varied views were advanced on Heine's relationship to Judaism as well as on his position in German literature and culture. The increasing number of inquiries into Heine's attitude toward Judaism—although their methods are sometimes exposed to criticism, and not all of their statements are well-founded— may be welcomed as a preparatory step towards a new appraisal of Heine's personality.

I

Heine is pitied as a "victim of orthodox rabbinical narrow-mindedness" by Walter Wadepuhl who tries to prove that the poet was born before his parents were legally married.[1] The artistic value of Heine's poetry and his historical importance would be in no way diminished if Wadepuhl had succeeded in establishing the truth of his assertion. But he has not. He rather has misinterpreted documents and facts, and his conclusions are far from being cogent. In accordance with all modern biographers of Heine, he accepts December 13, 1797 as the poet's birthday but asserts that Samson Heine and Peira, later Betty, van Geldern were married on January 6, 1798, and that the rabbinate, having refused to

[1] Walter Wadepuhl, "Heines Geburtsjahr," *Publications of the Modern Language Association of America*, LXI (1946), pp. 126-156.

marry the couple before, condescended to perform the ceremony after the child was born. This mere surmise cannot be supported by any testimony of those who had known the Heine family in Düsseldorf and were questioned by the poet's early biographers about the circumstances of his childhood. It is true that the rabbinate at Düsseldorf sided with the van Geldern family which was strongly opposed to the marriage and admitted Samson Heine only when it was forced to do so by the government to which Peira van Geldern had appealed. She was successful in her first conflict with the rabbinate which inaugurated a lasting feud ignored by Heine's biographers. Hermann Hüffer, the excellent student of Heine, rightly stated that the marriage took place between January 31 and February 5, 1797; for Samson Heine signed on the first-mentioned day an agreement with Brunella Samuel, his sister-in-law, as Peira's fiancé, and on the second day his abandonment of any claim to the inheritance of the late Gottschalk van Geldern, Peira's father, this time as Peira's husband.[2] Wadepuhl attempts to dismiss Hüffer's proof by surmising that Samson and Peira in the meantime had resolved to live in a "free marriage." It is astonishing that such an argument could be taken seriously by some students of Heine. Do they really think that Düsseldorf at the end of the eighteenth century was like Paris of 1835 or later, and that Samson Heine would have dared defy the moral feelings of his Jewish and Catholic fellow-citizens among whom he intended to live as a merchant? Moreover, the document signed by him meant business. It was offered to a contracting party which would hardly have accepted (and probably had not needed) it if he was not legally married. Wadepuhl tries also to refute Hüffer by pointing to Heine's earliest poem which was composed on the occasion of his parents' wedding anniversary in 1813 and dated January 6. Hence, he concludes, the marriage must have taken place on January 6, 1798, about seven weeks after the poet was born, since on January 6, 1797 Samson Heine was still a fiancé. But he should have consulted the Jewish calendar in accordance with which the marriage was performed. January 6, 1813 was Shebat 6, 5573 of the Jewish calendar, and Shebat 6, 5557 fell on February 2, 1797 which was the real wedding day of Heine's parents.

Wadepuhl supposes that about 1825, Heine became aware that he was born before his parents were married, and subsequently did his utmost to keep that blur secret. But there is no trace in Heine's letters or poems written after 1825 that he was hurt by such a painful discovery, and the passage in Heine's letter written to his brother Maximilian on August 29, 1837 has been misinterpreted by the author. In that letter Heine complains that his uncle Solomon tolerates in his home a Hamburg college professor named Wurm who "attacked me in the meanest manner,

[2] Hermann Hüffer, *Heinrich Heine: Gesammelte Aufsätze*, ed. by Ernst Elster (Berlin, 1906), p. 276.

namely because of my birth" ("von Seiten der Geburt"). If Wadepuhl were right in interpreting this complaint as an avowal of illegitimate birth, then the alleged secret would have been common knowledge for more than a century, because Wurm's attacks against Heine had been published in the press during the poet's stay at Hamburg. It was their anti-Semitic tenor that enraged Heine and caused him to denounce them as mean allusions to his Jewish origin. Some of his Jewish adversaries also tried to annoy Heine by making his Jewish first name publicly known. That aroused Wadepuhl's suspicion that not Samson Heine but a man named Herz was the poet's real father. However, Herz, the German translation of Hayyim, the first name of Heine's paternal grandfather, frequently alternated with Harry as a German-Jewish first name in the early nineteenth century.

Heine was neither a "victim of orthodox rabbinical narrow-mindedness" nor the son of a father other than Samson Heine. But why did so many early biographers of the poet believe that he was born in 1799 instead of 1797, the real year of his birth? Heine himself, in a letter to Saint-René Taillandier, one of his French translators, of November 3, 1851, explained that his parents made him two years younger so that he could avoid Prussian military service in the war against Napoleon I. This explanation has been considered plausible enough by most of Heine's biographers; but not by Wadepuhl who believes that Heine himself, and not his parents, falsified his birthdate, in order to conceal his illegitimate birth. Wadepuhl asserts that Heine deceived his translator and the editors of the *Revue des deux Mondes* by his explanation and intended to insinuate himself with Napeleon III by telling the lie that he refused to fight against the first French emperor. But Heine was better informed about French politics. He knew that the *Revue des deux Mondes* was a stronghold of the Orléanist opposition and not the right address for courting Napoleon III's favor. Wadepuhl has been misled by his persistent eagerness to accuse Heine of telling lies.

II

Victor Bernard, a French author, has written a readable biography of Heine.[3] He has no intention of offering new results but is fairly well informed and proves both ability in presenting the facts and sympathetic understanding of Heine, the man and the poet. Special chapters deal with Heine's activities in the "Culturverein," the "Rabbi of Bacherach," Heine's baptism, the antithesis of "Nazarenes and Hellenes," the "return to God" and the "Hebrew Melodies." Like most of the French students of Heine, the new biographer is rather reluctant to lay much stress upon the Jewish problem. In his opinion, the only point of contact between Heine and Judaism was that of "solidarity of distress."

[3] Victor Bernard, *Henri Heine*. (Paris: Editions Bernard Grasset, 1946). 413 pp.

III

The development of Heine's general ideas is the subject of Albert Spaeth's book *La Pensée de Heine*.[4] Heine's attitude toward Judaism is not overlooked by this French author whose cautious analysis and tactful appraisal of Heine's personality and poetry is particularly valuable when he deals with the poet's relations with France. The principal objection to be raised against Spaeth's method is that he relies too much on Heine's autobiographical statements without taking into account for what purpose they were made. Certainly, Heine more often told the truth than his detractors admit. But sometimes he used biographical terms metaphorically, and sometimes he altered the facts for artistic aims, apart from simple errors of his memory. For that reason, Heine's autobiographical statements must be methodically examined. The general result will by no means be a denial of Heine's veracity. According to Spaeth, Heine's conversion to Judaism was caused by his sickness. This opinion which seems to be generally accepted, can be supported by various sayings of Heine himself. But in fact, as a letter written by Ludwig Marcus to Leopold Zunz in November 1838 and Heine's own utterances in *Shakespeares Mädchen und Frauen* prove, the poet began to change his ideas on Judaism and to come closer to it long before he was confined to his "mattress tomb."

IV

Hannah Arendt, in her essay "The Jew as Pariah,"[5] presents Heine as one of those Jewish poets whose personal experiences enabled them to "evolve the concept of the pariah as a human type—a concept of supreme importance for the evaluation of mankind in our day and one which has exerted upon the Gentile world an influence in strange contrast to the spiritual and political ineffectiveness which has been the fate of these men among their own brethren."

In Arendt's opinion, "the status of the Jews in Europe has been not only that of an oppressed people but also what Max Weber called a 'pariah people'." There is no need to go into Weber's contestable doctrine more deeply, since Arendt proceeds to a kind of sociology of the pariah of her own. In accordance with European usage, she regards the pariah as the lowest outcast although in India there are many castes below them. However, the pariah as described in his way of living by Arendt is more akin to the Bohemian than to the real outcast, although she tries to establish a basic affinity of her pariah with the proletarian.

[4] Albert Spaeth, *La Pensée de Heine*. Bordus, (Collection "Pour Connaître), Paris 1946. 183 pp.

[5] Hannah Arendt, *"The Jew as Pariah: A Hidden Tradition," Jewish Social Studies*, VI (1944), pp. 99-122.

These attempts to interpret Heine as a pariah poet and thereby to connect him with Judaism are at variance with the poet's own confessions and with well established biographical facts. Heine's hedonism is explained by Arendt as the result of his feeling of a pariah who is "excluded from formal society:" this, in spite of the fact that Heine almost daily visited the most famous salons of Paris when his hedonism was at its peak and expressly connected it with his antagonism to the mob. Nor is it true that "the only social reality from which his (Heine's) pariah existence had not detached him" were the rich Jews of his family. Many of Heine's letters prove that he was well at ease in aristocratic circles. What he regarded as the essence of freedom was by no means "the aloofness of the pariah." He was a man of many, and rather expensive wants, and suffered terribly when he was forced to forego any of them.

Heine's idea of freedom is founded upon his consciousness of being an artist whose art is an end in itself. It led him to heavy conflicts with both tyranny and democracy. It restricted his feelings of solidarity with any group, the Jews included, even after he returned to Judaism. For Heine's relations with the Jews, called by Arendt "a people of pariahs and *schlemihls*" were by no means as simple as she assumes. Arendt takes no notice of Heine's attempts to conceal his Jewish origin or to dissociate himself from the Jewish people, or even to combat Judaism, and she has misunderstood Heine, while asserting that he regarded himself as the "poet of the Jewish people." On the other hand, the essential cause of Heine's conversion to Judaism has been overlooked. It was his discovery of Judaism as a moral force, superior to pantheism and paganism.

Arendt seems to ignore that Michael Beer (1800-1833) wrote a drama in which the fate of the Jews is presented under the mask of the pariah, and that Heine not only denied its artistic value but energetically disapproved of the whole idea of comparing the Jews with the pariah.[6]

V

In his book, *Germany's Stepchildren,* Solomon Liptzin[7] has devoted a chapter to Heine. Although the general point of view which dominates the book and that chapter is debatable,[8] it must be acknowledged that the

[6] Michael Beer, *Der Paria: Trauerspiel in einem Aufzuge* (Stuttgart, 1823), performed at the Royal Theatre in Berlin on December 22, 1823. Heine wrote to Moses Moser on January 21, 1824: "Fatal, höchst fatal war mir die Hauptbeziehung des Gedichts, nämlich dass der Paria ein verkappter Jude ist. Man muss alles aufbieten, dass es niemandem einfalle, letzterer habe Ähnlichkeit mit dem indischen Paria, und es ist dumm, dass man diese Ähnlichkeit geflissentlich hervorhebt."

[7] Solomon Liptzin, *Germany's Stepchildren* (Philadelphia: The Jewish Publication Society of America, 5704-1944), pp. 67-87.

[8] See Luitpold Wallach, *Historia Judaica,* VII (1945), pp. 78-82.

author, a serious student of German literature, has founded his arguments upon a solid knowledge of Heine's works and has a fine feeling for the conflicting tendencies in the poet's soul. Some of Liptzin's formulas are brilliant and penetrating. Others ought to be more or less modified to become valuable contributions to the understanding of Heine's mentality, while some of his statements are exposed to criticism.

To begin with the last group, not all of Heine's utterances prove Liptzin's thesis that the poet "did not question the desirability of Jewish survival." Sometimes Heine called the separate existence of the Jews a "curse;" sometimes he expected, without regret, that the mission of the Jews could come to an end in the future. The analysis of Heine's character as a product of his Jewish inheritance and his German environment does not correspond to the real complexity of Heine's mind. For similar reasons Liptzin does not take Heine's particular personality into account, when he asserts that the poet's approach to reality and his manner of reacting were Jewish but the facts of reality and the situations to which he reacted were German. Liptzin deals with the fundamental problem more felicitously in his statement that in Heine "Jerusalem, Athens, Berlin and Paris struggled for supremacy." Heine was disturbed by the antithesis between Judaism and Hellenism. He was, at least sometimes, undecided concerning his sympathy with revolutionary France or with romantic Germany. However, he did not feel any genuine conflict between his Jewish origin and his claim to be a German poet. His real conflict derived from the fact that he was at the same time attracted and repelled by every cultural influence that became vitally important to him. As to Judaism, Liptzin rightly explains that Heine ever thought to escape from it and always turned to it.

VI

Most of Heine's admirers and detractors who have pronounced an opinion on the "Jewish element" in his mind and work have omitted to inquire into what the poet himself felt, thought, and said about Jews and Judaism. They either picked up some of Heine's utterances while neglecting others which contradicted the former, or they relied completely on their own conception of Jewish peculiarities. This writer has collected Heine's *dicta* on that subject in a chronological order.[9] His book could and would not render it unnecessary to investigate systematically the extent and correctness of Heine's knowledge of Jewish religion, history and folklore. The main task of Israel Tabak's work, *Judaic Lore in Heine,* is to examine what Heine really knew of the Old Testament and the Talmud, of Hebrew language and Jewish history, of Jewish religious customs and secular characteristics. The author has in-

[9] Hugo Bieber, *Heinrich Heine—Jüdisches Manifest.* Zweite erweiterte Auflage der "Confessio Judaica." (New York: Mary S. Rosenberg, 1946), VIII, 315 pp.

tentionally refrained from dealing with Heine's criticism and evaluation of Jews and Judaism when discussing the poet's knowledge. Only in a concluding chapter is Heine's polemical or apologetic attitude toward Judaism treated.

Tabak has studied not only the German literature of Heine's time but also the science of Judaism in various fields. As a Hebrew scholar, he has surpassed almost all the authors who have written on Heine since the days of Gustav Karpeles and David Kaufmann. Unfortunately, erroneous assumptions and lack of method have prevented him from making the right use of his knowledge.

The investigation is impaired by a wrong hypothesis that forms Tabak's starting point. He takes it for granted that "the home environment in which Heine was born was conducive to his early familiarity with Jewish teachings and observances" and that "Heine acquired a substantial measure of Jewish training at the school." These assumptions are unfounded. Heine's mother who dominated the family, since her husband was a poor epileptic and insane, had revolted against the rabbinate and persisted in her animosity against the synagogue and imbued her children with her spirit. She refused to send her sons to the Jewish school of Rabbi Jehuda Loeb Scheuer, a great teacher and venerable character, whom she regarded as her enemy because he had been opposed to her marriage. For a very short time, a Jew named Rintelsohn, a relative of the Heines, was engaged as tutor. During the few months, perhaps weeks only, of his teachings he could not instil much Jewish knowledge in young Heine, even if he taught him that exclusively, which is by no means an established fact. Thereafter Heine had no additional Jewish training at all, and did not become *Bar Mitzvah.* There is no foundation for Tabak's statement "that Heine was initiated into the studies of Judaism at a very early age, that these were continued for several years, and that the groundwork of his knowledge of Judaic lore was laid during a rather impressionable period." On the contrary: in his youth Heine learned much less about Judaism than the overwhelming majority of his Jewish contemporaries except those who abandoned their religion. Not until he was forty, did he realize that his conception of Judaism until then had been erroneous; and not until he discovered the belief in the God of the Old Testament to be a source of fortitude and equanimity, did he begin to take up his studies in Jewish religion and history, particularly reading the Bible intensely and repeatedly. But he could never emancipate himself entirely from the non-Jewish sources and authorities which had previously influenced his ideas on Judaism.

The mistaken consequences of Tabak's wrong appraisal of Heine's "Jewish background" are augmented and intensified by questionable methods. Chronology has been disregarded. In order to prove that Heine

[10] Israel Tabak, *Judaic Lore in Heine: The Heritage of a Poet.* (Baltimore: The Johns Hopkins Press, 1948), XII, 338 pp.

in his early years was acquainted with Judaic lore, Tabak quotes passages, which were written after the poet's return, or rather turn, to Judaism. Furthermore, Tabak ignores the fact that German literature of the eighteenth and early nineteenth centuries was deeply influenced by the Old Testament. Tabak offers a long list of "figures of speech," intended to illustrate the peculiar influence of the Bible on Heine's style. However, they are common to Christian poets of the classical period, most of whom were "bibelfest" (versed in the Scriptures), as Goethe rightly said. What Heine had read of the Talmud was limited to Herder's *Jüdische Parabeln,* a small collection of talmudic legends in German translation. From this anthology Heine directly borrowed a figure of speech, and he did so not without irony. Tabak's efforts to show, by means of a formidable array of talmudic references "the marked influence, conscious or subconscious, which (Jewish) post-biblical literature exerted upon Heine" result either in very vague analogies or in the assumption that terms and phrases, which are used in the Talmud but also in the oral or written tradition of other literatures, left the imprint of the Talmud on Heine's style. Heine surely did not need to turn to the Talmud, *Taanith* 5, when he had in mind to speak of "Heavenly Jerusalem." He found that term in Paul the Apostle as well as in Klopstock and Goethe. To Heine's verses, "O death is good but better still, Our mothers had not given us birth," there are many parallels in ancient Greek and vernacular literatures besides the Midrash and Talmud. It is only fair to admit that Tabak does not assert that Heine read talmudic sources in the original; but he has not explained in what way the poet came in contact with them. To define the actual influence of rabbinic literature on Heine it would be necessary to exclude all other possibilities of borrowing, and to distinguish between immediate and ultimate sources. When Heine began to write, a wave of orientalism was running high in German poetry. It is more natural to compare Heine's figures of speech with those of the *West-östlicher Divan* than with those of the Talmud.

Sometimes, Tabak's zeal leads to rather queer proposals. In a letter to his mother of December 7, 1853, Heine announced the arrival at Hamburg of the Russian state-councillor Kisseleff who had been chargé d'affaires of the Tzar at Paris and at that time was preparing to depart because of the Crimean War. Nicholas Kisseleff (1800-1869) was a friend of Baron de Rothschild. Either he was acquainted with Heine or, upon the intervention of Rothschild, he was asked to call on Heine's family on his way to Russia. Tabak, however, flatly denies the existence of this diplomat and declares: "This passage has no sense at all . . . . . The Russian 'state-councillor' Kisseleff, therefore, is none other than the birthday of his (Heine's) mother in the month of Kissleff." [11]

The most useful chapter in Tabak's book is a short enumeration of inaccuracies which occurred in Heine's descriptions of Jewish laws

[11] Tabak, *op. cit.*, p. 81.

and customs. But it should be considerably enlarged and should caution the author who, even after observing Heine's errors, has continued to insist on the poet's "good Jewish background." Heine's importance for Jewish history is not founded upon his alleged Jewish background. To recognize Judaism as a positive force was not easy for him who in fact lacked an average Jewish education. He acquired knowledge of Jewish religion and history after many errors and shortcomings. As a young poet he attained his position in German literature. He became a great figure in Jewish history not in the spring but in the autumn of his life.

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BOOK REVIEWS

History of Biblical Law

STUDIES IN BIBLICAL LAW. By *David Daube.* Cambridge University Press. Cambridge, 1947. Pp. VIII + 328.

FOR centuries Jewish law has been studied solely from a religious-practical point of view. It was only in the second half of the nineteenth century and in the beginning of the twentieth that the study of biblical and talmudic law was included in the new discipline of comparative jurisprudence, and that attempts were made to add the legal-historical method to the theological and historical approach in the modern investigation of Jewish law. Due to linguistic difficulties research in this important field could be carried on only on a small scale by the scholarly representatives of comparative legal history such as Joseph Kohler and Paul Koschaker, despite their genuine understanding of and special interest in these studies. The majority of Jewish scholars, for the most part rabbinical students, continued—with very few exceptions—in the traditional methods, sometimes using parallels from Roman law or other ancient legal systems as embellishment for their presentations; while others ventured to engage in legal-historical research without a basic knowledge of legal concepts or an adequate training in juridical methodology.

In view of this situation, which was extensively discussed by the reviewer twelve years ago,[1] the work of a scholar of Dr. Daube's qualifications must be heartily welcomed. He was not only well prepared for his task from the point of view of Hebrew scholarship but also received a thorough training in the history of law and the modern methods of its investigation from the world-renowned master in this field, the late Professor Otto Lenel of Freiburg, Germany. Because of the limitations in scope of this journal's book-review section, these lines shall merely direct scholarly attention to this work. Its interesting content shall here be briefly summarized.

In spite of the general theory that law may have had its beginning in religion, that all precepts were first of all deemed to be of a religious character, the author shows in his first essay that it is possible by careful study of biblical narratives to reconstruct parts of ancient Hebrew law as something separate from religion, if not indeed as an earlier notion out of which such religious doctrine as that of redemption may have grown.

[1] Cf. Guido Kisch, "Research in Medieval Legal History of the Jews," *Proceedings of the American Academy for Jewish Research,* VI (1934-35), pp. 245 ff.

The second essay discusses the methods adopted in ancient times when an existing code of law had to be extended or amended. The third essay shows that the principle of compensation in Hebrew law goes back to the earliest period of legal history open to inquiry and that in legal awards the two notions of compensation and retaliation are more closely connected than a superficial view might suppose. The fourth essay, on communal responsibility, begins with an examination of Abraham's intercession for Sodom and Gomorrah, and this is followed by other biblical incidents involving harm extended to innocent persons in the execution of punishment. The fifth essay—*Summum ius summa iniuria*—discusses the problem of legal interpretation involved in the story of Jacob and Esau.

Jewish Institute of Religion GUIDO KISCH

EARLY CHRISTIAN-JEWISH RELATIONS

DIE JUDENPREDIGT AUGUSTINS. Ein Beitrag zur Geschichte der jüdisch-christlichen Beziehungen in den ersten Jahrhunderten. By *Bernhard Blumenkranz.* ("Basler Beiträge zur Geschichtswissenschaft," herausgegeben von *E. Bonjour, W. Kaegi, F. Stähelin;* Band 25.) Verlag Helbing und Lichtenhahn. Basel, 1946. Pp. XVI + 218.

THIS is a very learned and valuable doctorate thesis, one of the almost extinct species that was customary in pre-war days in European universities. The greater part of the volume is devoted to Augustine's *Tractatus adversus Judaeos.* Its German translation is preceded by an introduction in which Augustine's relations to his Jewish contemporaries, his lack of Hebrew knowledge, his relation to the Bible and to religious controversies of his time find extensive and profound discussion. The "Judenpredigt" is followed by a thorough analysis with several appendices on "Hebrews, Israelites, Jews"; "Defamation of Jews by Augustine"; "The Responsibility for the Crucifixion"; and "Jews, Heathens, and Heretics."

Augustine treated the "Jewish problem" profoundly. Contributions to this theme are scattered in all his works. Among his utterances concerning Jews there are some objective observations on contemporary Jews and Jewish life, mores and customs, on their legal status and other subjects. In addition, however, Augustine engages in a very sharp polemic against Jews and Judaism, particularly in addressing his faithful followers whom he wants to warn against the acceptance of Jewish customs or conversion to Judaism. Speaking to heathens and heretics, he necessarily defends pre-Christian Judaism, while the Jews who lived after Jesus' death are all the more violently attacked. In his entire anti-Jewish polemics Augustine followed the traditional lines. Only his explanation of the Jewish Diaspora as a means of "testimony" is original, while for each of his other ideas and points parallels can be

found in the writings of his predecessors. These are the main results of the author's analysis of this tractate which he considers to have been a sermon delivered before a Christian audience at the end of the Church Father's life. All arguments which come up in the discussion are thoroughly examined and the reasoning in favor of the Church as well as that directed against Judaism are carefully expounded.

The book is based on a profound study of all important sources and of the comprehensive literature on the subject. A rich and learned apparatus of footnotes accompanies all statements. As an introduction to the problems involved the author has offered a comprehensive survey of anti-Jewish writings in Latin prior to Augustine. Tertullian's *Adversus Judaeos*, Cyprian's *Testimonia ad Quirinum*, a number of Pseudo-Cyprianic writings on the Jews, Novatian's *De cibis Judaicis*, Commodian's *Instructiones* and *Carmen apologeticum*, Lactantius, Zeno, Ambrosius, Prudentius in their attitude to Jews and Judaism are brought to the readers' attention in thorough-going discussions. A bibliography of ancient Christian-Jewish polemics has been compiled on pp. 1-8.

The work deserves the serious attention of scholars interested in early Christian-Jewish relations.

Jewish Institute of Religion GUIDO KISCH

A ONE-VOLUME JEWISH HISTORY

A SHORT HISTORY OF THE JEWISH PEOPLE. Illustrated edition, revised and enlarged. By *Cecil Roth*. East and West Library. London, 1948. Pp. XVIII + 470.

THE original edition of this book by the well-known Anglo-Jewish historian was published in 1936 and has since been translated into French and Hebrew. It has now been reissued in a lavishly illustrated edition, which has been revised in the light of an additional dozen years of Jewish history. A description of the happenings in the German-occupied territories from 1939 to 1945 has been added in a separate chapter entitled "The European Catastrophe." New also is a "Bibliographical Note." It gives only a small selection of the more readable works on the subject which are available in English, as the volume is intended, above all, for popular use. Cecil Roth tells, in his own fascinating way, the story of the Jewish people presenting it against the social and literary background of the individual periods. His vivid account of the vicissitudes of Jewish life and civilization is accompanied by a wealth of excellently reproduced illustrations which have been specially collected from many countries, and many of which had not been previously reproduced. They are a welcome and valuable feature of this edition, all the more so as they not only depict many aspects of Jewish life throughout the centuries but also include remarkable examples of Jewish art.

GUIDO KISCH

History of German Jewry

A WORLD IN RUINS: HISTORY, LIFE AND WORK OF GERMAN JEWRY. By *Hermann Schwab.* Edward Goldston. London, 1946. Pp. 315.

IT certainly is a courageous undertaking to write today a short history and sociology of Jewish life in Germany. Fifteen hundred years of historical development had come to an end, when the author started to write this book in 1938, the year of the Nazi-organized pogroms in that country which had been inhabited by Jews since Roman times. And when he had finished his work in 1945, "German Jewry" did not exist any more—nor did their executioners, the Nazi regime.

To incorporate those 1500 years into a small volume of 300 pages, intended for the general Jewish reader, has been a difficult task. The author has divided his book into three parts of about equal length, with the headings: "History," "Life," and "Work." Within these divisions, the emphases are distributed unevenly. It is quite obvious, that the author's main interest comprises the recent history of Jewish life in Germany. In the first (historical) part, the history of the emancipation —after 1812—occupies three chapters while the many centuries of Jewish life before 1800 are discussed in two introductory chapters of less than 50 pages. The main body of the book consists of a sociological and cultural study which, in a number of short essays, describes interesting and often important segments of Jewish life in the small German community. These chapters are written with a deep knowledge of the specific social structure of the group. Unfortunately, however, the warmth of the author frequently dilutes into sentimentality which is emphasized by the reproduction of several illustrations of the nineteenth-century German-Jewish *milieu* by Moritz Oppenheim. It is this description of the intimate life of the small-town Jew which will attract readers.

The author frequently criticizes the fact that German Jews have repeatedly allowed German culture to replace traditional Jewish customs. While this often happened superficially, Judaism was in many fields enriched by Jewish activities in institutions of religion and learning in Germany. The author himself devotes the greatest part of his book to the manifestations of a highly secularized Judaism. This could be very stimulating, were not his own concept of "German Jewry" a very narrow one. The contributions of Jews to German culture are per se a highly interesting topic. But Hermann Schwab is apologetic and shows a defensive attitude. This is embarrassing for the reader (for instance in the parts devoted to Jews in politics and in political journalism). Hitlerian racism and the nonsense of the "Jewish grandmother" have frequently affected the author's trains of thought. On the other hand, he suffers occasionally from a misplaced posthumous German-Jewish nationalism. It is more than questionable whether the German poet Paul Heyse or the painters Veit deserve space in this kind of book. The Veits

were devout catholics, mediocre painters—but grandsons of Moses Mendelssohn. On the other hand, the influence of Max Reinhardt on the German theatre is not discussed because Reinhardt was born outside the boundaries of the Reich. Similar reasons are given for not discussing Samuel Fischer or Nicodem Caro. The author's knowledge of Jewish scientists is limited, his judgment about their merits frequently arbitrary. Quotations from German poetry, to illustrate the relationship between Jew and Gentile (Scheffel, Fontane and Goethe's *Reinecke Fuchs*) are interesting but hardly characteristic.

It is regrettable that the author has spoiled his commendable enterprise by an attempt to write an up-to-date history and sociology of the last years of German Jewry. It is probably much too early—and it is hardly possible for a contemporary Jew from Germany to do justice today to the complicated and contradictory pattern of twentieth-century Jewish life in Germany. At least, this volume—in spite of its many merits—has fallen short of this task in many respects.

New York City WILFRED C. HULSE

AMERICAN JEWISH HISTORY

AMERICANS FROM HUNGARY. By *Emil Lengyel.* J. B. Lippincott Company. Philadelphia and New York, 1948. Pp. 319.

"AMERICANS from Hungary" is the second volume of Louis Adamic's praiseworthy "The Peoples of America Series." It is written by the well-known, Hungarian-born newspaperman and college professor, Emil Lengyel, author of many widely-read books, among them one of the earliest biographies of Hitler. In the present volume he offers the lively story of the Hungarian-American colony, beginning with Hungary's history and folklore, and including a report of Hungarian participation in American civil affairs, religion, literature, science, education, and arts. The presentation follows the chronological-historical order. It is based on a comprehensive study of Hungarian history and American life. Although no bibliography is given, the author has doubtless consulted a great number of historical, political, sociological, literary, and biographical sources. They have been supplemented by his own intimate knowledge of the Hungarian milieu in the old country as well as in the New World. He also employed personal interviews and extensive correspondence as means of gaining information. He was, moreover, fortunate enough to be able to consult two special studies, which are as yet unpublished, one on the history of North-American immigration from Hungary during the first three decades of this century, by A. S. Pinter, the other on the economic situation of the working classes in prewar Hungary (1890-1913), by Géza Schütz.

The colorful picture which emerges from these studies offers many interesting aspects historically as well as sociologically. In this journal

attention can only be directed to the fact that the author has included in his book a complete history of the American Jews of Hungarian origin. Theirs is a surprisingly large and remarkable contribution to American civilization in all avenues of human endeavor. Within Lengyel's work this contribution has not received separate treatment in a single chapter or section. Instead, the author has chosen to describe Jewish contributions and achievements along with those of Christian Hungarian-Americans, in every chapter. In the chapter, "Religion in Little Hungary," for example, the activities of three Hungarian-born rabbis, Philip Klein, Alexander Kohut, and Stephen Wise, are discussed following a historical account of the Roman Catholic, Protestant, and Greek Catholic churches of the Hungarian colonies in America. In the description of secular culture, the Jewish background and activities of prominent personalities are emphasized, for instance of Brigadier General Frederick Knefler, the only Jewish general in the Civil War, Michael Heilprin, the founder of the Hebrew Immigrant Aid Society (HIAS), Rebekah Kohut, the initiator and promoter of many social institutions, and others. As for the bearers of such well-known names as Joseph Pulitzer, Adolph Zukor, William Fox, and Béla Schick, the reader will readily guess their Jewish descent, although there is no reference to it. In other cases, however, the issue remains unclear, particularly in the absence of "Jewish" names, or with regard to Hungarian names which cannot be easily identified as Jewish.

Jewish immigration from Hungary reached considerable proportions only in the last one hundred years. Its historical development as well as its economic and sociological significance is described within the larger framework of the history of the Hungarian Americans. All periods and phases are well covered, the causes of emigration explained, and the general factors which contributed to success or failure in the new homeland are studied. The fact that the Hungarian-Jewish immigrant was not the specific subject of research has not permitted presentation of full historical details in several instances. The fact that a Hungarian "Society for Emigration to the United States of America" was founded in Budapest in 1848 and a "Committee for Jewish Emigration to America" soon followed in Pressburg should have been mentioned (cf. Samuel Bettelheim, "Aufruf zur Auswanderung nach Amerika im Jahre 1848," *Judaica,* Jahrgang II, Heft 11-12 [Bratislava, 1935], pp. 3-5; Bettelheim, "Leopold Schick," *ibidem,* p. 2; also Joseph Alexander Baron Helfert, *Geschichte der österreichischen Revolution,* II [Freiburg i.B.-Vienna, 1909], p. 66). The few lines on Hungarian-Jewish congregations (p. 193) do not offer an accurate picture of the religious situation. It is well-known that in several small and large cities there exist "Hungarian" synagogues and congregations which have preserved their old ritual and Hungarian character. The history of the Hungarian-Jewish charitable societies and of the press—the latter certainly not of great importance—invites additional study. Among the many outstanding person-

alities from Hungary the number of Jewish pioneers is indeed striking. Nevertheless, a few eluded the author, particularly some representatives of Slovakia which before World War I was part of Hungary, but since 1918 belongs to Czechoslovakia (it may be that they were purposely excluded, although some are mentioned). Rabbi Adolph Huebsch (born in Liptó-Szent Miklos; his son's name occurs on p. 271), who participated as soldier and *Honvéd* officer in the Hungarian revolutionary army in 1848, was one of the outstanding early conservative rabbis of New York City, (1866-1884). Alois Kaiser (born in Szobotist), a pupil of Solomon Sulzer, was eminent among American cantors and a recognized composer in the field of synagogal music. In the realm of secular contributions to American civilization, the name of Dr. Joseph Goldberger (born Geralt near Sabinov) will remain unforgotten in medical history as that of the great discoverer of the cause of and remedies for pellagra. Emanuel Hertz, (b. Rebrin), brother of the late British Chief Rabbi Joseph H. Hertz, was a widely recognized authority on American history, especially on Abraham Lincoln.

Although based on sound scholarship, the book under review is primarily not intended for scholars. It will, nevertheless, prove very useful for further research in the same field and on similar subjects. Scholars will, therefore, regret the absence of biographical data such as places and dates of birth and death of the persons mentioned. A further disadvantage is the lack of documentation: the text of 305 pages is accompanied by only four pages of "references" which can by no means take the place of a bibliography, which is also missing from the volume.

These shortcomings no doubt detract from the value of the book for scholarly use. They are, however, probably not the author's fault, who, it is surmised, had to follow the prescribed pattern of the series in which his volume was published. In pointing out these deficiencies, the reviewer hopes that editor and publisher will find it feasible in future volumes to take these scholarly requirements into consideration.

This review cannot conclude but with praise for the author as well as the editor of the series. The latter set the pattern and style for the subject and research work which were practically and successfully applied by the former to a highly rewarding subject. The reviewer does not hesitate to recognize the inclusion of the history and sociology of Jewish immigrant groups into the historical-sociological presentation of individual national groups of immigrants as a fine solution of the important problem of historical methodology involved. He pays this tribute to editor and author, although he does not underestimate the shortcomings which unfailingly result from this method, and in spite of the fact that in his own book, "*In Search of Freedom: A History of American Jews from Czechoslovakia,*" which will shortely come off the press, because of scholarly reasons a different method was chosen.

Jewish Institute of Religion GUIDO KISCH

NECROLOGUES

SAMUEL STEINHERZ

1857-1942

HISTORICAL research and the "Wissenschaft des Judentums" in particular lost in Samuel Steinherz—for about four decades professor of history and palaeography at the German University of Prague—a profound and devoted scholar of the old type which since the First World War has become rare in the Central European universities. Steinherz's death on December 16, 1942, in the notorious ghetto of Terezin (Theresienstadt) has only recently been reported. He reached the age of eighty-five.

Samuel Steinherz was born on December 16, 1857, in Güssing, then Hungarian Burgenland, and grew up in Graz, Styria-Austria, where his parents settled in 1861. There he attended the "Gymnasium" as one of its total number of three Jewish students. At the university he studied German literature under Anton E. Schönbach, history under Franz von Krones, and later became a member of the famous "Institut für österreichische Geschichte" in Vienna where Theodore Sickel, the recognized master in medieval palaeography, was his teacher. It was no wonder, therefore, that after such a thorough preparation Steinherz's academic career was assured even in the Austria of his days. Having taken his Ph. D. in 1882 and the Juris Utriusque D. in 1894 at his home university, he was made Privatdozent of Austrian history in the philosophical Faculty of the University of Vienna in 1895 and received a call as Professor Extraordinarius to Prague in 1901. There he stayed for the rest of his life, having been appointed to a full professorship of history in 1908.[1]

The main field of Steinherz's historical research was the investigation of the reports of papal nuncios to the Holy See. His numerous research travels which were sponsored by the Imperial Academy of Sciences in Vienna, brought him to all important archives of Europe including those of the Vatican, of Venice, Milan, Florence, Modena, and Cracow. Three volumes of *Päpstliche Nuntiaturberichte aus Deutschland* were the result published by the Academy of Vienna. Thus Steinherz's author-

[1] For full biographical data, see Gerhardt Lüdtke, *Kürschners Deutscher Gelehrtenkalender* 1931 (Berlin, 1931), p. 2892; H. A. L. Degener, *Wer Ist's* (eighth ed.; Leipzig, 1922), p. 1511; Bohumil Stein, "Universitätsprofessor Dr. Samuel Steinherz," *B'nai B'rith* [monthly publication of the Czechoslovak Grand Lodge], 1937, pp. 297-302.

ity as the foremost scholar in the history of papal policy and relations in the sixteenth century was well established. The numerous works which appeared subsequently, for example, on the schism of 1378, on the tithes in Salzburg, on Archbishop Brus of Müglitz of Prague, and on Charles IV and the Church, found high recognition among scholars.

Studies in Jewish history occupied Steinherz only in the last two decades of his life. During this period he devoted his time almost exclusively to research in the history of Czechoslovak Jewry. On its twenty-fifth anniversary, the B'nai B'rith lodge "Praga" published a jubilee volume of collected essays, *Die Juden in Prag* (1927), under Steinherz's editorship. His own contribution, "Die Einwanderung der Juden in Böhmen," (pp. 7-57), lists and discusses critically all documentary sources of historiography as well as epigraphy concerning the immigration and settlement of Jews in Bohemia during the Middle Ages. This splendidly printed and illustrated volume was warmly received by Jewish and Christian scholars as well as by the members of the sponsoring organization. It was quickly sold and has become a rare item. It had also another effect. Through this volume it was clearly demonstrated that the badly neglected history of the Jews in Bohemia, Moravia, Slovakia and Silesia offers a gratifying subject for research which, in its various aspects, such as religion, political, economic and social history, and Jewish culture in its relation to the surrounding world, subsequently attracted also the attention of Christian historians and laymen among Czechs, Germans, Slovaks, and Hungarians in the Czechoslovak Republic. A wealth of Jewish-historical material, which until then had slumbered in the state, municipal, and Jewish communities' archives, suddenly aroused the interest of Jewish and Christian, Czech and German historians. The results of their researches were made available to scholars in the *Jahrbuch für die Geschichte der Juden in der Czechoslovakischen Republik,* of which nine volumes were published under Steinherz's editorship (1930-1938) by the "Gesellschaft für Geschichte der Juden in der Czechoslovakischen Republik." Due to his failing eyesight the editor, who was also the chairman of the "Gesellschaft," could contribute only a few articles from his own pen.[2] All of them are specimens of his erudition and mastery of the sources and historical methods. He was the *spiritus rector* of the *Jahrbuch* and the center of scholarly inspiration, guidance and advice for the numerous contributors from very different religious and national camps. In the editorial committee, in which the writer had the privilege of coöperating with Steinherz for a full decade, his decisions and recommendations were always directed by scholarly objectivity and humane understanding and benevolence. The

[2] Steinherz, "Kreuzfahrer und Juden in Prag (1096)," *Jahrbuch,* I (1929), pp. 1-32; "Der Sturz des Vicedominus Jacob (1124)," *ibid.*, II (1930), pp. 17-49; "Sage und Geschichte," *ibid.*, IX (1938), pp. 171-197. An article on the explusion of the Jews from Bohemia in 1541 will be published posthumously in Hebrew.

nine volumes of the *Jahrbuch* are filled with valuable material on the history of Czechoslovak Jewry, an impressive and lasting memorial to the Czechoslovak and especially the Prague Jewish community which was erected shortly before its destruction. For this, Steinherz's genuine scholarship and candid personality must be credited despite the absence of any ambition to be considered as an organizer. Steinherz was also the general editor of another historical series, sponsored by the Society for the History of the Jews in the Czechoslovak Republic, the "Schriften der Gesellschaft für Geschichte der Juden in der Czechoslovakischen Republik," of which only one volume appeared.[3]

In the six hundred years of the existence of the University of Prague, Steinherz was the only Jewish professor who, upon his election to the rectorate (in 1922), actually performed his presidential functions, although Nazi students and professors staged a "Steinherz affaire" which aimed at the removal or "voluntary" resignation of the Rector Magnificus. Steinherz did not yield to violent attacks and political pressure until the last day of the year for which he had been elected. This explains why the customary tribute of an anniversary volume was denied to the upright fighter for academic freedom by his colleagues on his seventieth birthday. On his eightieth, this writer dedicated an essay[4] to Steinherz, the historian and jurist, teacher, colleague and friend, whose memory will always be cherished by him.

GUIDO KISCH

KAETHE SPIEGEL

1898-1942

AMONG the numerous innocent victims of Nazi barbarism another young Jewish historian of much-promising talent must be counted, Käthe Spiegel, member of the staff of the University Library in Prague, Czechoslovakia, who is reported to have died somewhere in the eastern European Nazi death camps.

Käthe Spiegel, born on November 19, 1898, in Prague, was descended from an old intellectual Jewish family of Prague. Her grandfather, Dr. jur. Jonas Spiegel, was the first and only public notary ever appointed during the existence of the Austro-Hungarian monarchy where the office of notary was a highly esteemed profession open only to a selected number of lawyers. Her father, Dr. jur. Ludwig Spiegel, was professor of public and administrative law at the German University of Prague and

[3] Bertold Bretholz, *Quellen zur Geschichte der Juden in Mähren vom XI. bis zum XV. Jahrhundert,* (1067-1411), (Prague, 1935), with a Preface by Steinherz.

[4] G. Kisch, *Otto Stobbe und die Rechtsgeschichte der Juden* (Prague, 1938), seperate edition from *Jahrbuch der Gesellschaft für die Geschichte der Juden in der Czechoslovakischen Republik,* IX (1938), pp. 1-41.

a member of the Senate of the Czechoslovak Parliament. Having grown up in the highly intellectual circles of her home city, Käthe Spiegel became early interested in history and took her Ph. D. at the University of Prague. From 1926-1928 she visited the United States as a traveling fellow of the Rockefeller Foundation and after her return published a volume, *Die kulturgeschichtlichen Grundlagen der amerikanischen Revolution,*[1] which was intended to open an academic career for her.

Käthe Spiegel was a pupil of Professor Steinherz and participated in his research activities in behalf of the history of Bohemian Jewry. She wrote an essay on the Jews of Prague during the Thirty Years War, which was based on archival material and published in the volume, *Die Juden in Prag* (1927). Due to her untimely and lamented death, the manuscript of personal and political memoirs of her father, which was entrusted to her for later publication, will probably be lost for history.

GUIDO KISCH

[1] "Beihefte der Historischen Zeitschrift," No. 21 (Munich and Berlin, 1931), 224 pages. Other publications by Käthe Spiegel include: "Vom Karolinum, ein Beitrag zur Geschichte der Prager Universität," 71. *Jahresbericht der Lese und Redehalle der deutschen Studenten in Prag* (Prague, 1923); "Die Prager Universitätsunion (1618-1654)," *Mitteilungen des Vereins für Geschichte der Deutschen in Böhmen,* LXII (1924); "Charakterzüge der amerikanischen Geschichte," *Historische Vierteljahrschrift,* XXVIII, Heft 1; "Amerikanische Geschichtsprobleme" and "Das Rechtsleben der amerikanischen Kolonialzeit," both in *Sammlung gemeinnütziger Vorträge,* Nos. 614-615 (Prague, 1930); "Bauten und Innenräume aus Amerikas Kolonialzeit," *Hochschulwissen* 1930, Heft 12.

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